Good afternoon,

I am a legal practitioner with about 30 years of experience in commercial litigation.

I have been reading the draft proposed admission rules and, in particular, Schedule 1, which contains the areas of practice which are to be considered necessary for admission. It is of concern to me that, as practitioners of the future will be obliged to have a thorough understanding and working knowledge of the principles of alternative dispute resolution, this discipline does not feature more prominently in the syllabus of material to be studied. So concerned am I about this that I have spoken to a number of academics including the Dean of the School of Law at the University of Newcastle and other lecturers at the University of NSW. I believe that the lack of attention to this developing area of the law reinforces in the minds of students that alternative dispute resolution is merely an optional subject which has not reached the mainstream of legal activity in this nation and, though mildly interesting, is not really a core value in the dispute resolution process. As a mediator I find that, despite the prominence of mediation and ADR generally in the legislation of all States of Australia and in the case management guidelines of most courts, practitioners retain a culturally litigious mindset when it comes to mediation because they have received no formal education about the culture and ethos of reaching agreement on a truly consensual basis after a process of interest based dialogue rather than the position based, litigious strategizing with which their legal training makes them more familiar.

I submit that it would be of far greater benefit to the consumers of legal services if ADR could receive a more prominent place in the hierarchy of core subjects to be taught in law schools of this nation.

Yours faithfully,

John Woodward, B. Leg. S., A.R.I.T.A., MCIArb
Accredited Specialist (Advocacy)
1 December 2014