LAW2059

Alternative Dispute Resolution



1

Blake, Susan Heather, Browne, Julie, Sime, Stuart. A practical approach to alternative dispute resolution. Oxford: : Oxford University Press 2011.

2

Roberts, Simon, Palmer, Michael. Dispute processes: ADR and the primary forms of decision making. 2nd ed. Cambridge: : Cambridge University Press 2005.

3

Abel R. Mediation in Pre-Capitalist Societies [in]Windsor Yearbook of Access to Justice. Windsor Yearbook of Access to Justice 1983.

4

Felsteiner R, Abel R, Sarat A. The Emergence and Transformation of Disputes: Naming, Blaming, Claiming... [in] Law and society review: the journal of the Law and Society Association. Law and society review: the journal of the Law and Society Association 1980; **15**:631–54.

5

Sander F. Varieties of Dispute Processing [in] Federal Rules Decisions . Federal Rules Decisions 1976;**70**.

Fuller L. Mediation – Its Forms and Functions [in] Southern California Law Review. Southern California Law Review 1970;44.

7

Fuller L. The Forms and Limits of Adjudication [in] Harvard law review. Harvard law review 1978;**92**.

8

Twining W. Alternative to What? Theories of Litigation, Procedure and Dispute Settlement in Anglo-American Jurisprudence: Some Neglected Classics. The Modern Law Review 1993; **56**:380–92. doi:10.1111/j.1468-2230.1993.tb02679.x

9

Fiss O. Against Settlement [in] The Yale law journal. The Yale law journal 1984;**93** :1073–90.

10

Abel, Richard L. The Contradictions of Informal Justice [in] The Politics of informal justice: Vol.1: The American experience. The Politics of informal justice: Vol1: The American experience 1982;**Studies on law and social control** :267–320.http://readinglists.exeter.ac.uk/ssis/law/LAW2059-3059/LAW2059-3059_1_cv.pdf

11

Auerbach, Jerold S. Justice without law? Oxford: : Oxford University Press 1984.

12

Roberts S. Settlement as Civil Justice. Modern Law Review 2000;**63**:739–47. doi:10.1111/1468-2230.00289

Mnookin R, Kornhauser. L. Bargaining in the Shadow of the Law: The Case of Divorce [in] The Yale law journal. The Yale law journal 1979;**88**:950–97.

14

Lowry MJ. Law School Socialization and the Perversion of Mediation in the United States [in] Windsor Yearbook of Access to Justice. Windsor Yearbook of Access to Justice 1983.

15

Fisher, Roger, Ury, William, Patton, Bruce. Getting to yes: negotiating agreement without giving in. London: : Hutchinson Business 1981.

16

Menkel-Meadow C. Lawyer Negotiations: Theories and Realities-What We Learn From Mediation. The Modern Law Review 1993;**56**:361–79. doi:10.1111/j.1468-2230.1993.tb02678.x

17

Bush, Robert A. Baruch, Folger, Joseph P. The promise of mediation: the transformative approach to conflict. Rev. ed. San Francisco: : Jossey-Bass 2005.

18

Alfini, JT. Trashing, Bashing and Hashing It Out: Is This the End of `Good Mediation? [in] Florida State University law review. Florida State University law review 1991;**19**:47–76.

19

Durcan K. Mediation: The Go-Between [in] Gazette: weekly journal of the Law Society. Gazette: weekly journal of the Law Society 2008;**18**:18–18.

20

Noone, Michael. Mediation. London: : Cavendish 1996.

Genn, Hazel. Mediation in action: resolving court disputes without trial. London: : Calouste Gulbenkian Foundation 1999.

22

Alfini, JT. Trashing, Bashing and Hashing It Out: Is This the End of `Good Mediation? [in] Florida State University law review. Florida State University law review 1991;**19**:47–76.

23

Love LP. Top 10 Reasons why Mediators Should not Evaluate [in] Florida State University law review. Florida State University law review 1996;:937–48.

24

Riskin L. Understanding Mediators' Orientations, Strategies, and Techniques: A Grid For The Perplexed [in] Harvard Negotiation Law Review. Harvard Negotiation Law Review 1996;**1**:7–52.

25

Woolf, Lord. Access to Justice: Interim report London: HMSO, 1995 Department for Constitutional Affairs -.

26

Woolf L. Access to Justice: final report to the Lord Chancellor on the civil justice system in England and Wales. London:HMSO,1996.

27

Genn H. Twisting arms: court referred and court linked mediation under judicial pressure (Ministry of Justice, 2007) .

Jackson LJ. Civil Litigation Costs Review (Preliminary Report) (May 2009) & Final Report (Jan 2010) .

29

Genn, Hazel. Judging civil justice. Cambridge, UK: : Cambridge University Press 2010.

30

Ministry of Justice, 'Solving disputes in the county court'. Consultation paper (March 2011). about:blank

31

European Commission Green Paper on ADR in civil and commercial law (2002).

32

Directive of the European Parliament and of the Council on certain aspects of mediation in civil and commercial matters Directive 2008/52/EC of the European Parliament and of the Council (21 May 2008): .

33

European Communities (Mediation) Regulations 2011 .

34

EU Commission Proposal for a Directive on ADR for consumer disputes (Nov 2011).

35

EU Commission Proposal for a Regulation on ODR (Nov 2011): .

Ingleby R. Court Sponsored Mediation: The Case Against Mandatory Participation. The Modern Law Review 1993;**56**:441–51. doi:10.1111/j.1468-2230.1993.tb02682.x

37

Prince S. Negotiating Mediation [in] The new law journal. The new law journal 2006;**156** :262–73.

38

Tronson B. Mediation orders: do the arguments against them make sense [in] Civil justice quarterly. Civil justice quarterly 2006;**25**:412–8.

39

Shipman S. Court Approaches to ADR in the Civil Justice System [in] Civil justice quarterly. Civil justice quarterly 2006;**25**:181–218.

40

Prince S. Mediating small claims: are we on the right track? [in] Civil justice quarterly. Civil justice quarterly 2007;**26**:328–40.

41

Brunsdon-Tully M. There is an A in ADR but does anyone know what it means any more? [in] Civil justice quarterly. Civil justice quarterly 2009;**28**:218–37.

42

Cortes JP. Does the proposed European procedure enhance the resolution of small claims? [in] Civil justice quarterly. Civil justice quarterly 2008;**27**:834–97.

43

Mediation in the Netherlands: Past - Present - Future, vol. 6.4.

Dyson L. A word on Halsey v Milton Keynes [in] Arbitration: the journal of the Chartered Institute of Arbitrators. Arbitration: the journal of the Chartered Institute of Arbitrators 1971.

45

Lu H-Y. Duty of confidentiality: myth and reality [in] Civil justice quarterly. Civil justice quarterly 2012;**31**:68–88.

46

Clarke Of Stone-Cum-Ebony L. Mediation – An Integral Part Of Our Litigation Culture.

47

'Woolf v Genn: the decline of civil justice' .

48

Clarke, Lord. Can Mediation Work In Personal Injury?

49

JUDGE TRHTL. CIVIL MEDIATION COUNCIL CONFERENCE.

50

Neuberger L. The Gordon Slynn Memorial Lecture 2010: Has mediation had its day?

51

Cowl & Others v Plymouth City Council [2001] EWCA Civ 1933. about:blank

Dunnett v Railtrack [2002] 2 All ER 850. about:blank

53

Halsey v Milton Keynes General NHS Trust [2004] 1 W.L.R. 3002. about:blank

54

Burchell v Bullard [2005] EWCA Civ 358 [2005] C.P. Rep. 36. about:blank

55

Aird v Prime Meridian Ltd [2006] EWCA Civ 1866. about:blank

56

Burne v A [2006] EWCA Civ 24 . about:blank

57

Wright v HSBC Bank [2006] EWHC 1473. about:blank

58

Hickman v Blake Lapthorn [2006] EWHC 12. about:blank

59

National Westminster Bank Plc v Feeney (Costs) [2006] EWHC 90066. about:blank

60

P4 Ltd v Unite Integrated Solutions [2007] BLR 1. about:blank

Carleton v Strutt & Parker (A Partnership) [2008] EWHC 616. about:blank

62

Nigel Witham Ltd v Smith & Isaacs [2008] EWHC 12. about:blank

63

S v Chapman [2008] EWCA Civ 800. about:blank

64

Farm Assist Ltd (in Liquidation) v Secretary of State for Environment, Food and Rural Affairs [2008] EWHC 3079 (TCC). about:blank

65

Vale of Glamorgan Council v Roberts [2008] EWHC 2911. about:blank

66

Lobster Group Ltd v Heidelberg Graphic Equipment Ltd [2008] 2 All ER 1173. about:blank

67

Roundstone Nurseries Ltd v Stephenson Holdings Ltd [2009] EWHC 1431. about:blank

68

Rolf v De Guerin [2011] EWCA Civ 78. about:blank

Prince S. Mediating small claims: are we on the right track? [in] Civil justice quarterly. Civil justice quarterly 2007;**26**:328–40.

70

Institutionalising mediation? An evaluation of the Exeter Court small claims mediation pilot.

71

Dieguez JPC. Does the proposed European procedure enhance the resolution of small claims? [in] Civil justice quarterly. Civil justice quarterly 2008;**27**:83–97.

72

ADR Group .

73

CEDR : Effective Dispute Resolution, Mediation, Conflict Management and Training.

74

CIArb.

75

Civil mediation | Find a civil mediation service.

76

Liebmann, Marian. Restorative justice: how it works. London: : Jessica Kingsley Publishers 2007.

Shapland J. Restorative Justice: Does Restorative Justice affect reconviction. The fourth report from the evaluation of three schemes'.

78

Wright M. Victims, mediation and criminal justice [in] The criminal law review. The criminal law review 1995; **March**: 187–99.

79

Restorative Justice and Youth Justice: .

80

Rossner M. Emotions and interaction ritual: a micro analysis of restorative justice [in] The British journal of criminology. The British journal of criminology 2011;**51**.

81

Katz J, Bonham GJr. Restorative Justice in Canada and the United States: A Comparative Analysis [in] Journal of the Institute of Justice and International Studies. Journal of the Institute of Justice and International Studies 2006;**6**.

82

Restorative Justice, Policing and the Big Society | Home Office.

83

Zehr H. Doing Justice, Healing Trauma: The Role of Restorative Justice in Peacebuilding.

84

Ashworth A. Responsibilities, Rights and Restorative Justice. British Journal of Criminology 2002;**42**:578–95. doi:10.1093/bjc/42.3.578

Zernova M. Aspirations of Restorative Justice Proponents and Experiences of Participants in Family Group Conferences. British Journal of Criminology 2006;**47**:491–509. doi:10.1093/bjc/azl063

86

Wright M. The Court as Last Resort: Victim-Sensitive, Community-Based Responses to Crime. British Journal of Criminology 2002;**42** :654–67.http://readinglists.exeter.ac.uk/ssis/law/LAW2059-3059/LAW2059-3059_3_cv.pdf

87

Blake, Susan Heather, Browne, Julie, Sime, Stuart. A practical approach to alternative dispute resolution. Oxford: : Oxford University Press 2011.

88

Roberts, Simon, Palmer, Michael. Meditation [in] Dispute processes: ADR and the primary forms of decision making. In: Dispute processes: ADR and the primary forms of decision making. Cambridge: : Cambridge University Press 2005.

89

Roberts, Marian. Mediation in family disputes: principles of practice. 3rd ed. Aldershot: : Ashgate 2008.

90

Walker J. Family mediation: The rhetoric, the reality and the evidence.

91

Kelly JB. Family mediation research: Is there empirical support for the field? Conflict Resolution Quarterly 2004;**22**:3–35. doi:10.1002/crq.90

Emery RE, Sbarra D, Grover T. DIVORCE MEDIATION: Research and Reflections. Family Court Review 2005;43:22–37. doi:10.1111/j.1744-1617.2005.00005.x

93

Dingwall R. Divorce mediation: should we change our mind? Journal of Social Welfare and Family Law 2010;**32**:107–17. doi:10.1080/09649069.2010.506307

94

Quartermain S. Sustainability of mediation and legal representation in private family law cases: Analysis of legal aid administrative datasets.

95

Legal aid and mediation for people involved in family breakdown - National Audit Office.

96

Trinder L, Kellett J. The_Longer-Term_Outcomes_of_In-Court_Conciliation.

97

McIntosh JE, Wells YD, Smyth BM, et al. CHILD-FOCUSED AND CHILD-INCLUSIVE DIVORCE MEDIATION: COMPARATIVE OUTCOMES FROM A PROSPECTIVE STUDY OF POSTSEPARATION ADJUSTMENT. Family Court Review 2007;**46**:105–24. doi:10.1111/j.1744-1617.2007.00186.x

98

Grillo T. The mediation alternative: process dangers for women [in] The Yale law journal. The Yale law journal 1991;**100**.

Bailey M. Unpacking the `Rational Alternative': A Critical Review of Family Mediation Movement Claims [in] Canadian Journal of Family Law. Canadian Journal of Family Law 1989;**8**:61–94.

100

Dingwall R, Greatbatch D. Who is in charge? Rhetoric and evidence in the study of mediation. Journal of Social Welfare and Family Law 1993;**15**:367–85. doi:10.1080/09649069308412414

101

Greatbatch D, Dingwall RW. The marginalisation of domestic violence in divorce mediation [in] International Journal of Law Policy and the Family. International Journal of Law Policy and the Family 1999;**13**:174–89.

102

Greatbatch D, Dingwall R. Selective Facilitation: Some Preliminary Observations on a Strategy Used by Divorce Mediators [in] Law and society review: the journal of the Law and Society Association. Law and society review: the journal of the Law and Society Association 1989;**23**:613–42.

103

Trinder L, Firth A, Jenks C. 'So Presumably Things Have Moved on Since Then?' The Management of Risk Allegations in Child Contact Dispute Resolution. International Journal of Law, Policy and the Family 2009;**24**:29–53. doi:10.1093/lawfam/ebp010

104

Shah-Kazemi S. Cross-cultural Mediation: a Critical View of the Dynamics of Culture in Family Disputes [in] International Journal of Law Policy and the Family. International Journal of Law Policy and the Family 2000;**14**:302–25.

105

Stalford H. Crossing boundaries: reconciling law, culture and values in international family mediation. Journal of Social Welfare and Family Law 2010;**32**:155–68. doi:10.1080/09649069.2010.506311

Armstrong S. Enhancing access to family dispute resolution for families from culturally and linguistically diverse backgrounds.

107

Solid Work You Mob Are Doing. http://www.nadrac.gov.au/www/nadrac/rwpattach.nsf/VAP/(966BB47E522E848021A38A202 80E2386)~Solid Work You Mob Are Doing Report.PDF/\$file/Solid Work You Mob Are Doing Report.PDF

108

Cohen B., Mediating Disputes – The Problems of Culture.

109

Butler I, Scanlan L, Robinson M, et al. Children's involvement in their parents' divorce: implications for practice. Children & Society 2002;**16**:89–102. doi:10.1002/chi.702

110

Smart C, Wade A, Neale B. Objects of concern? — Children and divorce [in] Child and family law quarterly. Child and family law quarterly 1999;**11**:365–76.

111

Birnbaum R. The Voice of the Child in Separation/Divorce Mediation and Other Alternative Dispute Resolution Processes: A Literature Review.

112

McIntosh JE, Wells YD, Smyth BM, et al. CHILD-FOCUSED AND CHILD-INCLUSIVE DIVORCE MEDIATION: COMPARATIVE OUTCOMES FROM A PROSPECTIVE STUDY OF POSTSEPARATION ADJUSTMENT. Family Court Review 2007;**46**:105–24. doi:10.1111/j.1744-1617.2007.00186.x

McIntosh JE, Bryant HonD, Murray K. EVIDENCE OF A DIFFERENT NATURE: THE CHILD-RESPONSIVE AND LESS ADVERSARIAL INITIATIVES OF THE FAMILY COURT OF AUSTRALIA. Family Court Review 2007;**46**:125–36. doi:10.1111/j.1744-1617.2007.00187.x

114

Schoffer MJ. BRINGING CHILDREN TO THE MEDIATION TABLE: . Defining a Child's Best Interest in Divorce Mediation. Family Court Review 2005;**43**:323–38. doi:10.1111/j.1744-1617.2005.00032.x

115

Dennison G. Is mediation compatible with children's rights? Journal of Social Welfare and Family Law 2010;**32**:169–82. doi:10.1080/09649069.2010.506312

116

Genn H. Civil mediation: a measured approach? Journal of Social Welfare and Family Law 2010;**32**:195–205. doi:10.1080/09649069.2010.506314

117

Webley L. Gate-keeper, supervisor or mentor? The role of professional bodies in the regulation and professional development of solicitors and family mediators undertaking divorce matters in England and Wales. Journal of Social Welfare and Family Law 2010;**32**:119–33. doi:10.1080/09649069.2010.506308

118

Tesler, P. Collaborative Law: What It Is and Why Family Law Attorneys Need to Know About It [in] International Family Law Journal . International Family Law Journal Published Online First: 2003.about:blank

119

Macfarlane J. Experiences of Collaborative Law: Preliminary Results from the Collaborative

Lawyering Research Project [in] Journal of Dispute Resolution. Journal of Dispute Resolution $2004; \mathbf{1}$.

120

Re D (Minors) (Conciliation: Privilege) Disclosure of Information). 1993;1.about:blank

121

PRACTICE DIRECTION 3A - PRE-APPLICATION PROTOCOL FOR MEDIATION INFORMATION AND ASSESSMENT.

122

Family Justice Council ADR Committee.

123

Home - Family Mediation Council.

124

College of Mediators.

125

National Family Mediation Training Divorce Separation Breakdown.

126

Home Page | Family Mediators Association.

127

Resolution - first for family law.

[][Australia: Australian Institute of Family Studies/Australian Family Relationships Clearinghouse ADR .

129

Casals MM. Divorce Mediation In Europe: An Introductory Outline [in] Electronic journal of comparative law. Electronic journal of comparative law 2005;**9**:1–24.

130

art92-2.pdf (application/pdf Object).

131

Association of Family and Conciliation Courts > Home.

132

Family court review.

133

Conflict Resolution Quarterly.