



ADR NEWS



Volume 3 Issue No 1 April 2003

For current developments in Arbitration, Adjudication, Dispute Review Boards and Mediation

EDITORIAL :

Welcome to **ADR NEWS**, the new look NADR Newsletter. We hope that you will find the Newsletter both informative and useful to you, whether you are an active dispute resolution practitioner or an interested bystander. The development of the Newsletter is just one example of the ongoing changes that have occurred recently within NADR (UK) Ltd.

It is anticipated that the Newsletter will be produced four times a year and will be available online to all members. Members are requested to play an active part in the development of the Newsletter. All published articles will be refereed. Please email direct to the editor@nadr.co.uk. Contributions can be in the form of articles, letters, personal experiences or other information of interest to readers.

In order to ensure that NADR remains at the forefront of the developments that are constantly occurring in dispute resolution, a major restructuring program is currently being undertaken. The changes are aimed at ensuring that NADR members receive the best possible quality of service.



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One of the most obvious changes is that the practicing year has changed from the *1st of January to the 31st of December* inclusive to the *1st of April to the 31st of March* inclusive. In consequence of these changes the practicing certificate for the current year will run from the 1st of January 2003 until 31st March 2004.

The NADR website, which can be accessed at www.NADR.co.uk has recently been significantly augmented. If you have not done so recently, you are urged to make a visit, and take advantage of the wide range of documentation and publications now available to you.

Whilst the changes that have taken place are intended to improve the quality of service provided by NADR (UK) Ltd., "the proof of the pudding", as they say, "is in the eating". That being the case, please give us your views on the various aspects of our service and the newsletter. If we have got it right, please tell us. Equally, if you feel something is not as good as it might be, let us know. It is only by being made aware of problems that we can do something about them.

The rest of this newsletter provides more details of these developments. We hope you approve of the progress to date and look forward, as much as we do, to the further development of the organisation.

G.R.Thomas
Editor

**NADR MEETS RASLAN LOONG
AT THE TWIN TOWERS - KUALA LUMPUR CENTRAL**



Raslan Loong, a leading legal practice in Kuala Lumpur, held a Twin Towers cocktail reception at Chinoz On The Park welcoming the Alternative Dispute Resolution Experts from UK. Earlier in the day, delegates had presented a seminar on selected alternative dispute resolution techniques used in construction, maritime and international trade disputes.

Professor Geoffrey M Beresford-Hartwell, Professor Dr Shad S Faruqi, Professor Tony Bingham, Judge Richard Faulkner, Dr Susan Hodges, Corbett Haselgrove-Spurin and Mark Entwistle, all prominent practitioners of ADR in Britain, led the seminar sponsored by NADR Malaysia Sdn Bhd.



Letters Page

It is planned to feature a readers' letter page in future editions **ADR NEWS**. Readers are encouraged to contribute and to make this feature a success. There are no restrictions on topics areas, but the editor and the editorial board reserve the right to both reject letters and to edit them for content. The contributors name and town will be appended to letters unless otherwise requested. All submissions should include the writer's name and address.

Whilst the editor welcomes debate and discussion on the role that NADR has to play in the continued development of ADR, the aim is to provide an informative forum for readers to air their views on all aspects of ADR and to exchange experiences, knowledge and understanding about dispute resolution processes.

Question and answer dialogue between members is encouraged. To start the ball rolling, perhaps readers could express their views on the value of judges staying legal court actions pending attempts at mediation. Does this hold the parties to ransom?

The NADR Website

The website, accessible at www.NADR.co.uk is a must visit site for all members. The site has been developed by Mr Patrick Smith, Head of the I.T. Department at NADR U.K. Whilst most of the site is accessible to the general public, certain features are restricted to members only. Applications for membership can be downloaded from the site, as can all the forms needed to process disputes referred to members for both mediation and adjudication. Short form arbitration forms will follow in the near future. Register on line now to benefit from this service.

NADR welcomes the submission of articles for inclusion in the rapidly expanding on line publications section. All on line papers receive full accreditation, so, if you have an article gathering dust, dig it out and get it published. Get your name about and help your fellow members by sharing your knowledge and experience. On the other hand, if you have a new idea, put it down on paper and share it with all of us. Small succinct articles are just as welcome as large ones.

Nominations by NADR (UK) Ltd.

Mediation : Whilst mediation in the UK has been rather slow to date, NADR is pleased to announce that applications for nominations have now started to come in at last. This is mainly due to the courts actively encouraging the parties to litigation to engage in mediation.

Arbitration : Arbitration nominations under NADR have so far been restricted to the international sphere with UK based NADR arbitrators currently active in the Far East.

Adjudication : Private dispute resolution under the auspices of the *Housing Grants Construction and Regeneration Act 1996* has replaced arbitration as the primary method of settling construction disputes within the U.K. Whilst most major contracts tend to specify the adjudicator nominating body many sub-contracts do not. Having received a number of inquiries about the possibility of providing adjudicators to service the sub-contract sector, NADR made its first adjudication nomination in October 2002.

Adjudication expertise is well represented within the NADR membership, a significant number being listed with the other specialist ANB's which concentrate on the Prime Contract sector. NADR aims to make this expertise available on a regional and national basis to the sub-contract sector, where it is felt we can make a valuable contribution.

NADR adjudicators include representatives of all the main industry specialisms, including architects, engineers, quantity surveyors and construction lawyers, enabling us to nominate appropriately qualified adjudicators to disputes referred to us.

Some areas of the UK are more strongly represented than others and where we have a concentration of members, as in South Wales, NADR will establish and promote local regionalized lists.

Subscriptions

Members are reminded that their annual subscription is now due. For the current year, this has been pegged at a level of £20-00 Sterling.

Developing NADR in the UK

NADR's operations in the UK have to date taken a back seat to international developments in the Middle East and South East Asia. We have now decided to concentrate on the creation of a strong operational base in the UK.

In order to achieve this NADR needs to firstly widen its membership in the UK and secondly to develop its share of the market for the benefit of members. The creation of and promotion of the membership register is central to this project.

The new NADR register

Launch of the register is imminent. The principal register will list all members worldwide. However, the search engine will enable visitors to search for arbitrators, mediators, adjudicators, experts and dispute board practitioners and to further restrict the search to areas of expertise and/or location.

Visitors to the on-line register will be able to select an individual member and view a short biography, outlining that member's qualifications and experience.

Administratively, the register will ensure delay in appointing an ADR practitioner is kept to a minimum and help to ensure, with reference to any given dispute, that the most appropriately qualified and experienced practitioners are nominated by NADR. The position of a member on the list will not be a relevant factor for nomination.

Promoting local services.

In localised disputes, costs can be reduced by engaging home-based ADR practitioners. Travel and accommodation, which form a significant part of the practitioner's costs, can be eliminated. Site visits can be quickly and inexpensively arranged. The process can also benefit from the practitioner's local knowledge of the industry.

A list of NADR members available for practice in South Wales will be posted on the web-site. Other regional lists will follow thereafter. NADR will market these local services to appropriate firms and organisations within each region. Members are encouraged to help in this promotion.

NADR at the CIArb Dispute Resolution Forum hosted by the University of Glamorgan



Professor Hartwell (far right) and Corbett Spurin spoke at the Chartered Institute of Arbitrators, Dispute Resolution Forum, held at the University of Glamorgan on the 3rd March 2003 which was introduced by Professor Richard Neal (left), Head of the School of Technology. Professor Hartwell gave the keynote speech. Dr Mair Coombes-Davies outlined the arbitral process and Gwyn Owen (centre) discussed construction adjudication.

Following on from his successful trip to the United States in the autumn of 2002 where he attended the Dispute Resolution Board Foundation's Annual Conference, Mr Spurin presented a paper on *Dispute Resolution Boards*. At the DRBF Conference Mr Spurin was invited to cooperate with Mr Peter Chapman (the DRBF President in waiting), on international developments.

The Welsh regional list.

Cardiff is rapidly becoming an important regional centre for dispute resolution with distinct local needs. The National Assembly for Wales has expressed an interest in localised ADR provision to complement the arrival of the High Court in Cardiff. NADR members in Wales will only be able to benefit from this new climate by promoting the services available in the principality. NADR centrally, and members individually, need to educate and inform potential clients and government service providers in the region of the services that NADR can provide.

The NADR adjudication and mediation hand-books and the associated forms that assist clients in both processes are available for distribution to potential clients, legal practitioners and anyone else likely to need ADR services. The hand-books are available on the web-site together with electronic versions of the forms, which can be printed or down loaded. Clients can then refer disputes to NADR for nomination and administration by fax or email as well as by post. The forms and hand-books are also available on CD rom.

The new publications section

The publications section on the web now contains articles on ADR in general, arbitration practice and construction adjudication, in addition to a range of lectures delivered at the University of Glamorgan.

Links

Visitors to the web-site can now use the links facility to locate a wide selection of sites carrying useful information about dispute resolution practice. If members have any links that they feel it would benefit other readers, send your suggestions to the editor.

If you have a web-site, please advise the editor and it can be added to the practitioners section on the link facility.

The Legal Corner

In future issues there will a legal corner devoted to contemporary issues in ADR. The nature of the NADR network is such that these cannot be and will not be restricted to any one country or any one legal system, but will reflect the worldwide base of NADR and the diverse nature of ADR processes.

The next issue will cover the EC initiative to develop a uniform ADR code for the European Union.

Also featured will be an examination of the role that members can play in putting something back into the local community through neighbourhood mediation programs and other pro-bono initiatives.

We will also endeavour to review recent ADR cases and new publications. Readers are invited to submit short summaries or cases that they feel are of particular significance, for inclusion in this section. Write to :

The Editor, NADR Newsletter

Continuous professional development.

NADR is committed to the principle of continuous professional development. Members are encouraged to develop their ADR skills and to progress through the various grades of membership. The NMA runs CPD courses for NADR. Credit can also be given for attending courses mounted by organisations accredited by NADR.

Details of all pending NADR courses will be posted in advance on the web site. Remember that as members you may be entitled to a discount off the standard price of NMA & NADR courses and seminars.

Global Developments

Both NADR Middle East and NADR Malaysia are in the process of expanding their operations, with plans to open new offices in Brunei, Sarawak, Dubai and Egypt. Thanassis Giannakis, based in Athens is now acting as our agent in Greece, providing NADR with its first foothold on mainland Europe.

NADR visits to Jordan and Cairo

NADR (UK) Ltd. and NADR Jordan contributed to the success of the 2003 Annual Conference of the Arab Fertiliser Association held in Cairo, Egypt. Mr Corbett Spurin and Mr Gareth R. Thomas presented papers to the Conference.

Mr Hussam Taffish is to be congratulated for the way in which he has developed NADR Middle East into a major ADR provider in the region. In particular, it is due to Mr Taffish's efforts that NADR was able to take part in an AFA Marketing workshop in Amman, in October 2002.



Following on from this, NADR will be taking part in a further shipping workshop for the AFA to be held in Alexandria in June 2003. The workshop will be conducted by NADR in conjunction with the University of Alexandria. The theme will be ship loading duties and dispute resolution processes.

Introducing NMA's Director of Education



The Nationwide Mediation Academy, NADR's sister training and accreditation organisation, is pleased to announce that Professor Geoffrey M Beresford-Hartwell is taking up the reins as Director of Education. Prof. Hartwell has an impressive track record both as an engineer as well as being an internationally recognised arbitrator, a renowned educator and an academic. Under Prof. Hartwell's guidance, it is expected that the NMA will enhance its global role as a provider of ADR education.

The membership structure

For the benefit of new readers, let me explain how membership works. There are three membership grades, namely associate members, members and fellows. Associate membership is open to those who can demonstrate an active interest in ADR.

Applications for membership and fellowship are welcomed from ADR practitioners and from experts and expert witnesses, who meet the established criteria for prior accreditation. Verified prior learning can be accredited, at the discretion of the Membership Panel. The grade of membership is discretionary and subject to proof of training and expertise.

All members are listed on the web-site, by grade and by area of practice, which includes experts and expert witnesses.

How to become a member

Application forms and guidance materials are available on request and also on-line from the NADR website at www.NADR.co.uk together with the NADR Membership rules and criteria for membership. All applications will be treated in the strictest of confidence. Stockland Cottage, 11 James St. Treforest Pontypridd, CF37 1 BU UK
Email : Administrator@nadr.co.uk
Fax : 00 44 (0)1443 404171