

PLEASE NOTE: To access Conference papers, please click highlighted speaker's name in the conference programme

## NON-ADVERSARIAL JUSTICE: IMPLICATIONS FOR THE LEGAL SYSTEM AND SOCIETY CONFERENCE

4-7 May 2010

*Hilton on the Park, East Melbourne, Victoria, Australia*

### Conference Program\* - Tuesday 4 May 2010

2:00–5:00pm	Registration Desk Open
3:00-5.30pm	Melbourne Magistrates' Court 'Open House' Event (optional)
5.30-7.00pm	Welcome Reception Hosted by Chief Magistrate Ian Gray, Magistrates' Court of Victoria

### Wednesday 5 May 2010

Location: Ballroom 3 – Plenary sessions

7.30–9.00am	Registration
9.10-10.30	<p>WELCOME: <i>Professor Arie Freiberg AM</i>, Dean Faculty of Law, Monash University</p> <p>OPENING: <i>The Hon Rob Hulls MP</i>, Attorney General, Victoria</p> <p>PLENARY: <i>Professor John Braithwaite</i>, Regulatory Institutions Network, RSPAS, ANU College of Asia and the Pacific, Australian National University</p> <p><b>Non-Adversarial Justice, the Prevention of War and the Prevention of Global Financial Crises</b></p>
10.30-11.00	Morning Tea
	SESSIONS:
11.00-12.30	<p style="text-align: right;"><b>Session 2</b></p> <p>INTRODUCTION: <i>Chief Justice Marilyn Warren AC</i>, Supreme Court of Victoria</p> <p><b>Therapeutic jurisprudence: from theory to practice and back again</b></p> <p>Speaker: <a href="#">Professor David Wexler</a>, University of Puerto Rico</p> <p>Convenor: <i>Professor Greg Reinhardt</i>, Executive Director, Australasian Institute of Judicial Administration</p>
12.30-1.30	Lunch

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1.30-3.00	<p><b>Session 3A</b> <b>NON-ADVERSARIAL JUSTICE AND SEX OFFENCES</b></p> <p><b>Location: Ballroom 3</b></p> <p><b>Effective justice for victims of sexual assault: establishing alternative pathways</b> <b>Speakers:</b> <a href="#">Dr Bronwyn Naylor</a>, Law Faculty, Monash University <a href="#">Anthony Hopkins</a>, Lecturer, Faculty of Law, University of Canberra and <a href="#">Russell Boyd</a></p> <p><b>Drawing the line between Acceptable and Unacceptable Cross-examination of Child Sexual Assault Complainants: concerns about the application of s 41 Evidence Act 1995 (NSW &amp; Cth)</b> <b>Chair:</b> <a href="#">Dr Andrew Cannon AM</a>, Adelaide Magistrates Court</p>	<p><b>Session 3B</b> <b>PROBLEM-SOLVING COURTS</b></p> <p><b>Location: Ballroom 1</b></p> <p><b>Speakers:</b> <a href="#">Chief Magistrate Ian Gray</a>, Magistrates' Court of Victoria <b>Non-Adversarial Justice in a Modern Multi-Jurisdictional Court</b> <a href="#">Professor James Nolan</a>, Williams College, Massachusetts <b>The International Problem-Solving Court Movement: A Comparative Perspective</b> <b>Chair:</b> <a href="#">Mr Steven Heath</a>, Chief Magistrate, Western Australia</p>	<p><b>Session 3C</b> <b>APPROPRIATE DISPUTE RESOLUTION, NON-ADVERSARIAL JUSTICE AND MEDIATION</b></p> <p><b>Location: Ballroom 2</b></p> <p><b>Speakers:</b> <a href="#">Neil Twist</a>, Director, Appropriate Dispute Resolution Directorate, Victoria <b>Overview of Appropriate Dispute Resolution (ADR) reforms in Victoria</b> <a href="#">Professor Andrew Pirie</a>, University of Victoria, Canada <b>Magical Thinking. What If Mediators Remade The Courts?</b> <a href="#">Associate Professor Mary Anne Noone</a>, <a href="#">PPT</a>, School of Law, La Trobe University <b>Non Adversarial Justice and Public Interest Law</b> <b>Chair:</b> <a href="#">Professor Thomas Barton</a>, California Western School of Law</p>	<p><b>Session 3D</b> <b>THERAPEUTIC JURISPRUDENCE AND HEALTH</b></p> <p><b>Location: Hotham/Hopetoun</b></p> <p><b>Speakers:</b> <a href="#">Genevieve Grant</a>, Teaching Fellow and PhD Candidate, Melbourne Law School, University of Melbourne <b>Empirical evidence of the health impact of personal injury compensation processes: A critical analysis</b> <a href="#">Stephen Monterosso</a>, <a href="#">PPT</a>, School of Business Law and Taxation, Curtin University of Technology <b>Legislating to Prevent Further Harm to the Harmed</b> <b>Chair:</b> <a href="#">Her Hon Snr Judge Mary Ann Yeats</a>, District Court of Western Australia</p>	<p><b>Session 3E</b> <b>NON-ADVERSARIAL JUSTICE AND CHILDREN</b></p> <p><b>Location: Delacombe</b></p> <p><b>Speakers:</b> <a href="#">Paul Mason</a>, Commissioner for Children, Tasmania <b>Willing But Unable – Less Adversarial Trial (LAT) Lessons from Formal Disability Care Proceedings</b> <a href="#">Professor Shelley Kierstead</a>, Osgoode Hall Law School of York University, Toronto, Canada <b>Assisting Alienated Children of Separated Parents: Is 'Therapeutic Intervention' Potentially Anti-Therapeutic</b> <a href="#">Pernilla Leviner</a>, Doctoral Candidate In Social Law Stockholm University <b>Proactive and Therapeutic Ambitions in Swedish Child Protection</b> <b>Chair:</b> <a href="#">Magistrate David K Fanning</a>, Victorian Neighbourhood Justice Centre</p>	<p><b>Session 3F</b> <b>RESTORATIVE JUSTICE</b></p> <p><b>Location: Stradbroke</b></p> <p><b>Speaker:</b> <a href="#">Helen Bowen</a>, <a href="#">PPT</a>, Lawyer, New Zealand <b>Youth Justice in New Zealand</b> <b>Chair:</b> <a href="#">Magistrate Greg Connellan</a>, Magistrates' Court of Victoria</p>
3.00-3.30	Afternoon Tea					

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3.30-5.00	<p><b>Session 4A DRUG COURTS</b></p> <p><b>Location: Ballroom 3</b></p> <p><b>Speakers:</b> Magistrate Hilary <a href="#">Hannam</a>, Youth Drug and Alcohol Court, Children's Court of New South Wales  <b>The New South Wales Youth Drug and Alcohol Court</b>  <i>Shelley <a href="#">Turner</a>, <a href="#">PPT</a>, Area Manager, Joint Assessment and Review Team (JART), New South Wales Juvenile Justice, DHS</i>  <b>The New South Wales Youth Drug and Alcohol Court Program: Inter-agency Partnerships in Action</b>  <i>Magistrate Margaret Harding</i>, Victorian Drug Court  <b>The Victorian Drug Court</b>  <b>Chair:</b> Professor Susan <a href="#">Daicoff</a>, Florida Coastal School of Law, USA</p>	<p><b>Session 4B NON-ADVERSARIAL JUSTICE</b></p> <p><b>Location: Ballroom 1</b></p> <p><b>Speakers:</b> Professor Bob Schopp, Robert J Kutak Professor of Law, Professor of Psychology and Professor of Philosophy, University of Nebraska  <b>Pursuing Non- Adversarial Justice within an Adversarial Structure</b>  <i>Professor Arie <a href="#">Freiberg</a> AM</i>, Dean, Faculty of Law, Monash University  <b>Post-Adversarial and Post-Inquisitorial Justice: Transcending Traditional Paradigms</b>  <b>Chair:</b> His Hon Judge Ian Dearden, District Court of Queensland</p>	<p><b>Session 4C APPROPRIATE DISPUTE RESOLUTION</b></p> <p><b>Location: Ballroom 2</b></p> <p><b>Speakers:</b> Professor Tania <a href="#">Sourdin</a>, NADRAC member  <b>The Resolve to Resolve Report</b>  <i>Her Honour Judge Fleur Kingham</i>, District Court and Deputy President of Queensland Civil and Administrative Tribunal (QCAT)  <b>The Queensland Civil and Administrative Tribunal</b>  <i>Magistrate Francis Zemljak</i>, Children's Court of Victoria, <i>Ros Porter</i>, Managing Lawyer, Youth Legal Service, Victoria Legal Aid and <i>Mary Kyrios</i>, Principal Policy Analyst, Children Protection Policy &amp; Practice Unit, DHS  <b>Appropriate Dispute Resolution in the Children's Court jurisdiction</b>  Facilitator: <i>Walter <a href="#">Ibbs</a>, <a href="#">PPT</a></i>, Roundtable Dispute Management, Victoria Legal Aid and <i>Mr Brian <a href="#">Leaver</a>, <a href="#">PPT</a></i> Acting Managing Lawyer, Family Law Melbourne, Victoria Legal Aid  <b>Chair:</b> <i>Dr Don Fleming</i>, ANZSOG Institute for Governance, Australian Capital Territory</p>	<p><b>Session 4D NON-ADVERSARIAL JUSTICE</b></p> <p><b>Location: Delacombe</b></p> <p><b>Speakers:</b> Her Honour Judge Jennifer Coate, State Coroner, Victoria  <b>Non-Adversarial Justice and Coroner's Courts</b>  <i>Ian Freckelton SC</i>, Barrister, Melbourne  <b>Challenges in Opportunities for Non-adversarial Contribution by Coroners' Courts</b>  <i>Melodee Smith</i>, Attorney and PhD candidate, Nova Southeastern University, Miami  <b>Appealing Justice: Faces of Stakeholders and Phases of Conflict in a Capital Case Study</b>  <b>Chair:</b> <i>Mr Steven Wilson</i>, RAMSI Law and Justice Program, Solomon Islands</p>	<p><b>Session 4E NEIGHBOURHOOD JUSTICE</b></p> <p><b>Location: Hotham/Hopetoun</b></p> <p><b>Speakers:</b> His Honour Judge David Fletcher CBE, Community Justice Centre, North Liverpool, England  <b>Liverpool Community Justice Centre</b>  <i>Alex De Savornin <a href="#">Lohman</a>, <a href="#">PPT</a></i>, Legal Attorney, Utrecht, Netherlands  <b>Justice in a Sustainable Society: Sustainability as an Agent for Mainstreaming Non-Adversarial Justice and Therapeutic Jurisprudence</b>  <b>Chair:</b> <i>Judge Eugene M Hyman</i>, Superior Court of California</p>	<p><b>Session 4F ALTERNATIVE DISPUTE RESOLUTION</b></p> <p><b>Location: Stradbroke</b></p> <p><b>Speakers:</b> Kim <a href="#">Weinert</a>, <a href="#">PPT</a>, In-house lawyer, WorkCover, Queensland  <b>How Alternative Dispute Resolution has by-passed Incorporated Associations in Queensland</b>  <i>Dr Kinga Flaga-Gieruszyńska</i>, Department of Civil Proceedings, University of Szczecin  <b>Polish model of mediation in civil proceedings - selected issues</b>  <i>Deputy Chief Magistrate Peter <a href="#">Lauritsen</a>, <a href="#">PPT</a></i>, Magistrates' Court of Victoria and <i>Nerida <a href="#">Wallace</a>, <a href="#">PPT</a></i>, Transformation Management Services  <b>Forcing them to the table – Compulsory court-annexed mediation in the civil jurisdiction of the Magistrates' Court of Victoria</b>  <b>Chair:</b> Ms Jelena Popovic, Magistrates' Court of Victoria</p>
7.00-10.30	<p><b>CONFERENCE DINNER – Coral Atoll at Melbourne Aquarium, Cnr King and Flinders Streets, Melbourne</b></p> <p><b>Dinner Speaker:</b> <i>The Hon Justice Chris <a href="#">Maxwell</a></i>, President, Court of Appeal, Victoria</p> <p><b>Dress Code:</b> Business Attire</p>					

## Thursday 6 May 2010

8:00 –9.00am	<b>Registration</b>				
9.00am -10.30	<b>Session 5</b> <b>Location: Ballroom 3</b> <i>Professor Carrie Menkel-Meadow</i> , Georgetown University Law Center, Washington DC <b>How Non-adversarial Can Justice Be? Must There be Winners and Losers in Justice?</b> <i>Professor Susan Daicoff</i> , Florida Coastal School of Law <b>The Future of the Legal Profession: The Comprehensive Law Movement</b> <b>Chair:</b> <i>Dr Michael King</i> , Senior Lecturer, Faculty of Law, Monash University				
10.30-11.00	Morning Tea				
<b>SESSIONS:</b>					
11.00 - 12.30	<b>Session 6A</b> <b>PROBLEM-SOLVING COURTS</b>  <b>Location: Ballroom 3</b>  <b>Speakers:</b> <i>The Hon Peggy Hora</i> , Former Judge, California Superior Court <b>Problem-solving courts</b> <i>His Honour Senior Judge Roger Dive</i> , Drug Court of New South Wales <b>Judging in the Land of the Chaotic</b> <i>Dr Astrid Birqden</i> Fellow, Deakin University <b>Individualized justice in problem solving courts: Is there a balance between community and defendant rights?</b> <b>Chair:</b> <i>Judge David Fletcher</i> , North Liverpool Community Justice Centre	<b>Session 6B</b> <b>APPROPRIATE DISPUTE RESOLUTION IN ASIA</b>  <b>Location: Ballroom 1</b>  <b>Speakers:</b> <i>Sanjib Goswami</i> , Advocate, Supreme Court of India <b>Legal Pluralism and the Administration of Justice In North East India</b> <i>Dr Nor 'Adha Hamid, PPT</i> , Selangor International Islamic University College <b>The Appropriate Dispute Resolution (ADR): Malaysian Development and Its State-of-Innovative-Art</b> <b>Chair:</b> <i>Judge John Walker</i> , District Court of New Zealand	<b>Session 6C</b> <b>APPROPRIATE DISPUTE RESOLUTION AND MEDIATION</b>  <b>Location: Ballroom 2</b>  <b>Speakers:</b> <i>Kathy Douglas</i> , Senior Lecturer, Graduate School of Business and Law, RMIT University and <i>Dr Becky Bataqol</i> , Lecturer Faculty of Law, Monash University <b>ADR and Non-Adversarial Justice as sites for understanding emotion in dispute resolution: Reporting on research into teaching practices in selected Australian law schools</b> <i>Dr Olivia Rundle</i> , Lecturer in Law, University of Tasmania <b>Court-connected mediation programmes: implications for courts and the legal profession</b> <b>Chair:</b> <i>Professor Greg Reinhardt</i> , Australasian Institute of Judicial Administration	<b>Session 6D</b> <b>RESTORATIVE JUSTICE IN VICTORIA PANEL</b>  <b>Location: Hotham/Hopetoun</b>  <b>Panelists:</b> <i>Jonathan Chambers</i> , Anglican Criminal Justice Ministry, <i>Bronwyn Egan</i> , Catholic Education Office, <i>Alikki Vernon</i> , La Trobe University, <i>Marg Armstrong</i> , Education and Restorative Justice Consultant and <i>David Moore</i> , Communications Consultant <b>Restorative Justice Practice in Victoria: Potential and Issues</b> <b>Chair:</b> <i>Peter Condliffe</i> , Barrister and Restorative Justice Practitioner President, Victorian Association of Restorative Justice,	<b>Session 6E</b> <b>RESPONDING TO CLAIMS</b>  <b>Location: Delacombe</b>  <b>Speakers:</b> <i>Dr Lodewijk Smeehuijzen</i> , Researcher, Faculty of Law, VU University, Amsterdam <b>Reforming personal injury claims settlement: making the insurer respect the non-pecuniary needs of claimants</b> <i>Robyn Carroll</i> , University of Western Australia <b>It's not just about the money! – Towards greater recognition of party needs in the law of private remedies</b> <i>Professor Reg Graycar</i> , University of Sydney and <i>Dr Jane Wangmann</i> , University of Technology, Sydney <b>A feminist adjudication process: is there such a thing? Lessons from a Canadian redress program</b> <b>Chair:</b> <i>Chief Magistrate Ian Gray</i> , Magistrates' Court of Victoria
12.30-1.30	Lunch				

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<p>1.30-3.00</p>	<p><b>Session 7A</b> <b>NEIGHBOURHOOD JUSTICE</b></p> <p><b>Location: Ballroom 3</b></p> <p><b>Speakers:</b> <i>Julius Lang</i>, Director Technical Assistance, Center for Court Innovation, New York <b>A Victorian engine for court innovation</b> <i>Magistrate David K <a href="#">Fanning</a></i>, Victorian Neighbourhood Justice Centre <b>Achievements and reflections from the magistrate at Australia's first Neighbourhood Justice Centre</b> <i>Fran Whitty</i>, Victorian Neighbourhood Justice Centre, <i>Dr Stuart Ross</i>, Melbourne University, <i>James Fraser</i> and <i>Krystal Cutajar</i>, Neighbourhood Justice Centre Koori Justice Workers (Melbourne) <b>What is the role of the "community" in a community justice centre, and does it work</b> <b>Chair:</b> <i>Magistrate Sue Wakeling</i>, Magistrates' Court of Victoria</p>	<p><b>Session 7B</b> <b>VIOLENT INTIMATE RELATIONSHIPS, DISABILITY AND ADVERSARIALISM</b></p> <p><b>Location: Ballroom 1</b></p> <p><b>Speakers:</b> <i>Professor Leonore Simon</i>, Department of Criminal Justice and Criminology, East Tennessee State University <b>Non-Adversarial Justice and Therapeutic Jurisprudence: The Failure of Adversarial Procedures such as Arresting Batterers and the Issuing Civil Protection Orders and Other Domestic Violence Reforms in the United States in Changing Violent Intimate Relationships</b> <i>Marg <a href="#">Camilleri</a></i>, Doctoral Student, University of Ballarat <b>The nexus between generalized assumptions about disability, the adversarial system and disabled justice</b> <b>Chair:</b> <i>Ms Margaret Lothian</i>, Victorian Civil &amp; Administrative Tribunal</p>	<p><b>Session 7C</b> <b>JUDGING PANEL</b></p> <p><b>Location: Hotham/Hopetoun</b></p> <p><b>Panelists:</b> <i>Magistrates Pauline Spencer</i> and <i>Greg Connellan</i>, Dandenong Magistrates' Court <b>Mainstreaming Solution-Focused Judging</b> This session involves a facilitated discussion where the facilitators and members of the audience explore the opportunities, challenges and resources needed to mainstream solution-focused judging <b>Chair:</b> <i>Mrs Nicky McWilliam</i>, University of Technology, Sydney</p>	<p><b>Session 7D</b> <b>JUDGES AND JUDGING</b></p> <p><b>Location: Ballroom 2</b></p> <p><b>Speakers:</b> <i>Professor Sharyn <a href="#">Roach Anleu</a></i>, Department of Sociology and <i>Professor Kathy <a href="#">Mack</a></i>, Law School, Flinders University <b>Judicial Skills and Therapeutic Jurisprudence</b> <i>Assistant Professor Sarah Murray</i>, Law School, University of Western Australia <b>Managerial Judging and the Commonwealth Constitution – Reflections on the Family Court Experience</b> <b>Chair:</b> <i>Professor Tania Sourdin</i>, University of Queensland</p>	<p><b>Session 7E</b> <b>MENTAL HEALTH</b></p> <p><b>Location: Delacombe</b></p> <p><b>Speakers:</b> <i>Alliki <a href="#">Vernon</a></i>, Lecturer, La Trobe University <b>Dealing with conflict in mental health tribunals: the use of restorative practices</b> <i>Dr Penny <a href="#">Weller</a></i>, Postdoctoral Research Fellow, Faculty of Law, Monash University <b>Non-adversarial justice and mental health review tribunals: a reflexive turn</b> <i>Dr Effie <a href="#">Zafirakis</a></i>, <i>PPT</i>, Lecturer, RMIT University, Melbourne <b>Curbing the "Revolving Door" Phenomenon with Mentally Impaired Offenders: Applying a Therapeutic Jurisprudence Lens</b> <b>Chair:</b> <i>Ms Anita Smith</i>, Guardianship &amp; Administration Board, Tasmania</p>
<p>3.00-3.30</p>	<p>Afternoon Tea</p>				

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<p>3.30-5.00</p>	<p><b>Session 8A</b>  <b>THE GREAT DEBATE          THE ROLE OF THE 21ST          CENTURY JUDGE - SHOULD          JUDGES CONDUCT          SETTLEMENT CONFERENCES?</b></p> <p><b>Location: Ballroom 3</b></p> <p>Moderator/Mediator: <i>Professor Andrew Pirie</i>, Faculty of Law, University of Victoria, Canada</p> <p><b>Speakers:</b> <i>The Hon Judge Hugh F Landerkin</i> QC, the Provincial Court of Alberta and <i>Adjunct Professor</i>, Royal Roads University, Canada and <i>Professor Tania Sourdin</i>, University of Queensland</p> <p><b>Chair:</b> <i>Magistrate Hilary Hannam</i>, Children's Court of New South Wales</p>	<p><b>Session 8B</b>  <b>THERAPEUTIC          JURISPRUDENCE</b></p> <p><b>Location: Ballroom 1</b></p> <p><b>Speakers:</b> <i>Nigel Stobbs</i>, Lecturer, Queensland University of Technology  <b>Is therapy a valid role of a mainstream civil judge?</b>  <i>Dr Lisa Toohey</i>, Visiting Fellow, University of New South Wales Lecturer, University of Queensland and <i>Mr Daniel Toohey</i>, Office of the Commissioner for Body Corporate and Community Management, Queensland</p> <p><b>Therapeutic Approaches to Community Title Disputes in Queensland</b>  <i>Luis Osuna</i>, PPT, PhD Candidate, Deakin University  <b>The ill side of taxation enforcement: Integrating a Therapeutic Jurisprudence approach in taxation</b>  <b>Chair:</b> <i>Professor David Wexler</i>, University of Arizona</p>	<p><b>Session 8C</b>  <b>ALCOHOL AND DRUG COURTS</b></p> <p><b>Location: Ballroom 2</b></p> <p><b>Speakers:</b> <i>Bernadette McKenna</i>, Northern Territory Alcohol Court  <b>Therapeutic Jurisprudence and the Northern Territory Alcohol Court - an Analytical Framework of a New Justice System Response to Indigenous Offender Behaviour</b>  <i>Dr Stephanie Taplin</i>, Research Fellow, National Drug &amp; Alcohol Research Centre University of New South Wales</p> <p><b>Family Treatment Drug Courts: an option for the child protection system in Australia</b>  <i>Sue King</i>, Manager Specialist Sentencing Courts, Magistrates' Court of South Australia and <i>Lesley Work</i>, Coordinator Courts Drug Intervention Programs, South Australia</p> <p><b>Understanding substance using offenders and the implications for treatment and management in a court setting</b>  <b>Chair:</b> <i>Magistrate Anne Goldsbrough</i>, Magistrates' Court of Victoria</p>	<p><b>Session 8D</b>  <b>INDIGENOUS COURTS</b></p> <p><b>Location: Hotham/Hopetoun</b></p> <p><b>Speakers:</b> <i>Dr Titus Kehinde Adekunle</i>, PPT Research Fellow, University of Ibadan, Nigeria  <b>Nigerian Indigenous Courts and their Dispute Resolving Mechanisms in Global Perspective</b>  <i>James Teh</i>, Coordinator of Yuendumu Mediation and Justice Group (2006-2009), Darwin  <b>Mediation and Community Courts in Yuendumu</b>  <i>Grant Thomas</i>, Conference Coordinator and <i>Terrence Wilson</i>, Aboriginal Justice Coordinator, Courts Administration Authority of South Australia</p> <p><b>A Collaborative Approach to Justice: Indigenous Court meets Restorative Justice in Port Lincoln South Australia</b>  <b>Chair:</b> <i>Judge Peggy Hora</i>, USA</p>	<p><b>Session 8E</b>  <b>NEIGHBOURHOOD JUSTICE          PANEL</b></p> <p><b>Location: Delacombe</b></p> <p><b>Panelists:</b> <i>NJC</i>  <i>Dr Cameron Wallace</i>, Manager Client Services, Neighbourhood Justice Centre and <i>Kaz Gurney</i>, Community Lawyer</p> <p><b>It's difficult to be invisible at the Neighbourhood Justice Centre</b>  <i>Anita DeBlasio</i>, Mediation Coordinator, Neighbourhood Justice Centre and <i>Mark Cerne</i>, Mediator, Neighbourhood Justice Centre</p> <p><b>Can mediation practices be utilised to achieve collective benefits for the community?</b>  <i>Jay Jordens</i>, Neighbourhood Justice Officer, Neighbourhood Justice Centre</p> <p><b>Practical problem solving: putting theory into practice</b>  <i>Magistrate David K Fanning</i>, Victorian Neighbourhood Justice Centre</p> <p><b>Chair:</b> <i>Magistrate Margaret Harding</i>, Drug Court of Victoria</p>
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## Friday 7 May 2010

8:00 –9.00am	Registration				
	SESSIONS:				
9.00am -10.30	<p><b>Session 9A</b> <b>RESTORATIVE JUSTICE</b></p> <p><b>Location: Hotham/Hopetoun</b></p> <p><b>Speakers:</b> Magistrate Hilary <a href="#">Hannam</a>, Children's Court of New South Wales <b>Aboriginal Circle Care Courts</b> Dr Allan <a href="#">Borowski</a>, Professor of Social Work and Social Policy, La Trobe University <b>An Evaluation of the Children's Koori Court of Victoria</b> <b>Chair:</b> Chief Justice Michael Hill, Magistrates' Court of Tasmania</p>	<p><b>Session 9B</b> <b>NON-ADVERSARIAL JUSTICE AND EDUCATION</b></p> <p><b>Location: Ballroom 3</b></p> <p><b>Speakers:</b> Associate Professor Molly <a href="#">O'Brien</a>, <a href="#">PPT</a>, Australian National University College of Law <b>Facing Down the Gladiators: Addressing the Law School's Hidden Adversarial Curriculum</b> Professor Marjorie <a href="#">Silver</a>, Touro Law Center, New York <b>Implications for Legal Education: Curriculum Reform</b> Ross <a href="#">Hyams</a>, Senior Lecturer, Faculty of Law, Monash University <b>Clinical legal education and non adversarial Justice</b> <b>Chair:</b> Judge Jan Kelly, District Court of New Zealand</p>	<p><b>Session 9C</b> <b>FAMILY LAW</b></p> <p><b>Location: Ballroom 1</b></p> <p><b>Speakers:</b> Deputy Chief Justice John <a href="#">Faulks</a>, Family Court of Australia <b>A Natural Selection? The potential and possibility for the development of Less Adversarial Trials by reference to the experience of the Family Court of Australia</b> Walter <i>Ibbs Et Al</i>, Roundtable Dispute Management, Victoria <b>Legal Aid Family Law</b> Dr Susan <a href="#">Armstrong</a> <a href="#">PPT</a> School of Law, University of Western Sydney <b>Accommodating culture in family dispute resolution: why and how?</b> <b>Chair:</b> Mr Neil Twist, Department of Justice, Victoria</p>	<p><b>Session 9D</b> <b>THERAPEUTIC JURISPRUDENCE / RESTORATIVE JUSTICE AND PERSONAL INJURY</b></p> <p><b>Location: Ballroom 2</b></p> <p><b>Speakers:</b> Professor Arno <a href="#">Akkermans</a>, Faculty of Law, VU University, Amsterdam <b>Reforming personal injury claims settlement: paying more attention to emotional dimension promotes victim recovery</b> Liesbeth <a href="#">Hulst</a>, Researcher, Faculty of Law, VU University, Amsterdam <b>Restorative justice for relatives of personal injury victims - Empirical support that financial compensation for emotional loss leads to perceived justice and acknowledgement</b> Nieke <a href="#">Elbers</a>, Researcher, Faculty of Law, Psychology and Education, VU University, Amsterdam <b>Empowerment of personal injury victims</b> <b>Chair:</b> Ms Astrid Birgden, Deakin University, Victoria</p>	<p><b>Session 9E</b> <b>PANEL DEVELOPING THERAPEUTIC JUDGING</b></p> <p><b>Location: Delacombe</b></p> <p><b>Speakers:</b> Judge Ian <a href="#">Dearden</a>, District Court of Queensland <b>Therapeutic Jurisprudence in the District Court</b> Judge John <a href="#">Walker</a>, District Court, New Zealand <b>Bringing Community Justice Principles into Courts</b> Magistrate Maxine Baldwin Queensland <b>Using Early Intervention Processes in the Court System</b> <b>Chair:</b> Judge Fleur Kingham, District Court of Queensland</p>
10.30-11.00	Morning Tea				

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<p>11.00 - 12.30</p>	<p><b>Session 10A</b> <b>EVIDENCE, FACTS AND TRUTH</b> <b>Location: Ballroom 3</b> <b>Speakers:</b> <i>The Hon Justice Ray Finkelstein</i>, Federal Court of Australia <b>The Adversarial System and the Search for Truth</b> <i>Margaret LOTHIAN, PPT</i>, Principal Mediator, Victorian Civil and Administrative Tribunal <b>Concurrent evidence in building disputes as a type of problem solving hearing</b> Commentator: <i>The Hon Justice John Fogarty</i>, High Court, New Zealand <b>Chair:</b> <i>Deputy Chief Magistrate Peter Lauritsen</i>, Magistrates' Court of Victoria</p>	<p><b>Session 10B</b> <b>EMOTIONS</b> <b>Location: Ballroom 1</b> <b>Speakers:</b> <i>Professor Janet Chan, Jane Bolitho, Jasmine Bruce</i>, University of New South Wales and <i>Jenny Barga</i> CHD Partners <b>Regulating emotions to address the impact of serious crime: Restorative justice at the post-sentencing stage</b> <i>Dr Meredith ROSSNER</i> and <i>Professor David TAIT</i>, University of Western Sydney <b>Contested Emotions: rethinking the concept of adversarial justice</b> <i>Professor Robert ROSEN</i>, School of Law, University of Miami <b>Prerequisites for Forgiveness: Jewish Perspectives on Reconciliation</b> <b>Chair:</b> <i>Mr Stephen Lodge</i>, Department of Justice, Victoria</p>	<p><b>Session 10C</b> <b>VICTIMS</b> <b>Location: Ballroom 2</b> <b>Speakers:</b> <i>Michael O'CONNELL</i>, Commissioner for Victims' Rights, South Australia <b>Treatment of victims in the court process</b> <i>Vanya KING, PPT</i>, Consultant, CHD Partners <b>The Victims' Voice: Prospects for Participation in a Non-Adversarial Justice Model</b> <i>Dr. Kiliaan van WEES</i>, Researcher, Faculty of Law, VU University, Amsterdam <b>Apology as an enforceable remedy in private law</b> <b>Chair:</b> <i>Magistrate John Lesser</i>, Magistrates' Court of Victoria</p>	<p><b>Session 10D</b> <b>THE LEGAL PROFESSION</b> <b>Location: Delacombe</b> <b>Speakers:</b> <i>Judy GUTMAN</i>, Senior Lecturer, La Trobe Law, La Trobe University <b>Non-Adversarial Justice: implications for the legal profession</b> <i>Jill Howieson</i>, Associate Dean (Students), University of Western Australia Law School <b>Non-adversarial lawyering: what is it and do clients like it?</b> <i>Associate Professor Adrian EVANS</i> and <i>Dr Michael KING</i>, Senior Lecturer, Faculty of Law, Monash University <b>Reflections on the Ethical Implications of Therapeutic Jurisprudence for Legal Practice</b> <b>Chair:</b> <i>Ms Carmel Morfuni</i>, Suitability Panel, Victoria</p>	<p><b>Session 10E</b> <b>PANEL</b> <b>Location: Hotham/Hopetoun</b> <b>Panelists:</b> <i>Magistrate Jelena Popovic</i>, Magistrates' Court of Victoria <b>A Little Less Intuition, A Little More Knowledge</b> <i>Magistrate Christine Roney</i> <b>The Queensland Special Circumstances Court</b> <i>Jo Beckett, Magistrate Jelena Popovic, Peter Lamb</i> and <i>Joseph Shields</i>, Magistrates' Court of Victoria <b>Court Integrated Services Program (Victoria) PPT</b> <b>Chair:</b> <i>Dr Bronwyn Naylor</i>, Monash University, Victoria</p>
<p>12.30-1.30</p>	<p>Lunch</p>				
<p>1.30-3.00</p>	<p><b>Session 11A</b> <b>EVIDENCE, FACTS AND TRUTH</b> <b>Location: Ballroom 3</b> <b>Speakers:</b> <i>Alison CHRISTOU PPT</i>, TC Beirne School of Law, University of Queensland <b>"Not the Australian Inquisition!" Issues of mandate and practice for non adversarial adjudication"</b> <i>Dr Andrew CANNON AM</i>, Deputy Chief Magistrate, South Australia <b>Finding The Facts: The Judge Should Lead The Search Party</b> <i>Michael LEGG</i>, Faculty of Law, University of New South Wales <b>Pre-action Protocols</b> <b>Chair:</b> <i>Ms Roseanne Nettleton</i>, Legal Practitioner, Victoria</p>	<p><b>Session 11B</b> <b>APOLOGY</b> <b>Location: Ballroom 1</b> <b>Speakers:</b> <i>Professor Robyn CARROLL</i>, University of Western Australia <b>Insights into the Value of Ordered Apologies in Equal Opportunity Cases</b> <i>Natalia BLECHER</i>, Supreme Court of New South Wales <b>Sorry Justice: The Role of Apology in Family Group Conferencing</b> <i>Associate Professor Tony FOLEY</i>, Australian National University College of Law <b>The scope for generating just outcomes in criminal and civil proceedings through apology and forgiveness</b> <b>Chair:</b> <i>Professor Neil Rees</i>, Victorian Law Reform Commission</p>	<p><b>Session 11C</b> <b>NON-ADVERSARIAL JUSTICE: IMPLICATIONS</b> <b>Location: Ballroom 2</b> <b>Speakers:</b> <i>John McShane</i>, McShane &amp; Davis LLP, Texas <b>Practicing as a Lawyer/Healer</b> <i>Professor Marjorie SILVER</i>, Touro Law Center, New York <b>Implications for the Legal Profession: Support Groups for Personal Skills Development</b> <i>Associate Professor Bobette WOLSKI, PPT</i>, Bond University Queensland <b>Reform of the Civil Justice System Two Decades Past - (In)adequate Responses from Law Schools and Professional Associations?</b> <b>Chair:</b> <i>Professor Greg Reinhardt</i>, Australasian Institute of Judicial Administration</p>	<p><b>Session 11D</b> <b>DEVELOPING THERAPEUTIC JUDGING PANEL</b> <b>Location: Delacombe</b> <b>Panelists:</b> <i>The Hon Eugene Hyman</i>, Judge, Superior Court of California <b>Problem-Focused Domestic Violence Courts</b> <i>Chief Magistrate Michael HILL</i>, Tasmania <b>Developing Therapeutic Judging – The Tasmanian Experience</b> <i>Magistrate Steve Wilson</i>, Western Australia <b>Non-Adversarial Justice in the Solomon Islands Court System</b> <i>Dr Michael KING</i>, Senior Lecturer, Monash University <b>Exploiting the Territory, Safeguarding the Borders: The Advantages and Limits of Solution-Focused Judging</b> <b>Chair:</b> <i>Magistrate Christine Roney</i>, Magistrates' Court of Victoria</p>	<p><b>Session 11E</b> <b>MEDIATION</b> <b>Location: Hotham/Hopetoun</b> <b>Speakers:</b> <i>Shawn WHELAN</i>, Senior Consultant, CMA Learning Group Melbourne <b>Teaching negotiation and mediation</b> <i>Rachael Field</i>, Senior Lecturer, Law School, Queensland University of Technology <b>Contextual Ethics in Mediation: Supporting a Paradigm Shift from Mediator Neutrality to Relational Party Self-Determination</b> <i>Nicky McWilliam</i>, New South Wales <b>Can research about school peer mediation programs inform the law: an empirical study</b> <b>Chair:</b> <i>Mr Gary Thompson</i>, Courts Administration Authority, South Australia</p>



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3.00-3.30	Afternoon Tea				
3.30-5.00	<p style="text-align: center;"><b>Session 12A COURT AND CASE MANAGEMENT</b></p> <p><b>Location: Ballroom 3</b>  <b>Speakers:</b> <i>Charlotte <a href="#">Stockwell</a></i>,            Chief Executive Officer,            Magistrates' Court of Victoria  <b>Managing the Non-Adversarial            Court</b>  <i>Dr Fiona <a href="#">Hanlon</a>, <a href="#">PPT</a></i>, Victoria  <b>Criminal conferencing -            Managing or Re-Imagining            Resolution of Criminal            Proceedings?</b>  <b>Chair:</b> <i>Justice Terry Sheahan AO</i>,            Land &amp; Environment Court of New            South Wales</p>	<p style="text-align: center;"><b>Session 12B HOLISTIC LAW</b></p> <p><b>Location: Hotham/Hopetoun</b>  <b>Speakers:</b> <i>Michelle <a href="#">Brenner</a></i>,            Holistic Conflict Resolution            Consultant, University of            Technology, New South Wales and  <i>Taura Carmen Hetaraka</i>, Cultural            Expert  <b>Holistic Law</b>  <b>Traditional Hawaiian Conflict            Resolution - Ho'oponopono</b>  <b>Chair:</b> <i>Mr John McShane</i>,            McShane &amp; Davis, LLP, Texas</p>	<p style="text-align: center;"><b>Session 12C PREVENTIVE LAW</b></p> <p><b>Location: Ballroom 1</b>            Speaker: <i>Professor Thomas            Barton</i>, California Western School            of Law, San Diego  <b>Problem-Solving and Prevention            By General Jurisdiction Judges</b>            Followed by  <b>Workshop on Preventive Law</b>  <b>Chair:</b> <i>Ms Carly Schrever</i>,            Manager, Project, Judicial College            of Victoria</p>	<p style="text-align: center;"><b>Session 12D PANEL (PRACTICAL TIPS)</b></p> <p><b>Location: Ballroom 2</b>  <b>Panelists:</b> <i>John Lesse</i>, <i>Sue            Wakeling</i>, Magistrates' Court of            Victoria and <i>Magistrate Margaret            Harding</i>, Victorian Drug Court  <b>Chair:</b> <i>Professor David Tait</i>,            University of Western Sydney, New            South Wales</p>	<p style="text-align: center;"><b>Session 12E RESTORATIVE JUSTICE AND TRUTH AND RECONCILIATION IN SOUTH AFRICA</b></p> <p><b>Location: Delacombe</b>  <b>Speakers:</b> <i>Associate Professor            Annette van der Merwe</i>,            Department of Procedural Law,            University of Pretoria, South Africa  <b>Restorative Justice emerging in            South Africa: some case studies</b>  <i>Professor Tushar Kanti Saha</i>,            National University of Lesotho,            Africa  <b>Truth and Reconciliation            Commission – A South African            Perspective</b>  <b>Chair:</b> <i>Professor Greg Reinhardt</i>,            Australasian Institute of Judicial            Administration</p>