



Bibliography

A

R Abel, 'A Comparative Theory of Dispute Resolution Institutions in Society' (1973) 8 *Law and Society Review* 217

R L Abel (ed), *The Politics of Informal Justice: Volumes 1 and 2* (Academic Press, 1982)

Access to Justice Advisory Committee, *Access to Justice — An Action Plan* (Sackville Report) (1994)

Access to Justice Taskforce, *A Strategic Framework for Access to Justice in the Federal Civil Justice System* (Attorney-General's Department, 2009)

W L Adair and J M Brett, 'The Negotiation Dance: Time, Culture and Behavioral Sequences in Negotiation' (2005) 16(1) *Organization Science* 33

N Alexander, 'Mediation on Trial: Ten Verdicts on Court-related ADR' in Tania Sourdin (ed), *Alternative Dispute Resolution and the Courts* (Federation Press, 2004)

N Alexander, 'Mediation and the Art of Regulation' (2008) 8 *QUT Law and Justice Journal* 1

N Alexander, 'The Mediation Metamodel: Understanding Practice' (2008) 26 *Conflict Resolution Quarterly* 97

N Alexander, *International and Comparative Mediation: Legal Perspectives* (Wolters Kluwer Law & Business, 2009)

N Alexander, 'Mediation and the Future of Dispute Resolution' in S P Stobbe (ed), *Conflict Resolution in Asia: Mediation and Other Cultural Models* (Lexington Books, 2018) 183

N Alexander, J Howieson and K H Fox, *Negotiation: Strategy, Style, Skills* (LexisNexis Butterworths, 2015)

R Alexander, 'Mediation, Violence and the Family' (1992) 17 *Alternative Law Journal* 271

R Alexander, 'Family Mediation: Friend or Foe for Women?' (1997) 8 *ADRJ* 255

R Alexander, 'Family Mediation Under the Microscope' (1999) 10 *ADRJ* 18

S F Ali, 'The Legal Framework for Med-Arb Developments in China: Recent Cases, Institutional Rules and Opportunities' (2016) 10 *Dispute Resolution Journal* 119

S Ali and F Lee, 'Resolving Financial Disputes in the Context of Australian and Canadian Civil Justice Reform' (2011) 22 *ADRJ* 125

D Allen, 'Settling Sexual Harassment Complaints: What Benefits does ADR Offer?' (2013) 24 *ADRJ* 169

K G Allred, 'Relationship Dynamics in Disputes: Replacing Contention with Cooperation' in Michael L Moffitt and Robert C Bordone, *The Handbook of Dispute Resolution* (Jossey-Bass, 2005) 83

A Alter, *Drunk Tank Pink: And Other Unexpected Forces That Shape How We Think, Feel, and Behave* (Penguin, 2015)

T Altobelli, *Final Report of the Review of the Farm Debt Mediation Act 1994* (University of Western Sydney, 2000)





Mediation in Australia

T Altobelli and D Bryant, 'Has Confidentiality in Family Dispute Resolution Reached its Use By Date?' in A Hayes and D Higgins (eds), *Families, Policy and the Law: Selected Essays on Contemporary Issues for Australia* (Australian Institute of Family Studies, 2014) 195

American Bar Association Section of Dispute Resolution, *Task Force on Improving Mediation Quality, Final Report* (2008)

D J Amy, 'The Politics of Environmental Mediation' (1983) *Ecology Law Quarterly* 1

G Anderson, 'Act Aims to Keep Cases on Track: The Civil Procedure Act Gives Judges Substantial Case Management Powers' (2011) 85(3) *Law Institute Journal* 50.

R Angyal, 'Mediation and the Courts' (1993) *NSW Bar News* 43

M Anstey, *Negotiating Conflict: Insights and Skills for Negotiators and Peacemakers* (Juta Legal and Academic Publishers, 1991)

M Anstey, *Practical Peacemaking — A Mediator's Handbook* (Juta and Company Ltd, 1993)

G Appleby and S McDonald, 'Disqualification of Judges and Pre-Judicial Advice' (2015) 43 *Federal Law Review* 201

D Ardagh, 'History and Philosophy of Nonviolence: Towards an Inclusive Dispute Resolution (DR) Curriculum' (2016) 27 *ADRJ* 260

A Ardagh, 'Evaluating Collaborative Law in Australia: A Case Study of Family Lawyers in the ACT' (2010) 21 *ADRJ* 204

A Ardagh and G Cumes, 'Lawyers and Mediation: Beyond the Adversarial System?' (1998) 9 *ADRJ* 72

A Ardagh and G Cumes, 'The Legal Profession Post-ADR: From Mediation to Collaborative Law' (2007) 18 *ADRJ* 205

D Ariely, *Predictably Irrational: The Hidden Forces that Shape our Decisions* (HarperCollins Publishers, 2008)

S Armstrong, *Enhancing Access to Family Dispute Resolution for Families from Culturally and Linguistically Diverse Backgrounds* (Australian Institute of Family Studies, 2010)

S M Armstrong, 'Beyond Accommodation: Recognition of and Relationality with Vulnerable Parties in Family Mediation' (Research Paper No 01/2016, Western Sydney University School of Law)

H Astor, 'Feminist Issues in ADR' (1991) 65 *Law Institute Journal* 69

H Astor, *Guidelines for use if Mediating in Cases Involving Violence Against Women* (NCVAW, 1992)

H Astor, 'Violence and Family Mediation Policy' (1994) 8 *Australian Journal of Family Law* 51

H Astor, 'Rethinking Neutrality: A Theory to Inform Practice – Part I' (2000) 11 *ADRJ* 73

H Astor, 'Rethinking Neutrality: A Theory to Inform Practice – Part II' (2000) 11 *ADRJ* 145

H Astor, 'Some Contemporary Theories of Power in Mediation: A Primer for the Puzzled Practitioner' (2005) 16 *ADRJ* 30

H Astor, 'Mediator Neutrality: Making Sense of Theory and Practice' (2007) 16(2) *Social and Legal Studies* 221

H Astor, 'Making a Genuine Effort in Family Dispute Resolution: What Does It Mean?' (2008) 22 *Australian Journal of Family Law* 102





Bibliography

- H Astor and C Chinkin, 'Mediator Training and Ethics' (1991) 2 *ADRJ* 205
- H Astor and C Chinkin, 'Teaching Dispute Resolution: A Reflection and Analysis' (1991) *Legal Education Review* 1
- H Astor and C Chinkin, *Dispute Resolution in Australia* (LexisNexis Butterworths, 2nd ed, 2002)
- Attorney-General's Department, *Framework for Screening, Assessment and Referrals in Family Relationship Centres and the Family Relationship Advice Line* (Commonwealth of Australia, 2008)
- Attorney-General's Department, *A Strategic Framework for Access to Justice in the Federal Civil Justice System Report* (2009)
- V Aubert, 'Competition and Dissensus: Two Types of Conflict and Conflict Resolution' (1963) 7 *Journal of Conflict Resolution* 26
- J Auerbach, *Justice Without Law* (Oxford University Press, 1983)
- Australian Competition and Consumer Commission, *Benchmarks for Dispute Avoidance and Resolution — A Guide* (1997)
- Australian Law Reform Commission, *Review of the Adversarial System of Litigation, Issues Paper 20*, (1997)
- Australian Law Reform Commission, *Issues Paper 25: Review of the Adversarial System of Litigation — ADR: Its Role in Federal Dispute Resolution* (1998)
- Australian Law Reform Commission, *Managing Justice — A Review of the Federal Civil Justice System, Report No 89* (2000)

B

- G J Bachar and D R Hensler, 'Does Alternative Dispute Resolution Facilitate Prejudice and Bias: We Still Don't Know' (2017) 70 *Southern Methodist University Law Review* 817
- E Bader, 'The Psychology and Neurobiology of Mediation' (2016) 17(2) *Cardozo Journal of Conflict Resolution* 1317
- D Bagshaw, 'The Three M's — Mediation, Postmodernism, and the New Millennium' (2001) 18(3) *Mediation Quarterly* 205
- D Bagshaw, 'Mediation in the World Today: Opportunities and Challenges' (2015) 3(1) *Journal of Mediation and Applied Conflict Analysis*
- S Baicker-McKee, 'Reconceptualizing Managerial Judges' (2015) 65 *American University Law Review* 353
- R H Ballard et al, 'A Randomized Controlled Trial of Child-Informed Mediation' (2013) 19(3) *Psychology, Public Policy and Law* 271
- J Balstad, 'What Do Litigants Really Want? Comparing and Evaluating Adversarial Negotiation and ADR' (2005) 16 *ADRJ* 244
- L Banks and R Saundry, 'Mediation — A Panacea for the Ills of Workplace Dispute Resolution? A Comprehensive Review of the Literature Examining Workplace Mediation' iROWE Research Paper No 1 (University of Central Lancashire, Institute for Research into Organisations, Work and Employment, 2010)
- F P Bannink, 'Solution-Focused Family Dispute Resolution' (2017) 28 *ADRJ* 4





Mediation in Australia

J Barkani, 'What's a Cross-Cultural Mediator to Do? A Low-context Solution for a High-context Problem' (2009) 10 *Cardozo Journal of Conflict Resolution* 43

O Barreateau, C Le Page and P D'Aquino, 'Role-Playing Games, Models and Negotiation Processes' (2003) 6(2) *Journal of Artificial Societies and Social Simulation*

R A Baruch Bush, "'What Do We Need a Mediator For?': Mediation's "Value-Added" for Negotiators' (1996) 12 *Ohio State Journal on Dispute Resolution* 1

R A Baruch Bush, 'Mediation and ADR: Insights from the Jewish Tradition' (2001) 28 *Fordham Urban Law Journal* 1007

R A Baruch Bush, 'Substituting Mediation for Arbitration: The Growing Market for Evaluative Mediation, and What It Means for the ADR Field' (2002) 3(1) *Pepperdine Dispute Resolution Law Journal* 111

R A Baruch Bush and J P Folger, *The Promise of Mediation: The Transformative Approach to Conflict* (Jossey-Bass, rev ed, 2005)

R A Baruch Bush and J P Folger, 'Mediation and Social Justice: Risks and Opportunities' (2012) 27 *Ohio State Journal on Dispute Resolution* 1

R A Baruch Bush and J P Folger, 'Response to Condlin's Critique of Transformative Mediation' (2013) 15 *Cardozo Journal of Conflict Resolution* 231

R A Baruch Bush and J P Folger, 'Reclaiming Mediation's Future: Re-Focusing on Party Self-Determination' (2014) 16 *Cardozo Journal of Conflict Resolution* 741

J Basten, 'The Overriding Purpose of the Civil Procedure Act 2005' (2015) 27(7) *Judicial Officers Bulletin* 59

B Batagol, 'Fomenters of Strife, Gladiatorial Champions or Something Else Entirely? Lawyers and Family Dispute Resolution' (2008) 8 *QUT Law and Justice Journal* 24

B Batagol, 'Dumb Decision — The Closure of NADRAC', The Australian Dispute Resolution Research Network (12 November 2013) <http://adrresearch.net/2013/11/12/dumb-decision-the-closure-of-nadrac/>

B Batagol and T Brown, *Bargaining in the Shadow of the Law: The Case of Family Mediation* (Federation Press, 2011)

B Batagol and R Hyams, 'Non-Adversarial Justice and the Three Apprenticeships of Law' (2012) 23 *ADRJ* 179

T F Bathurst, 'The Role of the Courts in the Changing Dispute Resolution Landscape' (2012) 35(3) *UNSW Law Journal* 870

T Bauman and J Pope (eds), *Solid Work You Mob Are Doing: Case Studies in Indigenous Dispute Resolution & Conflict Management in Australia* (Federal Court of Australia, Indigenous Dispute Resolution & Conflict Management Case Study Project, 2009)

J E Beer and C C Packard, *The Mediator's Handbook: Revised & Expanded* (New Society Publishers, 4th ed, 2012)

B Beersma and C K W De Dreu, 'Social Motives in Integrative Negotiation: The Mediating Influence of Procedural Fairness' (2003) 16(3) *Social Justice Research* 217

L Behrendt and L Kelly, *Resolving Indigenous Disputes: Land Conflict and Beyond* (Federation Press, 2008)





Bibliography

- H Bennett and G Broe, 'Judicial Neurobiology, Markian Synthesis and Emotion: How Can the Human Brain Make Sentencing Decisions?' (2007) 31 *Criminal Law Journal* 75
- P A Bergin, 'Mediation in Hong Kong: The Way Forward — Perspectives from Australia' (2008) 82 *Australian Law Journal* 196
- R M Berndt and C H Berndt, *The World of the First Australians: Aboriginal Traditional Life, Past and Present* (Aboriginal Studies Press, 1988)
- Lord Bingham, 'The Rule of Law' (2007) *The Cambridge Law Journal* 67
- L B Bingham, 'Employment Dispute Resolution: The Case for Mediation' (2004) 22(1–2) *Conflict Resolution Quarterly* 145
- L Bingham, 'Transformative Mediation at the United States Postal Service' (2012) 5(4) *Negotiation and Conflict Management Research* 354
- E Birch, 'Practical and Cultural Aspects of International Mediation' (2017) 5 *Year Book on International Arbitration* 215
- R Birke, 'Neuroscience and Settlement: An Examination of Scientific Innovations and Practical Applications' (2010) 25 *Ohio State Journal of Dispute Resolution* 477
- M Black, 'The Courts, Tribunals and ADR: Assisted Dispute Resolution in the Federal Court of Australia' (1996) 7 *ADRJ* 138
- J T Blankenship, 'The Vitality of the Opening Statement in Mediation: A Jumping-Off Point to Consider the Process of Mediation' (2009) 9 *Appalachian Journal of Law* 165
- T Bogdanoski, 'Medical Negligence Dispute Resolution: A Role for Facilitative Mediation and Principled Negotiation' (2009) 20 *ADRJ* 77
- T Bogdanoski, 'Beyond the Paradox of Neutral Intervention: Towards a Situated Theory of Mediator Neutrality' (2010) 21 *ADRJ* 146.
- C Bohmer and M Ray, 'Effects of Different Dispute Resolution Methods on Women and Children After Divorce' (1994) 28 *Family Law Quarterly* 223
- D Bok, 'A Flawed System' (1983) *New York State Bar Journal* 8
- J E Bono et al, 'The Role of Personality in Task and Relationship Conflict' (2002) 70(3) *Journal of Personality* 311
- A Boon, P Urwin and V Karuk, 'What Difference Does It Make? Facilitative Judicial Mediation of Discrimination Cases in Employment Tribunals' (2011) 40 *Industrial Law Journal* 45
- T Booth, 'Altered Perceptions of Conflict in Homicide Matters: The Role of Victim-Offender Conferencing' (2003) 14 *ADRJ* 290
- A Boraine, *A Country Unmasked: Inside South Africa's Truth and Reconciliation Commission* (Oxford University Press, 2000)
- L Boule, 'Twelfth Night Mediation — A Court Directs' (1992) 3 *ADRJ* 193
- L Boule, 'In and Out the Bramble Bush — ADR in Queensland Courts and Legislation' in T Sourdin (ed), *Alternative Dispute Resolution and the Courts* (2004) 22(1) *Law in Context Special Issue* 93
- L Boule, 'National Mediator Accreditation System' (2005) 8(4) *ADR Bulletin* 1
- L Boule, *The Law of Globalization: An Introduction* (Kluwer Law International, 2009)





Mediation in Australia

- L Boulle, *Mediation — Principles, Process, Practice* (LexisNexis Butterworths, 3rd ed, 2011)
- L Boulle, 'Predictable Irrationality in Mediation: Insights from Behavioural Economics' (2013) 24 *ADRJ* 8
- L Boulle, 'International Enforceability of Mediated Settlement Agreements: Developing the Conceptual Framework' (2014) 7 *Contemporary Asia Arbitration Journal*
- L Boulle and N Alexander, *Mediation: Skills and Techniques* (LexisNexis Butterworths, 2nd ed, 2011)
- L Boulle and R Field, *Australian Dispute Resolution: Law and Practice* (LexisNexis Butterworths, 2017)
- L Boulle, V Goldblatt and P Green, *Mediation — Principles, Process, Practice* (LexisNexis, 2nd NZ ed, 2009)
- L Boulle and M Nesic, *Mediation — Principles, Process, Practice* (LexisNexis, UK ed, 2001)
- L Boulle and M Nesic, *Mediator Skills and Techniques* (LexisNexis, UK ed, 2010)
- L Boulle and A Rycroft, *Mediation — Principles, Process, Practice* (Durban Butterworths, South African ed, 1997)
- J F Bourke, 'Voluntary Arbitration? The Victorian Experiment' (2006) 17 *ADRJ* 38
- D Bowling and D Hoffman, 'Bringing Peace into the Room: The Personal Qualities of the Mediator and their Impact on the Mediation' (2000) 16(1) *Negotiation Journal* 5
- M Brandon, 'Use and Abuse of Private Session and Shuttle in Mediation and Conciliation' (2005) 8(3) *ADR Bulletin* 1
- M Brandon, 'Preserving a Facilitative Process in Family Dispute Resolution' (2009) 20 *ADRJ* 172
- M Brandon, 'Group Facilitation and Multi-Party Mediation' (2010) 21 *ADRJ* 171
- M Brandon, 'Loss and Hope in Family Dispute Resolution' (2014) 25 *ADRJ* 172
- M Brandon, 'Self-Determination in Australian Facilitative Mediation: How to Avoid Complaints' (2015) 26 *ADRJ* 44
- M Brandon and L Kochanski, 'The Child's Voice in FDR: Mediation and Child-Informed Practice' (2015) 26 *ADRJ* 168
- M Brandon and L Robertson, *Conflict and Dispute Resolution: A Guide for Practice* (Oxford University Press, 2007)
- M Brandon and T Stodulka, 'A Comparative Analysis of the Practice of Mediation and Conciliation in Family Dispute Resolution in Australia: How Practitioners Practice Across Both Processes' (2008) 8 *QUT Law and Justice Journal* 194
- M Brandon and T Stodulka, 'Making the Invisible Visible in Family Dispute Resolution: The Elephant in the Room' (2013) 24 *ADRJ* 121
- G Brennan, 'Key Issues in Judicial Administration' (1996) 6 *Journal of Judicial Administration* 138
- M Brenner, 'Resolving Indigenous Disputes — Land Conflict and Beyond' (2009) 11(3) *ADR Bulletin* Article 7
- J Brett, *Negotiating Globally: How to Negotiate Deals, Resolve Disputes and Make Decisions Across Cultural Boundaries* (Jossey-Bass, 2nd ed, 2007)



Bibliography

- M Brigg, 'Mediation, Power and Cultural Difference' (2003) 20 *Conflict Resolution Quarterly* 287
- R Brinkert, 'Conflict Coaching: Advancing the Conflict Resolution Field by Developing an Individual Disputant Process' (2006) 23 *Conflict Resolution Quarterly* 517
- D I Bristow and J Parke, 'The Gathering Storm of Mediator and Arbitrator Liability' (2000) 55(3) *Dispute Resolution Journal* 14
- P Brooker, 'Mediator Immunity: Time for Evaluation in England and Wales?' (2016) 36 *Legal Studies* 464
- H Brown and A Marriott, *ADR Principles and Practice* (Sweet and Maxwell, 4th ed, 2018)
- J Brown and I Ayres, 'Economic Rationales for Mediation' (1994) 80 *Virginia Law Review* 323
- J Bruin, 'The Rule of Law, Adjudication and Hard Cases: The Effect of Alternative Dispute Resolution on the Doctrine of Precedent' (2008) 19 *ADRJ* 206
- P E Bryan, 'Killing Us Softly: Divorce Mediation and the Politics of Power' (1992) 40 *Buffalo Law Review* 441
- S A Bryant, 'Seating Arrangements in Mediation' (2015) 5(1) *Resolved: Journal of Alternative Dispute Resolution* 125
- D Bryson, 'Mediator and Advocate: Conciliating Human Rights' (1990) 1 *ADRJ* 136
- D Bryson, 'And the Leopard Shall Lie Down with the Kid: A Conciliation Model for Workplace Disputes' (1997) 8 *ADRJ* 245
- D Bryson, 'The Personal and the Political in ADR' (2004) 6(10) *ADR Bulletin* 189
- S Burchell and M A Tran, 'County Court of Victoria: Working Towards a Faster Resolution' (2016) 90(7) *Law Institute Journal* 34
- R Burnett-Smith, 'Intimate Partner Violence and Family Dispute Resolution: Some Reflections from Practice' (2012) 23 *ADRJ* 36
- K Burns, 'Meddling in the Mediation? Liability Insurers and Mediation' (1999) 10 *ADRJ* 216
- S Burns, '"Think Your Blackest Thoughts and Darken Them": Judicial Mediation of Large Money Damage Disputes' (2001) 24(3) *Human Studies* 227
- J Burton, *The Conflict Series, Vol 3, Readings in Management and Resolution* (Springer, 1990)
- D Busch, 'Does Conflict Mediation Research Keep Track with Cultural Theory?' (2016) 4(2) *European Journal of Applied Linguistics* 181
- R Buth, 'Individualisation and Court-connected Mediation: Comments from a Risk Society Perspective' (2008) 19 *ADRJ* 259
- C**
- B C Cairns, 'Justice and Efficiency: The Federal Court Case Management Handbook' (2012) 1(2) *Journal of Civil Litigation and Practice* 74
- B Cairns, *Australian Civil Procedure* (Thomson Reuters, 11th ed, 2016)
- M Cameron, 'Risk: No Compromise on Advocate's Immunity' (2016) 23 *Law Society of NSW Journal* 72

Mediation in Australia

- J Cameron and G Davies, 'Compensation through Conciliation: Payments Made through the Office of the Health Services Commissioner' (2014) 25 *ADRJ* 109
- A Cannon, 'An Evaluation of the Mediation Trial in the Adelaide Civil Registry' (1997) 7 *Journal of Judicial Administration* 50
- M Cappelletti, 'Alternative Dispute Resolution Processes within the Framework of the World-Wide Access-to-Justice Movement' (1993) 56(3) *The Modern Law Review* 282
- D Carneiro et al, 'Online Dispute Resolution: An Artificial Intelligence Perspective' (2014) *Artificial Intelligence Review* 1
- A Carr, 'Broadening the Traditional Use of Mediation to Resolve Interlocutory Issues Arising in Matters Before the Courts' (2016) 27 *ADRJ* 10
- E Carroll and K Mackie, *International Mediation: The Art of Business Diplomacy* (Kluwer Law International, 2000)
- R Carroll, 'Mediator Immunity in Australia' (2001) 23 *Sydney Law Review* 185
- R Carroll, 'Apologising "Safely" in Mediation' (2005) 16 *ADRJ* 40
- R Carroll, A Allan and M Halsmith, 'Apologies, Mediation and the Law: Resolution of Civil Disputes' (2017) 7(3) *Oñati Socio-Legal Series*
- R Carroll and P E Vines (eds), 'Special Issue on Apologies' (2017) 7(3) *Oñati Socio-Legal Series*
- A Carruthers, 'The Impact of Psychological Priming in the Context of Commercial Law Mediation' (2017) 42 *Monash Law Review* 579
- C Caruana, 'Dispute Resolution Choices: A Comparison of Collaborative Law, Family Dispute Resolution and Family Law Conferencing Services' (2010) 15 *Family Relationships Quarterly* 12
- M Castles, 'Civil Mediation in the Magistrates Court' (2015) 37(3) *Bulletin* 12
- H Charlesworth, C Chinkin and S Wright, 'Feminist Approaches to International Law' (1991) 85(4) *American Journal of International Law* 613
- G Charlton, 'Case Note' (1996) 7 *ADRJ* 157
- G Charlton, 'Farm Debt Mediation 18 Years On' (2013) 24(2) *ADRJ* 77
- R Charlton, *Dispute Resolution Guidebook* (LBC Information Services, 2000)
- R Charlton and M Dewdney, *The Mediator's Handbook: Skills and Strategies for Practitioners* (Thomson Reuters, 3rd ed, 2014)
- A A Chaykin, 'Mediator Liability: A New Role for Fiduciary Duties' (1984) 53 *University of Cincinnati Law Review* 731
- Y Chen, 'The Judge as Mediator in China and its Reform: A Problem in Chinese Civil Justice' (2015) 10 *Journal of Comparative Law* 106
- P Chew, *The Conflict and Culture Reader* (New York University Press, 2001)
- Y Choi, 'Practising Insight Mediation' (2017) 28(4) *International Journal of Conflict Management* 533
- N Z J Chow and K H Hassan, 'Integrating Early Neutral Evaluation into Mediation of Complex Civil Cases in Malaysia' (2014) 7 *Journal of Policy and Law* 138



Bibliography

- R R Clark, 'The Writing on the Wall: The Potential Liability of Mediators as Fiduciaries' (2006) *BYU Law Review* 1033
- H Cleak et al, 'Family Violence in Culturally and Linguistically Diverse Communities: An Evaluation of a Family Relationship Centre' (2015) 26 *ADRJ* 26
- K Cloke, *Mediating Dangerously: The Frontiers of Conflict Resolution* (Jossey-Bass, 2001)
- K Cloke, *The Crossroads of Conflict: A Journey into the Heart of Dispute Resolution* (Janis Publications, 2006)
- S Cobb, 'Empowerment and Mediation: A Narrative Perspective' (1993) 9(3) *Negotiation Journal* 245
- S Cobb, 'Creating Sacred Space: Toward a Second-Generation Dispute Resolution Practice' in D Bowling and D Hoffman (eds), *Bringing Peace into the Room: How Personal Qualities of the Mediator Impact the Process of Conflict Resolution* (Jossey-Bass, 2003) 215
- C Coburn, B Batagol and K Douglas, 'How a Dose of Humour May Help Mediators and Disputants in Conflict' (2013) 24 *ADRJ* 18
- P Collins, 'Student Reflections on the Benefits of Studying ADR to Provide Experience of Non-Adversarial Practice' (2012) 23 *ADRJ* 204
- P Collins and M Scott, 'The Essential Nature of a Collaborative Practice Group for Successful Collaborative Lawyers' (2017) 28 *ADRJ* 12
- S Comores, 'Solicitors' Liability for Misleading and Deceptive Conduct' (1998) 72 *Australian Law Journal* 775
- P Condliffe, 'Law Dispute Processes and Thinking About the Foreign' (1997) 8 *ADRJ* 70
- P Condliffe, *Conflict Management: A Practical Guide* (LexisNexis Butterworths, 5th ed, 2016)
- P Condliffe and K Douglas, 'Reflections on Enforcing Practice: The Need for Accreditation and the Dangerous Debate?' (2007) 18 *ADRJ* 140
- R Condlin, 'The Curious Case of Transformative Dispute Resolution: An Unfortunate Marriage of Intransigence, Exclusivity, and Hype' (2013) 14 *Cardozo Journal of Conflict Resolution* 621
- S Conneely, *Family Mediation in Ireland* (Routledge, 2017)
- L M Cooks and C Hale, 'The Construction of Ethics in Mediation' (1994) 12(1) *Mediation Quarterly* 55
- D Cooper, 'The Family Dispute Resolution Spectrum' (2007) 18 *ADRJ* 234
- D Cooper, 'Representing Clients from Courtroom to Mediation Settings: Switching Hats Between Adversarial Advocacy and Dispute Resolution Advocacy' (2014) 25 *ADRJ* 150
- D Cooper and M Brandon, 'Lawyers' Role Options in Family Dispute Resolution' (2011) 22 *ADRJ* 198
- D Cooper and R Field, 'The Family Dispute Resolution of Parenting Matters in Australia: An Analysis of the Notion of an "Independent" Practitioner' (2008) 8 *QUT Law and Justice Journal* 158
- C Costantino and C Merchant, *Designing Conflict Management Systems: A Guide to Creating Productive and Healthy Organizations* (Jossey-Bass, 1996)
- W Covell and K Lupton, *Principles of Remedies* (LexisNexis Butterworths, 6th ed, 2015)





Mediation in Australia

G P Craddock, 'D'Orta-Ekenaike v Victoria Legal Aid: A Controversy Quelled' (2006) 80(8) *Australian Law Journal* 513

C B Craver, 'Do Alternative Dispute Resolution Procedures Disadvantage Women and Minorities?' (2017) 70 *Southern Methodist University Law Review* 891

A Creighton, 'An Adversarial System: A Constitutional Requirement?' (1999) 74 *Reform* 65

N Creutzfeldt, 'How Important is Procedural Justice for Consumer Dispute Resolution? A Case Study of an Ombudsman Model for European Consumers' (2014) *Journal of Consumer Policy* 527

J Crockett, 'Cross-cultural Mediation and the Multicultural/Natural Model' (2003) 14 *ADRJ* 257

F Crosbie, 'Aspects of Confidentiality in Mediation: A Matter of Balancing Competing Public Interests' (1995) 2 *Commercial Dispute Resolution Journal* 5.

J Crowe, 'Ethics and the Mediation Community' (2015) 26(1) *ADRJ* 20

J Crowe, 'Two Models of Mediation Ethics' (2017) 39 *Sydney Law Review* 147

J Crowe, 'Mediation Ethics and the Challenge of Professionalisation' (2017) 29(1) *Bond Law Review* 5

J Crowe et al, 'Bargaining in the Shadow of the Folk Law: Expanding the Concept of the Shadow of the Law in Family Dispute Resolution' (2018) *Sydney Law Review* (forthcoming)

J Crowe and R Field, 'The Problem of Legitimacy in Mediation' (2008) 9(1) *Contemporary Issues in Law* 48

J Crowfoot and J M Wondolleck, *Environmental Disputes: Community Involvement in Conflict Resolution* (Island Press, 2012)

K Curnow, 'Information, Power and Relationships: Minimising Barriers to Access to Justice for End of Life Disputes' (2014) 25 *ADRJ* 137

K Curnow et al, 'Negotiation and Regulation of Land Access Agreements: Lessons from Queensland' (2017) 10 *Journal of World Energy Law and Business* 117

K Curnow and L Toohey, 'A Focus on Process: Procedures to Address Disputes about End of Life Decisions' (2013) 24 *ADRJ* 45

D

B Dababneh, 'Whose Role is it to Support the Child's Right to Culture in Australia?' (2017) 28 *ADRJ* 19

R Dahrendorf, *Class and Class Conflict in Industrial Society* (Stanford University Press, 1959)

A C Dai, 'The Reach of an Arbitration Clause: Concerning Several Agreements in One Business Transaction' (2012) 23 *ADRJ* 138

G Dal Pont and D Chalmers, *Equity and Trusts* (Thomson Reuters, 6th ed, 2015)

P Davenport, 'What is Wrong with Mediation?' (1997) 8 *ADRJ* 133

M Davies and I Malkin, *Focus: Torts* (LexisNexis Butterworths, 8th ed, 2017)

A L M Davis and R A Salem, 'Dealing with Power Imbalances in the Mediation of Interpersonal Disputes' (1984) 6 *Mediation Quarterly* 17

E Davis, 'An Alternative Model for the Application of Intervention Orders in Victoria' (2015) 26 *ADRJ* 156





Bibliography

S P Davisson, 'Privatization and Self-Determination in the Circuits: Utilizing the Private Sector Within the Evolving Framework of Federal Appellate Mediation' (2005) 21 *Ohio State Journal on Dispute Resolution* 953

G Dearlove, 'Court-ordered ADR: Sanctions for the Recalcitrant Lawyer and Party' (2000) 13 *ADRJ* 12

E A Deason, 'Enforcement of Settlement Agreements in International Commercial Mediation: A New Legal Framework?' (2015) 22 *Dispute Resolution Magazine* 32

A Degaris, 'The Role of Federal Court Judges in the Settlement of Disputes' (1994) 13 *University of Tasmania Law Review* 217

R Delgado, 'The Unbearable Lightness of Alternative Dispute Resolution: Critical Thoughts on Fairness and Formality' (2017) 70 *Southern Methodist University Law Review* 611

Department of Justice, Victoria, *Dispute Resolution in Victoria: Community Survey* (2007)

C De Vera, 'Arbitrating Harmony: Med-Arb and the Confluence of Culture and Rule of Law in the Resolution of International Commercial Disputes in China' (2004) 18 *Columbia Journal of Asian Law* 149

M Deutsch, 'Cooperation, Competition and Conflict' in P Coleman, M Deutsch and E Marcus (eds), *The Handbook of Conflict Resolution: Theory and Practice* (Jossey-Bass, 3rd ed, 2014)

M Deutsch, P T Coleman and E C Marcus (eds), *The Handbook of Conflict Resolution: Theory and Practice* (Jossey-Bass, 2nd ed, 2006)

A Devereux, 'Human Rights by Agreement? — A Case Study of the Human Rights and Equal Opportunity Commission's Use of Conciliation' (1996) 7 *ADRJ* 280

F de Waal, *Our Inner Ape — The Best and Worst of Human Nature* (Granta Books, 2014)

M Dewdney, 'The Partial Loss of Voluntariness and Confidentiality in Mediation' (2009) 20 *ADRJ* 17

M K Dhimi, 'Apology in Victim-Offender Mediation' (2016) 19(1) *Contemporary Justice Review* 31

F Dias Simões, 'Institutional Culture in International Arbitration' (2016) 27 *ADRJ* 188

M Dickinson, 'An Evaluation of Non-Adversarial Models of Negotiation' (2009) 20 *ADRJ* 212

M Dickinson, 'The Importance of Transformative Mediation to the Internal Workplace Mediation Program' (2011) 22 *ADRJ* 95

R Dingwall, 'What Makes Conflict Resolution Possible?' (2002) 18 *Negotiation Journal* 321

R Dingwall, D Greatbatch and L Ruggerone, 'Gender and Interaction in Divorce Mediation' (1998) 15 *Conflict Resolution Quarterly* 277

M Dodson, 'Power and Cultural Difference in Native Title Mediation' (1996) 3(84) *Aboriginal Law Bulletin* 8

A Doerr, 'Beyond Resolution — Conceptualising the Shift from Resolution to Defusion in FDR' (2017) 28 *ADRJ* 27

K Douglas, 'National Mediator Accreditation System: In Search of an Inclusive Definition of Mediation' (2006) *The Arbitrator & Mediator* 1





Mediation in Australia

K Douglas, 'Therapeutic Jurisprudence Approaches are Helping Criminal Lawyers Guide Clients towards Rehabilitation' (2007) 81 *Law Institute Journal* 30

K Douglas, 'Shaping the Future: The Discourse of ADR and Legal Education' (2008) 8 *QUT Law and Justice Journal* 118

K Douglas, 'The Importance of Understanding Different Generations of ADR Practice for Legal Education' (2012) 23 *ADRJ* 157

K Douglas and A Bayly, 'Humour in Mediation: Sparking Laughter through Improvisation' (2009) 20 *ADRJ* 96

K Douglas and B Batagol, 'The Role of Lawyers in Mediation: Insights from Mediators at Victoria's Civil and Administrative Tribunal' (2014) 40 *Monash University Law Review* 758

K Douglas and C Coburn, 'Attitude and Response to Emotion in Dispute Resolution: The Experience of Mediators' (2014) 16 *Flinders Law Journal* 111

K Douglas and J Hurley, 'The Potential of Procedural Justice in Mediation: A Study into Mediators' Understandings' (2017) 29 *Bond Law Review* 5

K Douglas and R Field, 'Looking for Answers to the Mediation Neutrality Dilemma in Therapeutic Jurisprudence' (2006) 13 *Murdoch University Electronic Law Journal* 67

K Douglas, R Goodman and R Leshinsky, 'Models of Mediation: Dispute Resolution Design under the Owners Corporation Act 2006 (Vic)' (2008) 19 *ADRJ* 95

K Douglas and D Goodwin, 'Artistry in Mediator Practice: Reflections from Mediators' (2015) 26 *ADRJ* 137

K Douglas and J Hurley, 'The Potential of Procedural Justice in Mediation: A Study into Mediators' Understandings' (2017) 29(1) *Bond Law Review* 5

K Douglas, N Sager and R Field, 'Hearing the Voices of Victorian Conferencing Practitioners – Views on Neutrality' (2010) 21 *ADRJ* 163

S Douglas, 'Neutrality in Mediation: A Study of Mediator Perceptions' (2008) 8 *QUT Law and Justice Journal* 139

S Douglas, 'Humanising Legal Education: Lessons from ADR' (2012) 23 *ADRJ* 216

S Douglas, 'Ethics in Mediation: Centralising Relationships of Trust' (2017) 35(1) *Law in Context* 44

K Downes, 'Going with the Case Flow' (2012) 32(9) *Proctor* 38

Lord Dyson, 'Delay Too Often Defeats Justice' (2015) 12(3) *Judicial Review* 285

E

N Ebner and J Thompson, 'Face Value — Non-Verbal Communication and Trust Development in Online Video-Based Mediation' (2014) 1(2) *International Journal of Online Dispute Resolution* 103

B Eddy, *High Conflict People in Legal Disputes* (Unhooked Books, 2nd ed, 2016)

M Edelstein, 'Mediations: A Cautionary Approach' (2004) 78(8) *Law Institute Journal* 38

B Edwards, 'Renovating the Multi-Door Courthouse: Designing Trial Court Dispute Resolution Systems to Improve Results and Control Costs' (2013) 18 *Harvard Negotiation Law Review* 281



Bibliography

- J Effron, 'Alternatives to Litigation: Factors in Choosing' (1989) 52 *Modern Law Review* 480
- G Egan, *The Skilled Helper: A Problem-Management and Opportunity-Development Approach to Helping* (Australia Brooks, 10th ed, 2014)
- A Ehlers, 'Blaming the Unblameable. On the Liability of Mediators' (2014) *Nordic Journal of Commercial Law* 1
- D T Eisenberg, 'What We Know and Need to Know About Court-Annexed Dispute Resolution' (2016) 67 *South Carolina Law Review* 245
- M Eisenberg, 'Private Ordering Through Negotiation: Dispute Settlement and Rulemaking' (1976) 89 *Harvard Law Review* 637
- D Ellis and N Stuckless, 'Separation, Domestic Violence and Divorce Mediation' (2006) 23 *Conflict Resolution Quarterly* 461
- D Ellis and L Wright, 'Theorizing Power in Divorce Negotiations: Implications for Practice' (1998) 15 *Mediation Quarterly* 227
- A Emmett, 'Principles Relating to Advocate's Immunity Following *Attwells v Jackson Lawyers* and *Kendirjian v Lepore*' (2016) 30(4) *Commercial Law Quarterly* 10
- A K Esquibel, 'The Case of the Conflicted Mediator: An Argument for Liability and Against Immunity' (1999) 31 *Rutgers Law Journal* 131
- M R Evans, 'Women and Mediation: Toward a Formulation of an Interdisciplinary Empirical Model to Determine Equity in Dispute Resolution' (2001) 17 *Ohio State Journal of Dispute Resolution* 145
- M Evans, 'The Ethics of Collaborative Practice' (2008) 19 *ADRJ* 179
- S Nauss Exon, 'How Can a Mediator Be Both Impartial and Fair? Why Ethical Standards of Conduct Create Chaos for Mediators' (2006) *Journal of Dispute Resolution* 387
- S Nauss Exon, 'Maximizing Technology to Establish Trust in an Online, Non-Visual Mediation Setting' (2011) 33(1) *University of La Verne Law Review* 27
- F**
- C M Fairman, 'Ethics and Collaborative Lawyering: Why Put Old Hats on New Heads' (2002) 18 *Ohio State Journal on Dispute Resolution* 505
- Family Law Council, *Collaborative Practice in Family Law: A Report to the Attorney-General* (2006)
- Family Law Council and Family Law Section of the Law Council of Australia, *Best Practice Guidelines for Lawyers Doing Family Law Work* (Law Council of Australia, 2nd ed, 2010)
- Family Mediation Council, *Code of Practice for Family Mediators* (2016)
- S Fang Law, 'Culturally Sensitive Mediation: The Importance of Culture in Mediation Accreditation' (2009) 20 *ADRJ* 162
- S S Fatima, M Wooldridge and N R Jennings, 'An Agenda-Based Framework for Multi-Issue Negotiation' (2004) 152(1) *Artificial Intelligence* 1
- W Faulkes, 'The Modern Development of Alternative Dispute Resolution in Australia' (1990) 1 *ADRJ* 61



Mediation in Australia

- W Faulkes and R Claremont, 'Community Mediation: Myth and Reality' (1997) 8 *ADRJ* 177
- R Feehily, 'The Role of the Commercial Mediator in the Mediation Process: A Critical Analysis of the Legal and Regulatory Issues' (2015) 132 *South African Law Journal* 372
- R Fells, 'Of Models and Journeys: Keeping Negotiation and Mediation on Track' (2000) 11 *ADRJ* 209
- I Field, 'Judicial Mediation, the Judicial Process and Ch III of the Constitution' (2011) 22 *ADRJ* 72
- R Field, 'Mediation and the Art of Power (Im)Balancing' (1996) 12 *QUT Law Journal* 264
- R Field, 'Family Law Mediation: Process Imbalances Women Should be Aware of Before They Take Part' (1998) 14 *QUT Law and Justice Journal* 2
- R Field, 'Neutrality and Power: Myths and Reality' (2000) 3(1) *ADR Bulletin* 16
- R Field, 'A Feminist Model of Mediation that Centralises the Role of Lawyers as Advocates for Participants Who are Victims of Domestic Violence' (2004) 20 *The Australian Feminist Law Journal* 65
- R Field, 'Using the Feminist Critique of Mediation to Explore "The Good, The Bad and The Ugly" Implications for Women of the Introduction of Mandatory Family Dispute Resolution in Australia' (2006) 20 *Australian Journal of Family Law* 45
- R Field, 'A Mediation Profession in Australia: An Improved Framework for Mediation Ethics' (2007) 18 *ADRJ* 1
- R Field, 'Family Dispute Resolution and Victims of Family Violence: Looking to Ensure a Safe Process and Safe Outcomes' (2010) 21 *ADRJ* 185
- R Field and J Crowe, 'The Construction of Rationality in Australian Family Dispute Resolution: A Feminist Analysis' (2007) 27(1) *Australian Feminist Law Journal* 97
- R Field, 'Family Dispute Resolution and Victims of Family Violence: Looking to Ensure a Safe Process and Safe Outcomes' (2010) 21 *ADRJ* 185
- R Field, 'Proposing a System of Contextual Ethics for Mediation for a Range of Mediation Models and in Both Ad Hoc and Institutional Environments' (2017) 10(2) *Contemporary Asia Arbitration Journal* 293
- R Field and J Crowe, 'Playing the Language Game of Family Mediation: Implications for Mediator Ethics' (2017) 35(1) *Law in Context* 84
- R Field and J Crowe, *Mediation Ethics: From Theory to Practice* (Edward Elgar, 2018).
- R Field and J Duffy, 'Law Student Psychological Distress, ADR and Sweet-Minded, Sweet-Eyed Hope' (2012) 23 *ADRJ* 195
- R Field and EM Hyman, 'Non-Adversarial Approaches to Domestic Violence: Putting Therapeutic Jurisprudence Theory into Practice' (2017) 26(4) *Journal of Judicial Administration* 275
- R Field and A Lynch, 'Hearing Parties' Voices in Coordinated Family Dispute Resolution (CFDR): An Australian Pilot of a Family Mediation Model Designed for Matters Involving a History of Domestic Violence' (2014) 36(4) *Journal of Social Welfare and Family Law* 392
- R Field and A Roy, 'A Compulsory Dispute Resolution Capstone Subject: An Important Inclusion in a 21st Century Australian Law Curriculum' (2017) 27 *Legal Education Review* Article 11
- R Field and N Wood, 'Marketing Mediation Ethically: The Case of Confidentiality' (2005) 5(2) *QUT Law and Justice Journal* 143





Bibliography

R Field and N Wood, 'Confidentiality: An Ethical Dilemma for Marketing Mediation?' (2006) 17 *ADRJ* 79

C Fine, *A Mind of its Own: How Your Brain Distorts and Deceives* (W W Norton and Co, 2008)

M Fineman, 'Dominant Discourse, Professional Language and Legal Change in Child Custody Decision-making' (1988) *Harvard Law Review* 727

R Finkelstein, 'The Adversarial System and the Search for Truth' (2011) 37 *Monash University Law Review* 135

H M Fisher, 'Judicial Mediation: How It Works Through Pre-Trial Conference' (1943) 10(4) *University of Chicago Law Review* 453

L Fisher, 'What Mediators Bring to Practice: Process, Philosophy, Prejudice, Personality' (2002) 5(4) *ADR Bulletin* 60

L Fisher, "'Healing Through Yarning": Training Issues in an Indigenous Family Mediation Program' (2003) 14 *ADRJ* 105

L Fisher and M Brandon, *Mediating with Families* (Thomson Reuters, 4th ed, 2018)

R Fisher, 'Mediation and the Fiduciary Relationship' (1997) 16 *Australian Bar Review* 25

T Fisher, 'Advice by Any Other Name' (2002) 19 *Mediation Quarterly* 197

T Fisher, J Gutman and E Martens, 'Why Teach ADR to Law Students — Part 2: An Empirical Survey' (2007) 17 *Legal Education Review* 67

T Fisher and E Martens, 'Teaching ADR to Australian Law Students: Implications for Legal Practice in Australia' (2008) 19 *ADRJ* 42

O M Fiss, 'Objectivity and Interpretation' (1982) *Stanford Law Review* 739

O M Fiss, 'Against Settlement' (1983) 93 *Yale Law Journal* 1073.

J Folberg and A Taylor, *Mediation: A Comprehensive Guide to Resolving Conflicts Without Litigation* (Jossey-Bass, 2nd ed, 1988)

J P Folger, 'Harmony and Transformative Mediation Practice: Sustaining Ideological Differences in Purpose and Practice' (2008) 84 *Notre Dame Law Review* 823

J P Folger and R A Baruch Bush, 'Transformative Mediation and Third-Party Intervention: Ten Hallmarks of a Transformative Approach to Practice' (1996) 13(4) *Mediation Quarterly* 263

J P Folger and R A Baruch Bush, 'Transformative Mediation' (2014) 2 *International Journal of Conflict Engagement and Resolution* 62

J P Folger and R A Baruch Bush, 'Transformative Mediation: A Self-Assessment' (2014) 2 *International Journal of Conflict Engagement and Resolution* 20

J P Folger, R A Baruch Bush and D J Della Noce (eds), *Transformative Mediation: A Sourcebook* (Association for Conflict Resolution and the Institute for the Study of Conflict Transformation, 2010)

J Folberg and D Golann, *Lawyer Negotiation: Theory, Practice and Law* (Wolters Kluwer Law & Business, 2016)

J Folberg and A Taylor, *Mediation: A Comprehensive Guide to Resolving Conflicts Without Litigation* (Jossey-Bass, 1984)





Mediation in Australia

K Foley, 'To Co-Mediate or Not to Co-Mediate — That is the Question' (2017) 29 *Bond Law Review* 95

D Foong, 'Discussing Metaphors in Mediation and Negotiation' (2009) 20 *ADRJ* 47.

J Ford, 'Collaborative Law: Family Lawyering in the 21st Century' (2006) 18(4) *Australian Family Lawyer* 20

A Forsyth, 'Industrial Legislation in Australia in 2016' (2017) 59(3) *Journal of Industrial Relations* 323.

C B Fox, W A Howard and M J Pittard, *Industrial Relations in Australia: Development, Law and Operation* (Longman, 1995)

T T Frankel, *Fiduciary Law* (Oxford University Press, 2011)

P L Franz, 'Habits of a Highly Effective Transformative Mediation Program' (1997) 13 *Ohio State Journal on Dispute Resolution* 1039

M Freer, 'On "Toward a New Discourse for Mediation: A Critique of Neutrality"' (1992) 10 *Mediation Quarterly* 173

R S French, 'Hands-on Judges and User-friendly Justice' (1991) 2 *ADRJ* 73

B French, 'Dispute Resolution in Australia: The Movement from Litigation to Mediation' (2007) 18 *ADRJ* 213

J Friedrich, 'Philosophical Answers to Ethical Questions: Power Imbalance and the Provision of Advice in Mediation Standards' (2009) 20 *ADRJ* 179

L Fuller, 'Mediation: Its Forms and Functions' (1971) 44 *Southern California Law Review* 305

G

D Gagliardi, 'Mediation in the Coal-Seam Gas Industry: Improvements Made for Local Stakeholders to Grant a Social Licence' (2016) 27 *ADRJ* 94

M Galanter, 'Why the "Haves" Come Out Ahead: Speculations on the Limits of Legal Change' (1974) 9 *Law and Society Review* 95

M Galanter, 'A Settlement Judge, Not a Trial Judge: Judicial Mediation in the United States' 12 (1985) *Journal of Law and Society* 1

M Galanter, 'The Emergence of the Judge as a Mediator in Civil Disputes' (1996) 69 *Judicature* 257.

M Galanter, 'Dining at the Ritz: Visions of Justice for the Individual in the Changing Adversarial System' in H Stacy and M Lavarch (eds), *Beyond the Adversarial System* (Federation Press, 1999) 118

S J Gamache, 'Family Peacemaking with an Interdisciplinary Team: A Therapist's Perspective' (2015) 53(3) *Family Court Review* 378

D Gang, 'Collaborative Practice and Poverty: Contextualising the Process and Accommodating the Market' (2016) 27 *ADRJ* 158

M Garwood, 'Banks and Borrowers: Mediation or Failed Transactions?' (1997) 8 *ADRJ* 93

M Garwood, 'Managing Quality of ADR for Commercial Disputes' (1999) 10 *ADRJ* 173





Bibliography

- S N Gary, 'Mediation and the Elderly: Using Mediation to Resolve Probate Disputes Over Guardianship and Inheritance' (1997) 32 *Wake Forest Law Review* 397
- L Gaynier, 'Transformative Mediation: In Search of a Theory of Practice' (2005) 22(3) *Conflict Resolution Quarterly* 397
- T Gee, 'Family Mediation: A Matter of Informed Political Choice' (1998) 9 *ADRJ* 179
- M S Gehris, 'Good Mediators Don't Ignore Emotion' (2005) 46(2) *New Hampshire Bar Journal* 28
- A Gerami, 'Bridging the Theory-and-Practice Gap: Mediator Power in Practice' (2009) 26(4) *Conflict Resolution Quarterly* 433
- I G Gewurz, '(Re) Designing Mediation to Address the Nuances of Power Imbalance' (2001) 19 *Conflict Resolution Quarterly* 135
- F Gibson and F Rochford, 'Dispute Resolution in Rural and Regional Victoria' (2010) 21 *ADRJ* 111
- K Gibson, 'The Ethical Basis of Mediation: Why Mediators Need Philosophers' (1989) 7 *Mediation Quarterly* 41
- K Gibson, L Thompson and M H Bazerman, 'Biases and Rationality in the Mediation Process' in Linda Heath et al (eds), *Applications of Heuristics and Biases to Social Issues* (Springer US, 1994) 163
- J Giddings et al, 'Understanding the Dynamics of Conflict within Business Franchise Systems' (2009) 20 *ADRJ* 24
- S Gillers, 'Speak No Evil: Settlement Agreements Conditioned on Non-cooperation are Illegal and Unethical' (2002) 31 *Hofstra Law Review* 1
- P Gillies, 'Scope of the Arbitration Clause – Recent Developments' (2010) 21 *ADRJ* 33
- C Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Harvard University Press, 1982)
- B C Goh, *Negotiating with the Chinese* (Aldershot Hants, 1996)
- B C Goh and D McFadden, 'Negotiation with Chinese' in D McFadden and D Wilde (eds), *China's International Business Transactions and Laws: Key Tools for China* (Wolters Kluwer Law and Business, 2017)
- S Goldberg, F Sander and N Rogers, *Dispute Resolution: Negotiation, Mediation and Other Processes* (Wolters Kluwer Law & Business, 5th ed, 2007)
- S B Goldberg et al, *Dispute Resolution: Negotiation, Mediation, and Other Processes* (Aspen Law & Business, 6th ed, 2012)
- B Goldman, D L Shapiro and M Pearsall, 'Towards an Understanding of the Role of Anticipatory Justice in the Employment Dispute Resolution Process: An Investigation of EEOC-Sponsored Mediation' (2016) 27(2) *International Journal of Conflict Management* 275
- M Goltsman et al, 'Mediation, Arbitration and Negotiation' (2009) 144 *Journal of Economic Theory* 1397
- G Golvan, 'The Use of Mediation in Commercial and Construction Disputes' (1996) 7 *ADRJ* 188
- B Gray, 'Mediation as a Post-modern Practice: A Challenge to the Cornerstones of Mediation's Legitimacy' (2006) 17 *ADRJ* 208





Mediation in Australia

S Green, 'Effectively Managing the Impact of Family Violence on Mediation in the Family Law Context' (2017) 28 *ADRJ* 155

K Greenawalt, *Law and Objectivity* (Oxford University Press, 1995)

S Gribben, 'Violence and Family Mediation Practice' (1994) 8 *Australian Journal of Family Law* 22

A Griffiths, 'Mediation, Gender and Justice in Botswana' (1997–98) 15 *Mediation Quarterly* 335

T Grillo, 'Mediation — Process Dangers for Women' (1991) 100 *Yale Law Journal* 1545

J Grogan, *Labour Litigation and Dispute Resolution* (Juta, 2 ed, 2014).

P Grose, 'Towards a Better Tomorrow: A Perspective on Dispute Resolution in Aboriginal Communities in Queensland' (1994) 5 *ADRJ* 28

J Gruin, 'The Rule of Law, Adjudication and Hard Cases: The Effect of Alternative Dispute Resolution on the Doctrine of Precedent' (2008) 19 *ADRJ* 206

B B Gump and J A Kulik, 'Stress, Affiliation and Emotional Contagion' (1997) 72(2) *Journal of Personality and Social Psychology* 305

R Guthrie, 'Power Issues in Compensation Claims' (2001) 12 *ADRJ* 225

R Guthrie, L Goldacre and W Claydon, 'Workers' Compensation Dispute Resolution Procedures in Western Australia — The New Regime' (2008) 8 *QUT Law and Justice Journal* 46

J Gutman, 'The Role of Victim-Offender Mediation in Intra-Familial Child Sexual Abuse Cases' (1998) 9 *ADRJ* 265

J Gutman, T Fisher and E Martens, 'Teaching ADR to Australian Law Students: Implications for Legal Practice in Australia' (2008) 19 *ADRJ* 42

J Gutman, T Fisher and E Martens, 'Why Teach Alternative Dispute Resolution to Law Students — Part One: Past and Current Practices and Some Unanswered Questions' (2006) 16 *Legal Education Review* 125

J Gutman and J Grant, 'Ethical Conundrums Facing Mediators: Comparing Processes, Identifying Challenges and Opportunities' (2017) 35(1) *Law in Context* 101

J Gutman, S McCormack and M Riddle, 'ADR in Legal Education: Evaluating a Teaching and Learning Innovation' (2014) 25 *ADRJ* 100

J Gutman and M Riddle, 'ADR in Legal Education: Learning by Doing' (2012) 23 *ADRJ* 189

S M Gutterman, *Collaborative Law: A New Model for Dispute Resolution* (Bradford Publishing, 2004).

H

J Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Polity Press, 1996)

C Halburd, 'On the Manner of Negotiating with Princes: Principled Negotiation During the Reign of the Sun King' (2002) 13 *ADRJ* 223

C Halburd, 'Protect, Respect and Remedy: The Multiple Roles for Mediators in the United Nations Business and Human Rights Framework' (2013) 24 *ADRJ* 11

R Hall, 'The Implementation of School Peer Mediation Programs' (2002) 13 *ADRJ* 36





Bibliography

- A F Hamadneh, 'Legal Liability of the Mediator' (2016) 46 *Journal of Law Policy and Globalization* 102
- K Hamilton and P Henry, 'FDR in Prisons: Meeting the Needs of Aboriginal Clients' (2013) 24 *ADRJ* 224
- J S Hammond, R L Keeney and H Raiffa, *Smart Choices: A Practical Guide to Making Better Decisions* (Harvard Business School Press, 2002)
- M Hanks, 'Perspectives on Mandatory Mediation' (2012) 35 *University of NSW Law Journal* 929
- S Hardy and O Rundle, *Mediation for Lawyers* (CCH Australia, 2010)
- S Hardy, O Rundle and D W Riggs, 'Working with Trans or Gender Diverse, Intersex and/or Non-Heterosexual Clients: Advice for Mediators' (2017) 28 *ADRJ* 35
- J R Harkavy, 'Privatizing Workplace Justice: The Advent of Mediation in Resolving Disputes' (1999) 34 *Wake Forest Law Review* 135
- A Harland et al, *Family Law Principles* (Thomson Reuters, 2nd ed 2015)
- J Harman, 'Should Mediation Be the First Step in All Family Law Act Proceedings?' (2016) 27 *ADRJ* 17
- J Harman, 'Mediation Confidentiality: Origins, Application and Exceptions and Practical Implications' (2017) 28 *ADRJ* 106
- J Harman, 'An Imperfect Protection: Attitudes of Family Dispute Resolution Practitioners to Confidentiality' (2017) 29(1) *Bond Law Review* 39
- C Harper, 'Mediator as Peacemaker: The Case for Activist Transformative-Narrative Mediation' (2006) *Journal of Dispute Resolution* 595
- P Harpur 'The Financial Benefit for Insurers: Mediation in Personal Injuries Disputes' (2004) 15 *ADRJ* 70
- B V Harris, 'Remedies and Accountability for Unlawful Judicial Action in New Zealand: Could the Law Be Tidier?' (2008) 3 *New Zealand Law Review* 483
- W Harris and M Shirley, 'Confidentiality in Court-Annexed Mediation: Fact or Fallacy?' (1993) 13(6) *Queensland Lawyer* 221
- N Hasluck, 'Should Judges be Mediators?' in N Hasluck, *Legal Limits* (Federation Press, 2013)
- S Hattotuwa, 'Transforming Landscapes: Forging New ODR Systems with a Human Face' (2006) 23 *Conflict Resolution Quarterly* 371
- J Haynes, 'Mediated Negotiations: The Function of the Intake' (1984) 6 *Mediation Quarterly* 3
- J Haynes and G Haynes, *Mediating Divorce* (Jossey-Bass, 1989)
- J Haynes, *The Fundamentals of Family Mediation* (State University of New York Press, 1994)
- J Haynes and S Charlesworth, *The Fundamentals of Family Mediation* (Federation Press, 1996)
- L Healey, M Connolly and C Humphreys, 'A Collaborative Practice Framework for Child Protection and Specialist Domestic and Family Violence Services: Bridging the Research and Practice Divide' (2018) *Australian Social Work* 1
- T Hedeem, 'Remodelling the Multi-Door Courthouse to Fit the Forum to the Folks: How Screening and Preparation Will Enhance ADR' (2011) 95 *Marquette Law Review* 941



Mediation in Australia

S Herbert-Lowe, 'Risk: Implications of the High Court's Decision on Advocate's Immunity' (2016) 24 *Law Society of NSW Journal* 72

J Herrmann, 'A Comparison of Conflict Coaching and Mediation as Conflict Resolution Processes in the Workplace' (2012) 23 *ADRJ* 43

J Herrmann and C Holland, 'Co-creating Mediation Models: Adapting Mediation Practices when Working across Cultures' (2017) 28 *ADRJ* 43

M S Herrman et al, 'Defining Mediator Knowledge and Skills' (2001) 17(2) *Negotiation Journal* 139

J D Heydon et al, Meagher, *Gummow and Lehane's Equity: Doctrines & Remedies* (LexisNexis Butterworths, 5th ed, 2014)

S E Hilmer, 'Mediation in the Amended Civil Justice Reform of Hong Kong' (2009) 20 *ADRJ* 120

D Hoffman, 'Collaborative Law: A Practitioner's Perspective' (2006) 4(1) *Collaborative Law Journal* 1

D A Hoffman, 'Mediation and the Art of Shuttle Diplomacy' (2011) 27(3) *Negotiation Journal* 263

D A Hoffman and R N Wolman, 'The Psychology of Mediation' (2013) 14 *Cardozo Journal of Conflict Resolution* 759

G Hofstede, *Culture's Consequences: Comparing Values, Behaviours, Institutions and Organizations across Nations* (Sage, 2nd ed, 2003)

C Holland and D Taylor, 'Was that Said with a Smile? Factors Influencing Effective Online Negotiations' (2016) 27 *ADRJ* 103

R Hollander-Blumoff, 'Fairness Beyond the Adversary System: Procedural Justice Norms for Legal Negotiation' (2016) 85 *Fordham Law Review* 2081

R Hollander-Blumoff and T R Tyler, 'Procedural Justice in Negotiation: Procedural Fairness, Outcome Acceptance, and Integrative Potential' (2008) 33(2) *Law and Social Inquiry* 473

K Hollenbeck, 'The Sounds of Silence: Compelling Mediator Testimony in *Olam v Congress Mortgage Co*' (2002) 20 *Conflict Resolution Quarterly* 5

M Hollingdale, 'Mediation Update for Practitioners: Part 1' (2017) 44(4) *Brief* 24

D Holst, 'Consultation Process Seen as Model for the Future' (2002) 4(10) *ADR Bulletin* 137

A Hood, 'Commercial Contracts, Lawyers and Alternative Dispute Resolution: A Proactive Habit' (1998) 9 *ADRJ* 129

KJ Hopt and F Steffek, *Mediation: Principles and Regulation in Comparative Perspective* (Oxford University Press, 2013)

House of Representatives Standing Committee on Legal and Constitutional Affairs, *To Have and To Hold: Strategies to Strengthen Marriage and Relationships* (Commonwealth of Australia, 1998) ch 9.

W J Howe and E P Scully, 'Redesigning the Family Law System to Promote Healthy Families' (2015) 53(3) *Family Court Review* 361

J Howieson, 'ADR Education: Creating Engagement and Increasing Mental Well-Being through an Interactive and Constructive Approach' (2011) 22 *ADRJ* 58



Bibliography

J Howieson and L Iriks, 'Before Mediation: Designing Processes for the Next Decade — Matching Process with Purpose' (2017) 28 *ADRJ* 51

S Hu, 'Negotiation in China — Stereotypes and Fallacies' (2000) 11 *ADRJ* 163

G Hufnagle, 'Mediator Malpractice Liability' (1989) 23 *Conflict Resolution Quarterly* 33

S H Hughes, 'Elizabeth's Story: Exploring Power Imbalances in Divorce Mediation' (1994) 8 *Georgetown Journal of Legal Ethics* 553

T-W Hung and T J Lane, *Rationality: Constraints and Contexts* (Elsevier, 2017)

C Huntington, *Failure to Flourish: How Law Undermines Family Relationships* (OUP, 2014)

G Hurley, 'Mediation Where a Party Represents the Australian Government: Are There Limits to Confidentiality?' (2006) 17 *ADRJ* 29

J M Hyman and L P Love, 'If Portia Were a Mediator: An Inquiry into Justice in Mediation' (2002) 9 *Clinical Law Review* 157

I

R Ingleby, 'Court Sponsored Mediation: The Case Against Mandatory Participation' (1993) 56 *Modern Law Review* 441

R Ingleby, 'Compulsion is Not the Answer' (1992) 27(4) *Australian Law News* 17

P Irving, 'ADRA's Process for Handling Complaints Against Mediators' (2009) 20 *ADRJ* 41

A Itten, 'Context and Content toward Consensus in Public Mediation' (2017) 33(3) *Negotiation Journal* 185

C Izumi, 'Implicit Bias and Prejudice in Mediation' (2017) 70 *Southern Methodist University Law Review* 681

C L Izumi and H C La Rue, 'Prohibiting Good Faith Reports under the Uniform Mediation Act: Keeping the Adjudication Camel out of the Mediation Tent' (2003) *Journal of Dispute Resolution* 67

J

D Jackson, 'Meeting the Challenge of Institutionalising ADR: Lessons from the Workers' Compensation Resolution Service' (2001) 12 *ADRJ* 263

R Jackson, *Review of Civil Litigation Costs: Final Report* (The Stationery Office, 2009)

S Jacobs and M Aakhus, 'What Mediators Do with Words: Implementing Three Models of Rational Discussion in Dispute Resolution' (2002) 20 *Conflict Resolution Quarterly* 177

M Jenkins, 'Practice Note: Is Mediation Suitable for Complaints of Workplace Bullying?' (2011) 29(1) *Conflict Resolution Quarterly* 25

R C Jenkins et al, 'Mandatory Pre-Suit Mediation for Medical Malpractice: Eight-Year Results and Future Innovations' (2017) 35(1) *Conflict Resolution Quarterly* 73

D Jesser, 'Mediator — Not Legal Adviser' (2003) *ADRJ* 211

A Johnson, *ATO Disputes* (CCH Australia Limited, 2017)

K Johnson, *Mediation Quest, Making Sense of Loss: The Reconstructionist Model of Mediation* (Honeysett Press, 2018)





Mediation in Australia

D W Johnson and R T Johnson, 'Conflict Resolution and Peer Mediation Programs in Elementary and Secondary Schools: A Review of the Research' (1996) 66(4) *Review of Educational Research* 459

D Jones, *Commercial Arbitration in Australia* (Thomson Reuters, 2nd ed, 2012)

C E Joseph, 'The Scope of Mediator Immunity: When Mediators Can Invoke Absolute Immunity' (1996) 12 *Ohio State Journal on Dispute Resolution* 629

K

D Kahneman, *Thinking, Slow and Fast* (Farrar, Straus and Giroux, 2011)

R F Kandel, 'Power Plays: A Sociolinguistic Study of Inequality in Child Custody Mediation and a Hearsay Analog Solution' (1994) 36 *Arizona Law Review* 879

R Kaspiew et al, *Evaluation of a Pilot of Legally Assisted and Supported Family Dispute Resolution in Family Violence Cases: Final Report* (AIFS, 2012).

D Katan, *Translating Cultures: An Introduction for Translators, Interpreters and Mediators* (Routledge, 2014)

E Katsh and J Rifkin, *Online Dispute Resolution: Resolving Conflicts in Cyberspace* (Jossey-Bass, 2001)

E Katsh and C Rule, 'What We Know and Need to Know About Online Dispute Resolution' (2015) 67 *South Carolina Law Review* 329

B M Kavanaugh, 'The Judge as Umpire: Ten Principles' (2016) 65 *Catholic University Law Review* 683.

C Kayrooz et al, 'Barking Dogs, Noisy Neighbours and Broken Fences: Neighbourhood Dispute Mediation' (2003) 14 *ADRJ* 71

J B Kelly, 'Power Imbalance in Divorce and Interpersonal Mediation: Assessment and Intervention' (1995) 13(2) *Conflict Resolution Quarterly* 85

J B Kelly, 'A Decade of Divorce Mediation Research' (1996) 34(3) *Family Court Review* 373

L Kelly, 'Mediation in Aboriginal Communities: Familiar Dilemmas, Fresh Developments' (2002) 5(14) *Indigenous Law Bulletin* 7

L Kelly, 'Community Mediation Services: Towards Good Practice Mediation for Aboriginal People' (2006) 8 *ADR Bulletin* 189

L Kelly, 'Elements of a "Good Practice": Aboriginal Mediation Model: Part 1' (2008) 19 *ADRJ* 198

L Kelly, 'Elements of a "Good Practice": Aboriginal Mediation Model: Part II' (2008) 19 *ADRJ* 223

W Kennett, 'It's Arbitration, But Not as We Know It: Reflections on Family Law Dispute Resolution' (2016) 30(1) *International Journal of Law, Policy and the Family* 1

T Kerin, 'A New Tribunal for Resolving Workplace Injury Disputes in SA' (2015) 131 *Precedent* 55

G Kessler and L J Finkelstein, 'The Evolution of a Multi-Door Courthouse' (1987) 37 *Catholic University Law Review* 577

B Keys, 'Co-Mediation: Positives, Pitfalls and Lessons Learned' (2009) 11(4) *ADR Bulletin* Article 3

H Kha, 'Evaluating Collaborative Law in the Australian Context' (2015) 26 *ADRJ* 178



Bibliography

- N Khouri, 'Should You Lay Bare Your Soul? The Shifting Landscape of Mediation Privilege in New Zealand' (2016) 27 *ADRJ* 111
- N Kinchin, 'Mediation and Administrative Merits Review: An Impossible Goal?' (2007) 18 *ADRJ* 227
- D King, 'Specialists in Family Resolution' (1999) 10 *ADRJ* 63
- M King, 'What Can Mainstream Courts Learn from Problem-solving Courts?' (2007) 32 *Alternative Law Journal* 91
- M King et al, *Non-Adversarial Justice* (The Federation Press, 2nd ed, 2014)
- M Kirby, 'Mediation: Current Controversies and Future Directions' (1992) 3 *ADRJ* 139
- D Kirkwood and M McKenzie, 'Family Dispute Resolution and Family Violence in the New Family Law Systems' (2008) 19 *ADRJ* 170
- H M Kritzer, 'Adjudication to Settlement: Shading in the Gray' (1986) 70 *Judicature* 161
- K M Kitmann and R E Emery, 'Procedural Justice and Parents' Satisfaction in a Field Study of Child Custody Dispute Resolution' (1993) 17(5) *Law and Human Behavior* 553
- L Kochanski, 'Family Dispute Resolution: The Importance of an Intake' (2011) 1 *Family Law Review* 164
- B Kolb and R Gibb, 'Searching for the Principles of Brain Plasticity and Behavior' (2014) 58 *Cortex* 251
- A K C Koo, 'Mediation in China: Towards a Modernised and Harmonised Procedural Framework for International Commercial Mediation' (2015) 19 *Vindobona Journal of International Commercial Law and Arbitration* 55
- A K C Koo and Y Zhao, 'The Development of Legal Protection for Mediation Confidentiality in Hong Kong' (2011) 40(3) *Common Law World Review* 263
- A K C Koo, 'Exploring Mediator Liability in Negligence' (2016) 45 *Common Law World Review* 165
- R Korobkin, 'Psychological Impediments to Mediation' (2006) 21 *Ohio State Journal on Dispute Resolution* 281
- R Korobkin, *Negotiation: Theory and Strategy* (Wolters Kluwer Law & Business, 2014)
- KPMG, *Family Dispute Resolution Services in Legal Aid Commissions: Evaluation Report* (Attorney-General's Department, 2008)
- M Kraus, 'Voice-Only Communication Enhances Empathic Accuracy' (2017) *American Psychologist* 644
- G Kurien, 'Critique of Myths of Mediation' (1995) 6 *ADRJ* 43
- P J Kuriloff and S S Goldberg, 'Is a Mediation a Fair Way to Resolve Special Education Disputes – First Empirical Findings' (1997) 2 *Harvard Negotiation Law Review* 35
- D Kwok, 'The (Im)propriety of Judicial Mediation' (2015) 26 *ADRJ* 210
- E Kwok and D Kenny, 'Misattributed Paternity Disputes: The Application of Collaborative Practice as an Alternative to Court' (2015) 26 *ADRJ* 127



Mediation in Australia

L

J Lack and F Bogacz, 'The Neurobiology of ADR and Process Design: A New Approach to Conflict Prevention and Resolution' [https://www.mediate.com/mediator/attachments/28823/J.%20Lack%20&%20F.%20Bogacz%20--%20The%20Neurophysiology%20of%20ADR%20and%20Process%20Design%20\(Neuroawareness\).pdf](https://www.mediate.com/mediator/attachments/28823/J.%20Lack%20&%20F.%20Bogacz%20--%20The%20Neurophysiology%20of%20ADR%20and%20Process%20Design%20(Neuroawareness).pdf)

G LaFree and C Rack, 'The Effects of Participants' Ethnicity and Gender on Monetary Outcomes in Mediated and Adjudicated Civil Cases' (1996) *Law and Society Review* 767

J Lande, 'Toward More Sophisticated Mediation Theory' (2000) *Journal of Dispute Resolution* 321

J Lande, 'Possibilities for Collaborative Law: Ethics and Practice of Lawyer Disqualification and Process Control in a New Model of Lawyering' (2003) 64 *Ohio State Law Journal* 1315

J Lande, 'Principles for Policymaking About Collaborative Law and Other ADR Processes' (2007) 22 *Ohio State Journal of Dispute Resolution* 619

J Lande, 'An Empirical Analysis of Collaborative Practice' (2011) 49(2) *Family Court Review* 257

J Lande, 'For Pragmatic Romanticism in Law and Dispute Resolution: Reflections on Galanter's Remarkably Realistic Analysis of Why the Have-Nots Come Out Behind' in A Hinshaw, S R Cole and A Kupfer Schneider (eds), *Discussions in Dispute Resolution* (forthcoming)

H Landerkin and A J Pirie, 'Judges as Mediators: What's the Problem with Judicial Dispute Resolution in Canada?' (2003) 82(2) *Canadian Bar Review* 249

M D Lang and A Taylor, *The Making of a Mediator: Developing Artistry in Practice* (Jossey-Bass, 2000)

S Lancken and J Qin, 'Voluntas: Volunteer Conflict Management for the Volunteering Sector' (2017) 28 *ADRJ* 57

D Larsen, 'Working with Cognitive Errors Caused by Heightened Emotion in Employment' (2015) 8 *American Journal of Mediation* 63

K Lau, 'Mediation in Cross-Cultural Settings: What a Mediator Should Know' (2014) 25 *ADRJ* 221

D Lavi, 'Divorce Involving Domestic Violence: Is Med-Arb Likely to Be the Solution' (2014) 14 *Pepperdine Dispute Resolution Law Journal* 91.

S F Law, 'Culturally Sensitive Mediation: The Importance of Culture in Mediation Accreditation' (2009) 20 *ADRJ* 162

S Law and D Leonard, 'Culture Clash — Can Online Dispute Resolution be the Way Forward?' (2008) 19 *ADRJ* 55

Law Council of Australia, *Federal Court of Australia Case Management Handbook* (2011)

Law Council of Australia, *Guidelines for Lawyers in Mediations* (2011)

The Law Society of New South Wales, *Dispute Resolution Kit* (2012)

Law Society of Western Australia, *Ethical and Practice Guidelines* (2015)

M LeBaron and V Pillay, *Conflict Across Cultures: A Unique Experience in Bridging Differences* (Boston Intercultural Press, 2006)

J P Lederach, *Preparing for Peace: Conflict Transformation Across Cultures* (Syracuse University Press, 1995)





Bibliography

- J Lee, 'Culture and its Importance in Mediation' (2016) 16(2) *Pepperdine Dispute Resolution Law Journal* 317
- M Legg, 'Mediation of Complex Commercial Disputes Prior to Litigation: The Delaware Court of Chancery Approach' (2010) 21 *ADRJ* 44
- M Legg, 'The Future of Dispute Resolution: Online ADR and Online Courts' (2016) 27 *ADRJ* 227
- M Legg and S Mirzabegian, 'Appropriate Dispute Resolution and the Role of Litigation' (2013) 38 *Australian Bar Review* 54
- M Legg and R Sackville, *Case Management and Complex Civil Litigation* (Federation Press, 2011)
- D Leimgruber, 'Confidentiality, Public Interest and the Mediator's Ethical Dilemma' (2013) 24 *ADRJ* 187
- L G Lerman, 'Mediation of Wife Abuse Cases: The Adverse Impact of Informal Dispute Resolution on Women' (1984) 7 *Harvard Women's Law Journal* 57
- L Leventhal, 'The Foundation and Contemporary History of Negotiation Theory' (2006) 17 *ADRJ* 70
- S Levine-Finley, 'Stretching the Coaching Model' (2014) 31 *Conflict Resolution Quarterly* 435
- R J Lewicki, B Barry and D M Saunders, *Essentials of Negotiation* (McGraw-Hill/Irwin, 2011)
- E Lieberman, Y Foux-Levy and P Segal, 'Beyond Basic Training: A Model for Developing Mediator Competence' (2005) 23(2) *Conflict Resolution Quarterly* 237
- L Y Lim, 'Challenges in Co-mediation: A Practice Issue' (2014) 25 *ADRJ* 39
- A L Limbury, 'Making Med-Arb Work' (2007) 9(7) *ADR Bulletin* Article 1
- E A Lind, 'Procedural Justice, Disputing, and Reactions to Legal Authorities' in Austin Sarat et al (eds), *Everyday Practices and Trouble Cases* (Northwestern University Press, 1998)
- E A Lind and T R Tyler, *The Social Psychology of Procedural Justice* (Plenum Press, 1988)
- P Lindsay, 'Conflict Resolution and Peer Mediation in Public Schools: What Works?' (1998–99) 16 *Mediation Quarterly* 85
- O Litaba, 'Developing Ethical Practice as a Family Dispute Resolution Practitioner' (2013) 24 *ADRJ* 36
- B Lo and M J Field (eds), *Conflict of Interest in Medical Research, Education and Practice* (National Academies Press, 2009)
- R Lopich, 'Collaborative Overview — Towards Collaborative Problem-solving in Business' (2009) 10 *ADR Bulletin* 16
- L P Love and J B Stulberg, 'Practice Guidelines for Co-Mediation: Making Certain that "Two Heads Are Better Than One"' (1996) 13(3) *Conflict Resolution Quarterly* 179
- L Love and E Waldman, 'The Hopes and Fears of All the Years: 30 Years Behind and the Road Ahead for the Widespread Use of Mediation' (2016) 31 *Ohio State Journal on Dispute Resolution* 123
- J S H Low, 'Competing Dispute Resolution Clauses: Arbitration over Litigation in Singapore?' (2016) 27 *ADRJ* 119



Mediation in Australia

R Lukito, 'Religious ADR: Mediation in Islamic Family Law Tradition' (2006) 44(2) *Al-Jami'ah: Journal of Islamic Studies* 325

H Luntz et al, *Torts: Cases and Commentary* (LexisNexis Butterworths, 8th ed, 2017)

A Lynch, 'Can I Sue My Mediator? — Finding the Key to Mediator Liability' (1995) 6 *ADRJ* 113

K Lynch, 'Private Conciliation of Discrimination Disputes: Confidentiality, Informalism and Power' (2014) 22 *Willamette Journal of International Law and Dispute Resolution* 49

M

W J M Ma, 'Enforcing Mediated Settlement Agreements under the New York Convention: From Controversies to Creativities' (2014) 7 *Contemporary Asia Arbitration Journal* 69

I Macduff, 'Your Pace or Mine? Culture, Time and Negotiation' (2006) 22 *Negotiation Journal* 31

J Macfarlane, *The New Lawyer: How Clients Are Transforming the Practice of Law* (University of British Columbia Press, 2nd ed, 2017)

K Mack, 'Alternative Dispute Resolution and Access to Justice for Women' (1995) 17 *Adelaide Law Review* 123

K Mack, *Court Referral to ADR: Criteria and Research* (NADRAC/AIJA, 2003)

K Mack, 'Court Referral to ADR: The Legal Framework in Australia' (2005) 22(1) *Law in Context* 112

J J Macken, 'Mediation in the Field of Industrial Relations' (1997) 8 *ADRJ* 158

J J Macken and G Gregory, *Mediation of Industrial Disputes* (Federation Press, 1995)

M Maclean and J Eekelaar, *Lawyers and Mediators: The Brave New World of Services for Separating Families* (Bloomsbury Publishing, 2016)

J R Madison, 'Everything You Need to Know about Authority to Settle a Mediation' (2008) 63(2) *Dispute Resolution Journal* 20

L Maloney et al, *Allegations of Family Violence and Child Abuse in Family Law Children's Proceedings, Research Report No 15* (Australian Institute of Family Studies, 2007)

G Malynes, *Consuetudo Del Lex Mercatoria* (1622)

M G Marcus et al, 'To Mediate or Not to Mediate: Financial Outcomes in Mediated Versus Adversarial Divorces' (1999–2000) 17 *Mediation Quarterly* 143

M Markham, 'International Tax Treaty Arbitration – Fighting an Uphill Battle in the Global Arena' (2017) 28 *ADRJ* 162

J L Maute, 'Public Values and Private Justice: A Case for Mediator Accountability' (1990) 4 *Georgetown Journal of Legal Ethics* 503

J L Maute, 'Mediator Accountability: Responding to Fairness Concerns' (1990) *Journal of Dispute Resolution* 347

D Maxwell, 'Gender Differences in Mediation Style and their Impact on Mediator Effectiveness' (1992) 9(4) *Conflict Resolution Quarterly* 353

B Mayer, 'The Dynamics of Power in Mediation and Negotiation' (1987) 16 *Conflict Resolution Quarterly* 75



Bibliography

- B Mayer, *Beyond Neutrality: Confronting the Crisis in Conflict Resolution* (Jossey-Bass, 2002)
- B Mayer, *The Dynamics of Conflict* (Jossey-Bass, 2018)
- J M McCabe, 'Uniformity in ADR: Thoughts on the Uniform Arbitration Act and Uniform Mediation Act' (2002) 3 *Pepperdine Dispute Resolution Law Journal* 317
- C McCarthy, 'Can Leopards Change Their Spots? Litigation and its Interface with Alternative Dispute Resolution' (2001) 12 *ADRJ* 35
- S McCorkle, 'The Murky World of Mediation Ethics: Neutrality, Impartiality, and Conflict of Interest in State Codes of Conduct' (2005) 23(2) *Conflict Resolution Quarterly* 165
- M McCormick, 'Confronting Social Justice as a Mediator' (1996–97) 14 *Mediation Quarterly* 293
- P McDonald and S Charlesworth, 'Settlement Outcomes in Sexual Harassment Complaints' (2013) 24 *ADRJ* 259
- C McEwan and T Milburn, 'Explaining a Paradox of Mediation' (1993) 9 *Negotiation Journal* 23
- C A McEwen and L Williams, 'Legal Policy and Access to Justice Through Courts and Mediation' (1997) 13 *Ohio State Journal on Dispute Resolution* 865
- J McFarlane, *The Emerging Phenomenon of Collaborative Family Law (CFL): A Qualitative Study of CFL Cases* (Report to Dept of Justice, Canada, 2005)
- I McGilchrist, *The Master and his Emissary: The Divided Brain and the Making of the Western World* (Yale University Press, 2009)
- J E McGuire, 'Expert Roundtable in Mediation' (2005) 11(3) *Dispute Resolution Magazine* 21
- J McGuire, 'Conflict Coaching: Brainstorming to Best Practices' (2008) 15 *Dispute Resolution Magazine* 36
- J E McIntosh, D Bryant and K Murray, 'Evidence of a Different Nature: The Child-Responsive and Less Adversarial Initiatives of the Family Court of Australia' (2008) 46(1) *Family Court Review* 125
- M McIntosh, 'A Step Forward — Mandatory Mediations' (2003) 14 *ADRJ* 280
- D M McKenzie, 'The Role of Mediation in Resolving Workplace Relationship Conflict' (2015) 39 *International Journal of Law and Psychiatry* 52
- S Medway, 'Conflict Coaching in Indigenous Australian Settings — Sharing the Lessons from Mediation' (2015) 26 *ADRJ* 38
- W Meers, 'The Funny Thing about Mediation: A Rationale for the Use of Humor in Mediation' (2009) 10(2) *Cardozo Journal of Conflict Resolution* 657
- M Meltsner, 'The Jagged Line Between Mediation and Couples Therapy' (1993) 9 *Negotiation Journal* 261.
- C Menkel-Meadow, 'Toward Another View of Legal Negotiation: The Structure of Problem Solving' (1983–84) 31 *University of California Los Angeles Law Review* 754
- C Menkel-Meadow, 'Portia in a Different Voice: Speculations on a Women's Lawyering Process' (1985) 1 *Berkeley Women's Law Journal* 39
- C Menkel-Meadow, 'Pursuing Settlement in an Adversary Culture: A Tale of Innovation Co-opted or "The Law of ADR"' (1991) 19 *Florida State University Law Review* 1





Mediation in Australia

C Menkel-Meadow, 'Lawyer Negotiations: Theories and Realities — What We Learn from Mediation' (1993) 56 *Modern Law Review* 361

C Menkel-Meadow, 'Whose Dispute is it Anyway?: A Philosophical and Democratic Defence of Settlement (in Some Cases)' (1994–1995) 83 *Georgetown Law Journal* 2663

C Menkel-Meadow, 'Alternative and Appropriate Dispute Resolution in Context: Formal, Informal, and Semiformal Legal Processes' in P T Coleman, M Deutsch and E C Marcus, *The Handbook of Conflict Resolution: Theory and Practice* (Jossey-Bass, 3rd ed, 2014) ch 50

C Menkel-Meadow and L Love, *Mediation: Practice, Policy and Ethics* (Wolters Kluwer Law & Business, 2nd ed, 2013)

C Menkel-Meadow, L Porter Love and A Kupfer Schneider, *Mediation: Practice, Policy, and Ethics* (Wolters Kluwer, 2005)

K Mentzel, 'Judging the Fairness of Mediation: A Critical Framework' (1990) 1 *Mediation Quarterly* 3

J G Merrills, *International Dispute Settlement* (Cambridge University Press, 5th ed, 2017)

H Messmer and H U Otto (eds), *Restorative Justice on Trial: Pitfalls and Potentials of Victim-Offender Mediation — International Research Perspectives* (Springer Science & Business Media, 2013)

A Miklavcic and M N LeBlanc, 'Culture Brokers, Clinically Applied Ethnography, and Cultural Mediation' in LJ Kirmayer, C Rousseau and J Guzder (eds), *Cultural Consultation: Encountering the Other in Mental Health Care* (Springer, 2013) 115

S L Miller and M K Hefner, 'Procedural Justice for Victims and Offenders?: Exploring Restorative Justice Processes in Australia and the US' (2015) 32(1) *Justice Quarterly* 142

M Mills, *Commercial Dispute Resolution: A Practitioners Guide to Successful ADR* (Thomson Reuters, 2018)

L A Mistelis, 'ADR in England and Wales: A Successful Case of Public Private Partnership' in N Alexander (ed), *Global Trends in Mediation* (Wolters Kluwer, 2nd ed, 2006) 139.

R Mnookin and L Kornhauser, 'Bargaining in the Shadow of the Law: The Case of Divorce' (1979) 88 *Yale Law Journal* 950

M Moffitt, 'Suing Mediators' (2003) 83 *Boston University Law Review* 147

M Moffitt, 'Ten Ways to Get Sued: A Guide for Mediators' (2003) 8 *Harvard Negotiation Law Review* 81

M L Moffitt, 'The Wrong Model, Again' (2005) 12 *Dispute Resolution Magazine* 31

M L Moffitt, 'The Four Ways to Assure Mediator Quality (and why none of them work)' (2008) 24 *Ohio State Journal on Dispute Resolution* 191

L Moloney et al, *Evaluation of the Family Relationship Centre Legal Assistance Partnerships Program: Final Report* (AIFS, 2011)

C W Moore, *The Mediation Process: Practical Strategies for Resolving Conflict* (Jossey-Bass, 4th ed, 2014)

M Moore, 'Judges as Mediators: A Chapter III Prohibition or Accommodation?' (2003) 14 *ADRJ* 188



Bibliography

- K L Moran, 'Restorative Justice: A Look at Victim Offender Mediation Programs' (2017) 4(1) *21st Century Social Justice* 4
- G H Morris, 'From Anecdote to Evidence: The New Zealand Commercial Mediation Market' (2016) 22(1) *NZ Business Law Quarterly* 10
- G Morris and K Alexander, 'Inclusiveness or Tokenism? Culture and Mediation in New Zealand's Dispute Resolution Statutory Regimes' (2017) 28 *ADRJ* 170
- G H Morris and D Schroder, *LEADR/Victoria University Commercial Mediation in New Zealand Project Report* (2015)
- S Muirhead, 'A Risk Management Approach to Legal Liability in the ADR Process' (2002) 13 *ADRJ* 148
- L Mulcahy, 'The Collective Interest in Private Dispute Resolution' (2012) 33(1) *Oxford Journal of Legal Studies* 59
- P Munro, 'Changes to the Australian Industrial Relations System: Reforms of Shattered Icons? An Insider's Assessment of the Probable Impact on Employers, Employees and Unions' (2006) 29(1) *University of New South Wales Law Journal* 128
- H L Munsiger and D R Philpin 'Why Can't They Settle? The Psychology of Relational Disputes' (2017) 18(2) *Cardozo Journal of Conflict Resolution* 311
- C Murdock and B Sullivan, 'What Kahneman Means for Lawyers: Some Reflections on Thinking, Fast and Slow' (2013) 44 *Loyola University Chicago Law Journal* 1377
- D C Murnion, 'The Importance of Intake in Parent-Child Mediation' (1987) 18 *Conflict Resolution Quarterly* 73

N

- J Nadler, L Thompson and L Van Boven, 'Learning Negotiation Skills: Four Models of Knowledge Creation and Transfer' (2003) 49(4) *Management Science* 529
- NADRAC, *Alternative Dispute Resolution Definitions* (1997)
- NADRAC, *Discussion Paper, The Development of Standards for ADR* (2000)
- NADRAC, *Report to the Commonwealth Attorney-General, A Framework for ADR Standards* (2001)
- NADRAC, *Dispute Resolution Terms: The Use of Terms in (Alternative) Dispute Resolution* (2003)
- NADRAC, *ADR Research: A Resource Paper* (2004)
- NADRAC, *Indigenous Dispute Resolution and Conflict Management* (2006)
- NADRAC, *Legislating for Alternative Dispute Resolution: A Guide for Government Policy-Makers and Legal Drafters* (2006)
- NADRAC, *A Report to the Attorney-General, The Resolve to Resolve: Embracing ADR to Improve Access to Justice in the Federal Jurisdiction* (2009)
- NADRAC, *Maintaining and Enhancing the Integrity of ADR Processes: From Principles to Practice through People* (2011)
- NADRAC, *Your Guide to Dispute Resolution* (2012)



Mediation in Australia

W R Nay, *Taking Charge of Anger: How to Resolve Conflict, Sustain Relationships and Express Yourself Without Losing Control* (Guilford Press, 2004)

G Neate, 'Reconciliation on the Ground: Meeting Challenges of Native Title Mediation Pt 1' (2002) 6 *ADR Bulletin* 89

G Neate, 'Reconciliation on the Ground: Meeting Challenges of Native Title Mediation Pt 2' (2002) 7 *ADR Bulletin* 112

N Nelson, A Zarankin and R Ben-Ari, 'Transformative Women, Problem-Solving Men? Not Quite: Gender and Mediators' Perceptions of Mediation' (2010) 26(3) *Negotiation Journal* 287

D Neumann, 'How Mediation Can Effectively Address the Male-Female Power Imbalance in Divorce' (1992) 9(2) *Conflict Resolution Quarterly* 227

K Nevin, 'The Demise of Barristerial Immunity in New Zealand?: *Lai v Chamberlains* (8 March 2005) Unreported, Court of Appeal, CA 17/03' (2005) 11 *Te Mata Koi Auckland University Law Review* 201

New South Wales Law Reform Commission, *Training and Accreditation of Mediators*, DP 21 (1989)

New South Wales Law Reform Commission, *Training and Accreditation of Mediators* (1991)

New South Wales Law Reform Commission, *Community Justice Centres — Issues Paper* 23 (2003)

New South Wales Law Reform Commission, *Dispute Resolution: Model Provisions Consultation Paper* 18 (2016)

J M Nolan-Haley, 'Informed Consent in Mediation: A Guiding Principle for Truly Educated Decision-Making' (1999) 74 *Notre Dame Law Review* 775

J M Nolan-Haley, 'Self-Determination in International Mediation: Some Preliminary Reflections' (2005) 7 *Cardozo Journal of Conflict Resolution* 277

J Nolan-Haley, 'Mediation Exceptionality' (2009) 78 *Fordham Law Review* 1247

J M Nolan-Haley, 'Is Europe Headed Down the Primrose Path with Mandatory Mediation?' (2011) 37 *North Carolina Journal of International Law and Commercial Regulation* 981

J M Nolan-Haley, 'Evolving Paths to Justice: Assessing the EU Directive on Mediation' (2011) *Fordham Law Legal Studies Research Paper* No 1942391

J M Nolan-Haley and J Kwasi Annor-Ohene, 'Procedural Justice Beyond Borders: Mediation in Ghana' (2014) *Harvard Negotiation Law Review Online*

M-A Noone, 'Lawyers as Mediators: More Responsibility?' (2006) 17 *ADRJ* 96

M-A Noone, 'Liability Matters for Lawyer Mediators' (2007) 81(10) *Law Institute Journal* 52

M-A Noone, 'The Disconnect Between Transformative Mediation and Social Justice' (2008) 19 *ADRJ* 114

M-A Noone, 'Wearing Two Hats: Lawyers Acting as Mediators' in R Levy et al, *New Directions for Law in Australia: Essays in Contemporary Law Reform* (ANU Press, 2017) 505

M-A Noone and L A Ojelabi, 'Insights from Australian Mediators about Mediation and Access to Justice' (2014) 25 *ADRJ* 212

M A Noone and L A Ojelabi, 'Ethical Challenges for Mediators around the Globe: An Australian Perspective' (2014) 45 *Washington University Journal of Law and Policy* 145



Bibliography

J Notini, 'Effective Alternatives Analysis in Mediation: "BATNA/WATNA" Analysis Demystified' (2005) *Mediate.com*

O

J O'Connell, 'Don't Settle for the Devil You Know: The Benefits of Using Collaborative Law Rather than Litigation to Resolve Employment Disputes' (2015) 49 *Indiana Law Review* 533

K O'Connor and A Adams, 'What Novices Think about Negotiation: A Content Analysis of Scripts' (1999) 15 *Negotiation Journal* 135

M O'Donnell, 'The Development and Delivery of Facilitation Services in Queensland, 1990–1996' (1997) 8 *ADRJ* 162

L A Ojelabi, 'Communication and Culture: Implications for Conflict Resolution Practitioners' (2008) 19 *ADRJ* 189

L A Ojelabi, 'Community Legal Centres' Views on ADR as a Means of Improving Access to Justice – Part I' (2011) 22 *ADRJ* 111

L A Ojelabi, 'Community Legal Centres' Views on ADR as a Means of Improving Access to Justice – Part II' (2011) 22 *ADRJ* 173

L A Ojelabi, 'Dispute Resolution and the Demonisation of Culture' (2014) 25 *ADRJ* 30

L A Ojelabi and M A Noone, 'ADR Processes: Connections between Purpose, Values, Ethics and Justice' (2017) 35(1) *Law in Context* 5

L A Ojelabi and T Sourdin, 'Using a Values-Based Approach in Mediation' (2011) 22 *ADRJ* 258

L T Olsson, 'Mediation and the Court — Inspiration or Desperation?' (1996) 5 *Journal of Judicial Administration* 236

A J Orchard, 'Towards a Practical Model to Improve Outcome Acceptance in Dispute Resolution' (2017) 28 *ADRJ* 181

L Otis, 'A Quiet Revolution Part II: Important Considerations for a Successful Judicial Mediation Programme' (2008) 4 *Asian Journal on Mediation* 8

L Otis and E Reiter, 'Mediation by Judges: A New Phenomenon in the Transformation of Justice' (2006) 6 *Pepperdine Dispute Resolution Law Journal* 351

D L Ott and S Michailova, 'Cultural Intelligence: A Review and New Research Avenues' (2018) 20(1) *International Journal of Management Reviews* 99

P

B A Pappas, 'Med-Arb and the Legalization of Alternative Dispute Resolution' (2015) 20 *Harvard Negotiation Law Review* 157

C Parker, *Just Lawyers: Regulation and Access to Justice* (Oxford University Press, 1999)

L Parkinson, 'Co-Mediation on Family Matters: Cost-Effective or Unaffordable?' (2013) 43 *Family Law* 467

P Parkinson, *Australian Family Law in Context: Commentary and Materials* (Thomson Reuters, 5th ed, 2012)

P Parkinson, 'Family Law Arbitration in Family Property Proceedings: Exploring the Potential' (2016) 21 *Law Society of NSW Journal* 78



Mediation in Australia

R Peebles and J Sarratt, 'Sinn Fein Amhain: Taking Collaborative Law Beyond Divorce' (2017) 52 *Wake Forest Law Review* 139

D Peetz, 'The Productivity Commission and Industrial Relations Reform' (2016) 27(2) *The Economic and Labour Relations Review* 164

T Peisley, 'Blended Mediation: Using Facilitative and Evaluative Approaches to Commercial Disputes' (2012) 23 *ADRJ* 26

S Peppet, 'Contractarian Economics and Mediation Ethics: The Case for Contingent Fee Mediation' (2003) 82 *Texas Law Review* 227

S Peppet, 'ADR Ethics' (2004) 54 *Journal of Legal Education* 72

J Persky, 'Pareto's Law' (1992) 6 *Journal of Economic Perspectives* 181

J Petch et al, 'Psychological Distress in Australian Clients Seeking Family Relationship Counselling and Mediation Services' (2014) 49 *Australian Psychologist* 28

M Piazza, 'Mandatory Victim Offender Mediation — Valuable Fruit or Rotten Tomato?' (2006) 17 *ADRJ* 233

A M Pines, H Gat and Y Tal, 'Gender Differences in Content and Style of Argument Between Couples During Divorce Mediation' (2002) 20 *Conflict Resolution Quarterly* 23

N Polak, 'No Longer Neutral: Practitioner Power in Compulsory (Family) Dispute Resolution' (2009) 20 *ADRJ* 88

J Pollard, 'Collaborative Law Gaining Momentum' (2007) 45(5) *Law Society Journal* 68

R Poole, 'Facilitating Systemic Outcomes through Anti-Discrimination Conciliation and the Role of the Conciliator in this Quest' (2016) 27 *ADRJ* 49

T Popa, 'All the Way with ADR: Further Endorsement of ADR in Litigation' (2015) 26(4) *ADRJ* 218

L Porter Love, 'The Top Ten Reasons Why Mediators Should Not Evaluate' (1997) 24 *Florida State University Law Review* 937

A Povey, 'An Investigation into the Mediation of Disputes in the South African Construction Industry' (2005) 47(1) *Journal of the South African Institution of Civil Engineering* 2

M Power, 'Educating Mediators Metacognitively' (1992) 3 *ADRJ* 214

M Power, 'Conflict Resolution in Neighbourhood Skate Parks' (2003) 14 *ADRJ* 177

Productivity Commission, *Access to Justice Arrangements Inquiry, Report No 72* (2014)

J M Pratt, 'Three Tiers for Collaborative Law: A Moderate Solution' (2015) 5 *Resolved: Journal of Alternative Dispute Resolution* 4

B J Preston, 'The Use of Alternative Dispute Resolution in Administrative Disputes' (2011) 22 *ADRJ* 144

B Preston, 'The Land and Environment Court of New South Wales: Moving Towards a Multi-Door Courthouse — Part I' (2008) 19 *ADRJ* 72

B Preston, 'The Land and Environment Court of New South Wales: Moving Towards a Multi-Door Courthouse — Part II' (2008) 19 *ADRJ* 144

K Prime, 'Using Conflict Coaching to Support People to Develop a Secure Mind in Relation to Conflict' (2015) 26 *ADRJ* 111



Bibliography

- K Pringle, 'Aboriginal Mediation: One Step Towards Re-empowerment' (1996) 7 *ADRJ* 253
- A Prior, 'What Do the Parties Think?' (1993) 4 *ADRJ* 99
- A Prior and R Thompson, 'Is To and Fro the Way to Go? A Discussion of the Practice and Effectiveness of Shuttle Mediation' (2001) 12 *ADRJ* 160
- C Provis, 'Mediation and Conciliation in Industrial Relations: Reflections from Australia' (1997) 21(4) *Labor Studies Journal* 81
- M K Pruett and J H DiFonzo, 'Closing the Gap: Research, Policy, Practice and Shared Parenting' (2014) 52(2) *Family Court Review* 152
- D G Pruitt, *Negotiation Behavior* (Academic Press, 2013)
- D G Pruitt and D F Johnson, 'Mediation as an Aid to Face Saving in Negotiation' (1970) 14(3) *Journal of Personality and Social Psychology* 239
- D Pruitt and S Kim, *Social Conflict: Escalation, Stalemate and Settlement* (McGraw Hill, 3rd ed, 2004)
- Q**
- Queensland Law Society, *Compulsory Professional Development: Your Guide to Meeting CPD Requirements in Queensland* (QLS, 2011)
- D Quek Anderson and D Knight, 'Managing the Inter-cultural Dimensions of a Mediation Effectively – A Proposed Pre-Mediation Intake Instrument' (2017) 28 *ADRJ* 89
- R**
- H Raiffa, J Richardson and D Metcalfe, *Negotiation Analysis: The Science and Art of Collaborative Decision Making* (Harvard University Press, 2002)
- S Rainer, 'Mediating in Your Pyjamas: The Benefits and Challenges for ODR Practitioners' (2006) 23 *Conflict Resolution Quarterly* 359
- I Ramsay, 'Improving Dispute Resolution in the Financial System' (2017) 28 *ADRJ* 191
- P Randolph, *The Psychology of Conflict — Mediating in a Diverse World* (Bloomsbury, 2016)
- S Rao, *The Cultural Vacuum in Online Dispute Resolution*, <<http://ukrmediation.com.ua/files/content/cultural-vacuum.pdf>>
- S Rares, 'Competition, Fairness and the Courts' (2014) 39 *Australian Bar Review* 79
- Z Rathus, 'Shifting the Gaze: Will Past Violence Be Silenced by a Further Shift of the Gaze to the Future Under the New Family Law System?' (2007) 21 *Australian Journal of Family Law* 87
- J Rawls, *A Theory of Justice* (Harvard University Press, rev ed, 2009)
- L Ray and A L Clare, 'The Multi-Door Courthouse Idea: Building the Courthouse of the Future ... Today' (1985) 1 *Ohio State Journal on Dispute Resolution* 7
- M Redfern, 'Capturing the Magic — The Analytical Factor' (2000) 11 *ADRJ* 254
- M Redfern, 'Mediation is Good Business Practice' (2010) 21 *ADRJ* 53
- F Regan, 'Dilemmas of Dispute Resolution Policy' (1997) 8 *ADRJ* 5
- H Reid, 'Negotiating Strategies and Cross-cultural Considerations' (1996) 3(1) *Commercial Dispute Resolution Journal* 37



Mediation in Australia

T Relis, "It's Not About the Money!" A Theory of Misconceptions of Plaintiffs' Aims' (2007) 29 *Hamline Journal of Public Law and Policy* 249

E Renouf, 'Family Conciliation/Mediation in Australia: Which Way Forward?' (1991) 2 *ADRJ* 108

J Resnik, 'Managerial Judges' (1982) 96(2) *Harvard Law Review* 374

J Resnik, 'Many Doors? Closing Doors? Alternative Dispute Resolution and Adjudication' (1995) 10 *Ohio State Journal on Dispute Resolution* 211

J W Reynolds, 'Judicial Reviews: What Judges Write When They Write About Mediation' (2013) 5 *Pennsylvania State Yearbook on Arbitration and Mediation*

D L Rhode, *In the Interests of Justice: Reforming the Legal Profession* (Oxford University Press, 2003)

S Rice et al, 'An Analysis of Domestic Violence Presenting to FRCs at Intake and Assessment' (2012) 23 *ADRJ* 89

K Richards, 'Restorative Justice and "Empowerment": Producing and Governing Active Subjects through "Empowering" Practices' (2011) 19(2) *Critical Criminology* 91

J Rifkin, 'Mediation from a Feminist Perspective: Promise and Problems' (1984) 21 *Law and Equality* 21

J Rifkin, 'Online Dispute Resolution: Theory and Practice of the Fourth Party' (2001) 19 *Conflict Resolution Quarterly* 117

J Riley, 'Workplace Dispute Resolution under the Fair Work Act: Is There a Role for Private Alternative Dispute Resolution Providers?' (2009) 20 *ADRJ* 236

J Riley, 'On the Shift from Arbitration Through Conciliation to Mediation in Workplace Disputes' in A Forsyth and A Stewart (eds), *Fair Work: The New Workplace Laws and the Work Choices Legacy* (Federation Press, 2009) ch 9.

R L Rimelspach, 'Mediating Family Disputes in a World with Domestic Violence: How to Devise a Safe and Effective Court-Connected Mediation Program' (2001) 17 *Ohio State Journal of Dispute Resolution* 95

L L Riskin, 'Mediator Orientations, Strategies and Techniques' (1994) 12 *Alternatives to the High Cost of Litigation* 111

L L Riskin, 'Understanding Mediators' Orientations, Strategies, and Techniques: A Grid for the Perplexed' (1996) 1 *Harvard Negotiation Law Review* 7

M Roberts, 'Family Mediation: The Development of the Regulatory Framework in the United Kingdom' (2005) 22(4) *Conflict Resolution Quarterly* 509

M Roberts, *Developing the Craft of Mediation: Reflections on Theory and Practice* (Jessica Kingsley Publishers, 2007)

M Roberts, *Mediation in Family Disputes: Principles of Practice* (Ashgate, 4th ed, 2014)

S Roberts, 'Mediation in Family Disputes' (1983) 46 *Modern Law Review* 537

S Roberts, 'The Path of Negotiations' (1996) 49 *Current Legal Problems* 97

P Robinson, 'Adding Judicial Mediation to the Debate About Judges Attempting to Settle Cases Assigned to Them for Trial' (2006) *Journal of Dispute Resolution* 335

S Rodick, 'Opportunities and Challenges for Open Justice in Light of the Changing Nature of Judicial Proceedings' (2017) 26(2) *Journal of Judicial Administration* 76





Bibliography

- D Roebuck, 'Cultural Differences and Mediation: An Introduction' (2002) 4(2) *Asian Dispute Review* 135
- B Rogers, 'Power in Mediation' (2004) 6(9) *ADR Bulletin* 169
- M Rogers, 'Mediation, Conciliation and High Conflict Families' (2003) 14 *ADRJ* 266
- M Rogers and T Gee, 'Mediation, Conciliation and High Conflict Families' (2003) 14 *ADRJ* 266
- J Rothfield, 'What (I Think) I Do as the Mediator' (2001) 12 *ADRJ* 240
- G Rooney, 'The Rise of Commercial Mediation in Australia — Reflections and the Challenges Ahead' (2016) 3(2) *Journal of Mediation and Applied Conflict Analysis* 99
- L Rosemann, 'The Birth of ADRA: Past and Future Visions' (1997) 8 *ADRJ* 85
- J Z Rubin and B R Brown, *The Social Psychology of Bargaining and Negotiation* (Elsevier, 2013)
- B N Rudd et al, 'Child-Informed Mediation Study Follow-Up: Comparing the Frequency of Relitigation Following Different Types of Family Mediation' (2015) 21(4) *Psychology, Public Policy and Law* 452
- O Rundle, 'Barking Dogs: Lawyer Attitudes Towards Direct Disputant Participation in Court-Connected Mediation of General Civil Cases' (2008) 8 *QUT Law and Justice Journal* 77
- O Rundle, 'Lawyers' Perceptions on "What is Court-Connected Mediation for?" (2013) 20 *International Journal of the Legal Profession* 33
- O Rundle, 'Lawyers' Participation in Mediation and Professional Ethical Disposition' (2015) 18(1) *Legal Ethics* 46
- O Rundle, 'Are We Here to Resolve Our Problem or Just to Reach a Financial Settlement?' (2017) 141 *Precedent* 12
- O Rundle and S Hiller, 'Teaching Self-Reflection to Law Students in a Dispute Resolution Unit' (2012) 23 *ADRJ* 168
- I J Ruvo, 'Appellate Mediation — Settling the Last Frontier of ADR' (2005) 42 *San Diego Law Review* 177
- S
- R Sackville, 'The Future of Case Management in Litigation' (2009) 18 *Journal of Judicial Administration* 211
- R J Sadler, 'Judicial and Quasi-Judicial Immunities: A Remedy Denied' (1982) 13 *Melbourne University Law Review* 508
- C Sage, T Wright and C Morris, *Case Management Reform: A Study of the Federal Court's Individual Docket System* (Law and Justice Foundation of NSW, 2002)
- A Salahuddin, 'Should Arbitrators be Immune from Liability?' (2017) 33(4) *Arbitration International* 571
- N Salmon, 'Cutting Edge ... Cutting the Cost: The Business Case for Conflict Coaching in a Government Workplace' (2017) 28 *ADRJ* 64
- F E A Sander, 'Varieties of Dispute Processing' (1976) 70 *Federal Rules Decision* 111
- F Sander and S Goldberg, 'Fitting the Forum to the Fuss: A User-friendly Guide to Selecting an ADR Procedure' (1994) 10 *Negotiation Journal* 49





Mediation in Australia

- R Saunders, 'Mediation and Facilitation – Commonalities and Differences' (2009) 20 *ADRJ* 104
- R Saundry, P Latreille and I Ashman (eds), *Reframing Resolution: Innovation and Change in the Management of Workplace Conflict* (Springer, 2016).
- M Sauve, 'Mediation: Towards an Aboriginal Conceptualisation' (1996) 80 *Aboriginal Law Bulletin* 10
- M Schmidt, 'Successful Experiments in Judicial Mediation' (2006) 18 *Judicial Officers Bulletin* 71
- A Schneider, 'Shattering Negotiation Myths: Empirical Evidence on the Effectiveness of Negotiation Style' (2002) 7 *Harvard Negotiation Law Review* 143
- A K Schneider and C Honeyman (eds), *The Negotiator's Fieldbook* (American Bar Association, 2006)
- C Schneider, 'What it Means to Be Sorry: The Power of Apology in Mediation' (1999–2000) *Mediation Quarterly* 265
- J L Schulz, 'Mediator Liability in Canada: An Examination of Emerging American and Canadian Jurisprudence' (2000) 32 *Ottawa Law Review* 269
- J L Schulz, 'Mediator Liability: Using Custom to Determine Standards of Care' (2002) 65 *Saskatchewan Law Review* 163
- M Scott, 'Collaborative Law: Dispute Resolution Competencies for the "New Advocacy"' (2008) 8 *QUT Law and Justice Journal* 213
- M Scott, 'Mediation of Property Division in Late Stage Family Law Matters: A Procedural Initiative' (2015) 26 *ADRJ* 232
- M Scott and P Collins, 'The Challenges for Collaborative Lawyers in Providing CP Processes' (2017) 31 *Australian Journal of Family Law* 27
- J A Scutt, 'The Privatisation of Justice: Power Differentials, Inequality, and the Palliative of Counselling and Mediation' (1988) 11(5) *Women's Studies International Forum* 503
- N C Seddon and R A Bigwood, *Cheshire and Fifoot Law of Contract* (LexisNexis Butterworths, 11th Aust ed, 2017)
- J Sekolec and M B Getty, 'The UMA and the UNCITRAL Model Rule: An Emerging Consensus on Mediation and Conciliation' (2003) *Journal of Dispute Resolution* 175
- N Semple, 'Mandatory Family Mediation and the Settlement Mission: A Feminist Critique' (2012) 24(1) *Canadian Journal of Women and the Law* 207
- M Shaffer, 'Divorce Mediation: A Feminist Perspective' (1988) 46 *University of Toronto Faculty of Law Review* 162
- D Shapiro, 'A Negotiator's Guide to Emotion: Four Laws to Effective Practice' (2001) 7(2) *Dispute Resolution Magazine* 3
- D Shapiro, 'From Signal to Semantic: Uncovering the Emotional Dimension of Negotiation' (2010) 10 *Nevada Law Journal* 461
- D L Shapiro and J M Brett, 'Comparing Three Processes Underlying Judgments of Procedural Justice: A Field Study of Mediation and Arbitration' (1993) 65(6) *Journal of Personality and Social Psychology* 1167
- N Sharma, 'Mirror, Mirror on the Wall, Is There No R(e)ality in Neutrality After All? Re-thinking ADR Practices for Indigenous Australians' (2014) 25 *ADRJ* 231



Bibliography

- S Shavell, 'Alternative Dispute Resolution: An Economic Analysis' (1995) *Journal of Legal Studies* 1
- G Shaw, 'Restorative Practices in Australian Schools: Changing Relationships, Changing Cultures' (2007) 25 *Conflict Resolution Quarterly* 127
- L W Sherman et al, 'Are Restorative Justice Conferences Effective in Reducing Repeat Offending? Findings from a Campbell Systematic Review' (2015) 31(1) *Journal of Quantitative Criminology* 1
- M Shirley and T Cockburn, 'When Will a Mediator Operating Outside the Protection of Statutory Immunity be Liable for Negligence?' (2004) 32 *University of Western Australia Law Review* 83
- E Shuman, E Halperin and M Reifen Tagar, 'Anger as a Catalyst for Change? Incremental Beliefs and Anger's Constructive Effects in Conflict' (2017) *Group Processes & Intergroup Relations*: 1368430217695442.
- R Sikveland and E Stokoe, 'Dealing with Resistance in Initial Intake and Inquiry Calls to Mediation: The Power of "Willing"' (2016) 33 *Conflict Resolution Quarterly* 235
- S S Silbey, 'Mediation Mythology' (1993) 9 *Negotiation Journal* 349
- S Silby and S Merry, 'Mediator Settlement Strategies' (1986) 8 *Law and Policy* 7
- C Simpson, 'Hearing-Med in Australian Super-Tribunals: Which Cases and What Processes?' (2014) 23 *Journal of Judicial Administration* 220
- R L Skalstad, 'Transformative Mediation Twenty Years Later: An Invitation to Discuss Post-Traumatic Stress Disorder and Legal Ethics' (2016) 1 *Concordia Law Review* 1
- C Smith, 'Applying Findings from Neuroscience to Inform and Enhance Mediator Skills' (2015) 26 *ADRJ* 249
- G Smith, 'Unwilling Actors: Why Voluntary Mediation Works, Why Mandatory Mediation Might Not Work' (1998) 36 *Osgoode Hall Law Journal* 847
- R Snell 'Australian Ombudsman: A Continual Work in Progress' in M Groves and H P Lee (eds), *Australian Administrative Law: Fundamentals, Principles and Doctrines* (Cambridge University Press, 2007) 100
- T Sourdin, 'ADR in the Australian Court and Tribunal System' (2003) 6(3) *ADR Bulletin* 55
- T Sourdin, Report prepared for the Department of Justice, Victoria, Australia, 'Mediation in Victorian County and Supreme Courts' (2009)
- T Sourdin, 'Making an Attempt to Resolve Disputes Before Using Courts: We All Have Obligations' (2010) 21 *ADRJ* 225
- T Sourdin, 'Civil Dispute Resolution Obligations: What is Reasonable' (2012) 35 *University of NSW Law Journal* 889
- T Sourdin, 'Not Teaching ADR in Law Schools? Implications for Law Students, Clients and the ADR Field' (2012) 23 *ADRJ* 148
- T Sourdin, 'The Role of the Courts in the New Justice System' (2015) 7 *Year Book of Arbitration and Mediation* 95
- T Sourdin, *Alternative Dispute Resolution* (Thomson Reuters, 5th ed, 2016)
- T Sourdin and N Balvin, 'Mediation in the Supreme and County Courts of Victoria: A Summary of the Results' (2009) 11(3) *ADR Bulletin* 1



Mediation in Australia

- T Sourdin and N Balvin, 'Mediation Styles and their Impact: Lessons from the Supreme and County Courts of Victoria Research Project' (2009) 20 *ADRJ* 142
- T Sourdin and N Burstyner, 'Justice Delayed is Justice Denied' (2014) 4 *Victoria University Law and Justice Journal* 46
- T Sourdin and T Matruglio, *New South Wales Settlement Scheme, Final Report* (2003)
- T Sourdin and T Matruglio, *Evaluating Mediation — NSW Settlement Scheme 2002* (La Trobe University, 2004)
- D Spencer, 'Exploding the Empowerment Myth of ADR' (1996) 3 *Commercial Dispute Resolution* 26
- D Spencer, 'Mandatory Mediation and Neutral Evaluation: A Reality in New South Wales' (2000) 11 *ADRJ* 237
- D Spencer, 'Uncertainty and ADR Clauses: The Victorian View' (2001) 12 *ADRJ* 214
- D Spencer, 'Application for Mandatory Mediation in NAB Litigation' (2001) 12 *ADRJ* 218
- D Spencer, 'Whether a Matter Settled or Not at Mediation' (2003) 14 *ADRJ* 149
- D Spencer, 'Court Ordered Mediation in the Federal Court' (2004) 15 *ADRJ* 85
- D Spencer, 'Judicial Mediators: Is the Time Right? — Part I' (2006) 17 *ADRJ* 130
- D Spencer, 'Judicial Mediators: Is the Time Right? — Part II' (2006) 17 *ADRJ* 189
- D Spencer, 'IAMA's Fast Track Arbitration Rules' (2007) 18 *ADRJ* 200
- D Spencer, 'Case Note, C 7 Litigation' (2007) 18 *ADRJ* 202
- D Spencer, 'Casenotes: Mediation Media Watch' (2009) 20 *ADRJ* 74
- D Spencer, 'Case Note: The Backdoor Method to Enforcing a Farm Debt' (2012) 23 *ADRJ* 227
- D Spencer, 'Landing in the Right Class of Subject to Contract Agreements' (2015) 26 *ADRJ* 75
- D Spencer, 'Case Note: Reviewing a Registrar's Decision not to Order Conciliation' (2015) 26 *ADRJ* 121
- D Spencer, 'Mediation Media Watch' (2016) 27 *ADRJ* 8
- D Spencer, 'Case Notes: Costs for Breach of Confidentiality' (2017) 28 *ADRJ* 145
- D Spencer and M Brogan, *Mediation Law and Practice* (Cambridge University Press, 2006)
- D Spencer and S Hardy, *Dispute Resolution in Australia: Cases, Commentary and Materials* (Thomson Reuters, 3rd ed, 2014)
- P Spencer, 'Mediating in Aboriginal Communities' (1996–97) *ADRJ* 245
- J Spigelman, 'Mediation and the Court' (2000) 39(2) *Law Society Journal* 63
- S Standing, 'Ethical and Legal Obligations in Mediations and Other Negotiations' (2015) (August) *Brief* 20
- L Steer, 'Personal Injury Mediation: Implications for the Application of Formal Mediation Techniques' (1997) 8 *ADRJ* 123
- F Steffek and H Unberath, *Regulating Dispute Resolution: ADR and Access to Justice at the Crossroads* (Bloomsbury Publishing, 2014)



Bibliography

- J W Stempel, 'Reflections on Judicial ADR and the Multi-Door Courthouse at Twenty: Fait Accompli, Failed Overture, or Fledgling Adulthood' (1996) 11 *Ohio State Journal on Dispute Resolution* 297
- E Stevenson, 'The Use of Community Mediation in the Family Mediation Centre (NSW)' (1990) 1 *ADRJ* 24
- L Stewart et al, 'The Impact of Offenders' Participation in Victim–Offender Mediation Sessions on Recidivism of Serious Offenders' (2018) *International Journal of Offender Therapy and Comparative Criminology*
- T J Stipanowich, 'ADR and the Vanishing Trial: The Growth and Impact of Alternative Dispute Resolution' (2004) 19 *Journal of Empirical Legal Studies* 843
- T J Stipanowich, 'International Evolution of Mediation: A Call for Dialogue and Deliberation' (2015) 46 *Victoria University of Wellington Law Review* 1191
- L Street, 'Binding and Non-Binding Expert Appraisal' (1990) 1 *ADRJ* 133
- L Street, 'The Court System and Alternative Dispute Resolution Procedures' (1990) 1 *ADRJ* 5
- L Street, 'The Courts and Mediation — A Warning' (1991) 2 *ADRJ* 203
- L Street, 'Mediation and the Judicial Institution' (1997) 71 *Australian Law Journal* 794
- L Street, 'Note on the Detachment of Judges to Mediation' (2006) 17 *ADRJ* 188
- J B Stulberg, 'Mediator Immunity' (1986) 2 *Ohio State Journal on Dispute Resolution* 85
- J B Stulberg, *Taking Charge/Managing Conflict* (Lexington Books, 1987)
- J B Stulberg, 'Appellate Mediation: A Guidebook for Attorneys and Mediators' (2015) 22 *Dispute Resolution Magazine* 20
- M Sweify, 'The Art of Using Power as a Tool of Influence in Mediation' (2016) 27 *ADRJ* 236
- M Sweify, 'Mediator's Proposal and Mediator's Neutrality: Finessing the Tension' (2017) 28 *ADRJ* 129
- F A Syukur and D Bagshaw, 'Judicial Mediation in Indonesia: Challenges and Opportunities' (2012) 23 *ADRJ* 274
- T
- U Tahura and M Kelly, 'Procedural Experiences from the Civil Courts of Bangladesh: Case Management as a Potential Means of Reducing Backlogs' (2015) 16(1) *Australian Journal of Asian Law*
- J Tamarit and E Luque, 'Can Restorative Justice Satisfy Victims' Needs? Evaluation of the Catalan Victim–Offender Mediation Programme' (2016) 4(1) *Restorative Justice* 68
- A Taylor, 'Towards a Comprehensive Theory of Mediation' (1981) 19 *Conciliation Courts Review* 1
- A Taylor, 'Concepts of Neutrality in Family Mediation: Contexts, Ethics, Influence and Transformative Process' (1997) 14 *Mediation Quarterly* 215
- A Taylor, 'With Great Power There Must Also Come Great Responsibility: Reining in Unbridled Expert Determinations' (2017) 28 *ADRJ* 196

Mediation in Australia

M Taylor et al, 'The Resource Center for Separating and Divorcing Families: Interdisciplinary Perspectives on a Collaborative and Child-Focused Approach to Alternative Dispute Resolution' (2015) 53(1) *Family Court Review* 7

M Tehan, 'A Hope Disillusioned, an Opportunity Lost — Reflections on Common Law Native Title and Ten Years of the Native Title Act' (2003) 27 *Melbourne University Law Review* 523

R Thaler, *Misbehaving: The Making of Behavioural Economics* (W W Norton & Company, 2016)

R Thaler and C Sunstein, *Nudge: Improving Decisions About Health, Wealth, and Happiness* (Penguin Books, 2009)

B Thanki et al, *The Law of Privilege* (Oxford University Press, 3rd ed, 2018)

R Thirgood, 'Mediator Intervention to Ensure Fair and Just Outcomes' (1999) 10 *ADRJ* 142

M Thornton, 'Equivocations of Conciliation: The Resolution of Discrimination Complaints in Australia' (1989) 52(6) *The Modern Law Review* 733

M Thornton, 'Mediation Policy and the State' (1993) 4 *ADRJ* 230

G Tillet, *The Myths of Mediation* (The Centre for Conflict Resolution, Macquarie University, 1991)

G Tillet and B French, *Resolving Conflict: A Practical Approach* (Oxford University Press, 4th ed, 2010)

J A Torregrossa, 'Appellate Mediation in the Third Circuit-Program Operations: Nuts, Bolts, and Practice Tips' (2002) 47 *Villanova Law Review* 1059

L Traum, 'Involved, Empowered and Inspired: How Mediating Halakhic Prenuptial Agreements Honors Jewish and American Law and Builds Happy Families' (2015) 17 *Cardozo Journal of Conflict Resolution* 179

P Tucker, 'Judges as Mediators: A Chapter III Prohibition' (2000) 11 *ADRJ* 84

W Twining, 'Alternative to What? Theories of Litigation, Procedure and Dispute Settlement in Anglo-American Jurisprudence' (1993) 56 *Modern Law Review* 380

T R Tyler and E A Lind, 'Procedural Justice' in Joseph Sanders and V Lee Hamilton, *Handbook of Justice Research in Law* (Kluwer Academic/Plenum Publishers, 2001)

D Tynan, 'Case Management Reforms in the Federal Court of Australia' (2017) 21(3) *Inhouse Counsel* 71

J Tyrrel, 'Facilitation: Corporate Decision-Making and Dispute Resolution' (1998) 9 *ADRJ* 22

U

M Umbreit, 'Humanistic Mediation: A Transformative Journey of Peacemaking' (1996–97) *Mediation Quarterly* 201

Peter Urwin et al, *Evaluating the Use of Judicial Mediation in Employment Tribunals* (Ministry of Justice, 2010)

V

B van Gramberg, 'ADR and Workplace Justice: Just Settlement?' (2003) 14 *ADRJ* 233

V Vann, 'Confidentiality in Court-Sponsored Mediation: Disclose at Your Own Risk?' (1999) 10 *ADRJ* 195

Bibliography

P Venables, *Report on its Development, Implementation and Transition to Community Management 2012: Working Towards a Mediation Model, Responsive to the Needs of Extended Families in Discrete, Remote Aboriginal Communities in Queensland* (Dispute Resolution Branch, 2012)

Victoria Law Foundation and Attorney-General's Law Reform Advisory Council, *Standards for Court-Connected Mediation in Victoria* (1994)

Victorian Parliament Law Reform Committee, *Alternative Dispute Resolution Discussion Paper* (2007)

V I Vlasov et al, 'Comparative Analysis of Mediation Procedures and the Judicial Settlement of Conflicts' (2017) 20(3) *European Research Studies Journal* 379

M Voyce, 'Farm Debt Mediation: "Freedom" or "Control" by the State' (1999) 10 *ADRJ* 53

W

J Wade, 'Mediation — The Terminological Debate' (1994) 5 *ADRJ* 204

J Wade, 'Strategic Interventions Used by Mediators, Facilitators and Conciliators' (1994) 9 *ADRJ* 29

J H Wade, 'The Last Gap in Negotiations — Why is it Important? How Can it be Crossed?' (1995) 6(2) *ADRJ* 92

J H Wade, 'Family Mediation — A Premature Monopoly in Australia?' (1997) 11 *Australian Journal of Family Law* 286

J Wade, 'Liability of Mediators for Pressure, Drafting and Advice' (2003) 6(7) *ADR Bulletin* 131

J H Wade, *Representing Clients Effectively in Negotiation, Conciliation and Mediation* (Bond University, School of Law, Dispute Resolution Centre, 2004).

J H Wade, 'Crossing the Last Gap' in Andrea Kupfer Schneider and Christopher Honeyman (eds), *The Negotiator's Fieldbook* (American Bar Association, 2006) 467

A A Wahab and B Van Gramberg, 'Court-Annexed and Judge-Led Mediation in Civil Cases: The Malaysian Experience' (2010) 21 *ADRJ* 251

L Walgrave (ed), *Repositioning Restorative Justice* (Routledge, 2012)

G Walker, 'Training Mediators — Teaching About Ethical Concerns and Obligations' (1988) 19 *Mediation Quarterly* 33

B Walker and A Bell, 'Justice According to Compulsory Mediation' (2000) *Bar News* 7

J A Wall and D E Rude, 'Judicial Mediation: Techniques, Strategies and Situational Effects' (1985) 41(2) *Journal of Social Issues* 47

J A Wall Jr and L F Schiller, 'Judicial Involvement in Pre-Trial Settlement: A Judge is not a Bump on a Log' (1982) 6 *American Journal of Trial Advocacy* 27

S Walmsley et al, *Professional Liability in Australia* (Thomson Reuters, 3rd ed, 2015)

M Walton, 'A Critical Evaluation of ADR in the Queensland Planning and Environment Court' (2014) 25 *ADRJ* 20

M Warren, 'Should Judges Be Mediators?' (2010) 21 *ADRJ* 77



Mediation in Australia

S Weaven, L Frazer and J Giddings, 'New Perspectives on the Causes of Franchising Conflict in Australia' (2010) 22(2) *Asia Pacific Journal of Marketing and Logistics* 135

L Webley, 'When Is Mediation Mediatory and When Is It Really Adjudicatory?' in S Bano (ed), *Gender and Justice in Family Law Disputes: Women, Mediation, and Religious Arbitration* (Brandeis, 2017) 25

P Webster, 'Finding Fairness in a High Volume Statutory ADR Environment: Observations from an Australian Workcover Conciliation Service' (2016) 3(2) *Journal of Mediation and Applied Conflict Analysis* 137

C Wedding, 'Protection of Trade Secrets in Mediation' (2016) 27 *ADRJ* 198

D Weiss, 'A Pathway to Enforcement Mechanisms of International Settlement Agreements' (2015) 70(3) *Dispute Resolution Journal* 25

S Wellik, 'Ethical Standards for Mediation: Embracing Philosophical Method' (1999) 10 *ADRJ* 257

N A Welsh, 'The Thinning Vision of Self-Determination in Court-Connected Mediation: The Inevitable Price of Institutionalization?' (2001) 6 *Harvard Negotiation Law Review* 1

N A Welsh, 'Disputants' Decision Control in Court-Connected Mediation: A Hollow Promise Without Procedural Justice' (2002) *Journal of Dispute Resolution* 179

N A Welsh, 'Remembering the Role of Justice in Resolution: Insights from Procedural and Social Justice Theories' (2004) 54(1) *Journal of Legal Education* 49

N A Welsh, 'Reconciling Self-Determination, Coercion and Settlement in Court-Connected Mediation' in J Folberg, A Milne and P Salem (eds), *Mediating Family and Divorce Disputes: Current Practices and Applications* (Guilford Press, 2004).

N A Welsh, 'Making Deals in Court-Connected Mediation: What's Justice Got to Do With It?' (2001) 79 *Washington University Law Quarterly* 787

D Wietz, 'The Brains Behind Mediation: Reflections on Neuroscience, Conflict Resolution and Decision-Making' (2011) 12(2) *Cardozo Journal of Conflict Resolution* 471

G Williams, 'Rights-Based Reconciliation Needs Action from Canberra' (2003) 28(3) *Alternative Law Journal* 122

B Wilson, 'Dispute "Ripeness" and Timing in Mediation' (2006) 8 *ADR Bulletin* 101.

B Wilson, 'Hope Revisited — A Theory for Mediators' (2007) 9 *ADR Bulletin* 29

M Windeyer, 'Settlement in Court-Connected ADR and the Constitutional Function — Competing Public Interests' (2017) 28 *ADRJ* 135

A E Wise, 'Establishing Teaching as a Profession: The Essential Role of Professional Accreditation' (2005) 56(4) *Journal of Teacher Education* 318

J S Wolfe, 'The Hidden Parameter: Spatial Dynamics and Alternative Dispute Resolution' (1997) 12 *Ohio State Journal on Dispute Resolution* 685

B Wolski, 'Voluntariness and Consensuality: Defining Characteristics of Mediation?' (1997) 15 *Australian Bar Review* 213

B Wolski, 'Mediator Settlement Strategies: Winning Friends and Influencing People' (2001) 12 *ADRJ* 248





Bibliography

- B Wolski et al, *Skills, Ethics and Values for Legal Practice* (Thomson Reuters, 2nd ed, 2009)
- B Wolski, 'QCAT's Hybrid Hearing: The Best of Both Worlds or Compromised Mediation?' (2013) 22 *Journal of Judicial Administration* 154
- B Wolski, 'Enforcing Mediated Settlement Agreements (MSAs): Critical Questions and Directions for Future Research' (2014) 7 *Contemporary Asia Arbitration Journal* 87
- B Wolski, 'On Mediation, Legal Representatives and Advocates' (2015) 38 *UNSW Law Journal* 5.
- B Wolski, 'Mediator Standards of Conduct: A Commentary to the Revised National Mediator Accreditation System Practice Standards' (2016) 5(2) *Journal of Civil Litigation and Practice* 109
- B Wolski, 'Ethical Duties Owed by Lawyer Mediators: Suggestions for Improving the NMAS Practice Standards' (2017) 26(3) *Journal of Judicial Administration* 184
- B Wolski, 'An Ethical Evaluation Process for Mediators: A Preliminary Exploration of Factors Which Impact Ethical Decision-Making' (2017) 35(1) *Law in Context* 64
- G Wood, 'Building Trust in Mediation' (2010) 16(4) *Dispute Resolution Magazine* 32
- S Woods, 'Judicial Immunity: State Immunity?' (2012) *New Zealand Law Journal* 6
- J Woodward, 'Court Connected Dispute Resolution – Whose Interests are Being Served?' (2014) 25 *ADRJ* 159;
- J Woodward, 'Tipping the Scales – To What Extent Does the Presence of Power Imbalances Detract from the Efficacy of Principled Negotiation?' (2015) 26 *ADRJ* 86
- J Woodward, 'Encouraging Dialogue Between Large and Diverse Groups: The Emerging Field of Facilitation' (2016) 27 *ADRJ* 58
- Lord Woolf, *Access to Justice: The Final Report of the Lord Chancellor on the Civil Justice System in England and Wales* (1996)
- The World Bank, *World Development Report 2015: Mind, Society and Behaviour* (2015)
- P Wulf, 'Court-Ordered Mediation in the Planning and Environment Court: Does it Assist Self-Represented Litigants?' (2007) 18 *ADRJ* 149
- Y
- E K Yamamoto, 'ADR: Where Have the Critics Gone' (1995) 36 *Santa Clara Law Review* 1055
- J Yeo, 'The Facilitative–Evaluative Divide: Have We Lost Sight of What's Important?' in J Lee and M Lim (eds), *Contemporary Issues in Mediation: Volume I* (World Scientific, 2016) 35
- L Young et al, *Family Law in Australia* (LexisNexis Butterworths, 8th ed, 2012)
- P M Young, 'Rejoice! Rejoice! Rejoice, Give Thanks, and Sing: ABA, ACR, and AAA Adopt Revised Model Standards of Conduct for Mediators' (2006) 5(2) *Appalachian Journal of Law* 195
- P M Young, 'The Crisis in Insurance Coverage for Mediators Part 1: Even Lawyer-Mediators are Going Bare' (2016) 15 *Appalachian Journal of Law* 1
- P N Young, 'Current Issues' (1996) 70 *Australian Law Journal* 870
- S Young, 'Cross Cultural Negotiation in Australia: Power, Perspectives and Comparative Lessons' (1998) 9 *ADRJ* 41
- L Yuan, 'Impact of Cultural Differences on Dispute Resolution' (1996) 7 *ADRJ* 197





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Z

R Zamir, 'The Disempowering Relationship Between Mediator Neutrality and Judicial Impartiality: Toward a New Mediation Ethic' (2010) 11 *Pepperdine Dispute Resolution Law Journal* 467

I W Zartman and J Z Rubin, *Power and Negotiation* (University of Michigan Press, 2002)

J Zeleznikow, 'Methods for Incorporating Fairness into the Development of an Online Family Dispute Resolution Environment' (2011) 22 *ADRJ* 16

Y Zhao, 'Mediation in Contemporary China: Thinking about Reform' (2015) 10 *Journal of Comparative Law* 65

A Zilinskas, 'The Training of Mediators: Is it Necessary?' (1995) 6 *ADRJ* 55

N Zimmerman and T R Tyler, 'Between Access to Counsel and Access to Justice: A Psychological Perspective' (2010) 37 *Fordham Urban Law Journal* 473

