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EDITORIAL – *General Editors: David Spencer and Professor Emerita Pauline Collins* 81

ADR Case Notes – *Editor: David Spencer*

Lack of Capacity to Mediate?; and, Does a Retail Lease in Queensland Have to be Mediated before Proceeding to Determination?; and, Mediation Media Watch. 85

ARTICLES

Designing a Judicial Dispute Resolution Program for Victoria: Current Practice, Evidence and Next Steps – *The Honourable Judge Sharon Burchell*

This article examines the development, implementation, and impact of the County Court of Victoria's (County Court's) judicial dispute resolution (JDR) program, with particular focus on how JDR operates within the Commercial Division's case management framework to deliver timely and cost-effective dispute resolution for court users. It first outlines the statutory authority for court-annexed DR under the *Civil Procedure Act 2010* (Vic) and explains how the County Court deploys JDR as a proportionate, non-determinative tool to facilitate early resolution. It then describes the Commercial Division's current suite of JDR modalities – including judicial resolution conferences, early neutral evaluation, and pathways to fixed-fee arbitration – and considers available indicators of their practical effect. Finally, the article proposes a targeted reform agenda to strengthen quality, consistency, and capacity. 93

Multi-faceted Reflective Practice: A Case Study – *Jennifer Devlin*

This article is based on a presentation which was given by the author at the 2025 National Mediation Conference in Sydney, Australia. It offers a clinical supervision case study to illustrate the application of a multi-faceted tool for reflecting that can deepen practitioner awareness of their own practice experience and the experience of the people they are seeking to support. The premise of the article is that increased practitioner awareness leads to greater care and wisdom in the work. This occurs by helping to generate or maintain sufficient practitioner empathy to connect with clients; sufficient analytical space to take appropriate compassionate action; and sufficient integration and self-compassion to support practitioner wellbeing. 109

Court-ordered, Lawyer-assisted Property Conciliation: Which Factors Predict Success? – *Dr. Genevieve Heard, Dr. Andrew Bickerdike and Mr. Mark Hebblewhite*

While previous work points to the value of a single-session conciliation model of property dispute resolution for court-ordered clients, little is known about factors which contribute to variation in case settlement rates. In this article we use a practitioner survey to assess factors which may affect outcomes from the AccessResolve service provided to clients of the Federal

Circuit and Family Court of Australia. We find that conciliator and lawyer skill in encouraging compromise are considered key to resolution, along with the attitudes of litigating clients themselves. Acrimony between parties and lawyer attitudes are commonly cited barriers to settlement. Case documents that parties must supply to the service ahead of conciliation are received late or last-minute in most cases, yet both quality and timeliness of this documentation have a measurable impact on settlement rates. Practitioners believe that the possibility of a second conciliation session could help more clients reach settlement. 118

Legal Aid NSW Family Dispute Resolution (Legal Aid NSW) Informing Best Practice – Eloise Riches, Gabriela Nitsolas-Pirc and Glenys Rikard-Bell

Legal Aid NSW FDRS facilitates over 3,000 legally assisted mediations annually, the majority being parenting matters (over 80% annually). An internal analysis of 200 consecutive completed family law parenting matters completed between mid-July – September 2024 was undertaken. All matters were conducted online and most: reached an agreement (n=146, 74%), were early intervention (n=134, 67%) shuttle mediations (n=190, 95%) with an unrepresented party (n=106, 53%). Chi-squared analysis indicated an agreement being reached was significantly more likely in: EI matters (81%) compared with matters in court (58%), $X^2=12.8249$, $p<0.05$; matters lasting more than 3 hours (84%) compared with matters lasting ≤ 3 hours (68%) $X^2=5.52$, $p<0.05$. There was no statistical difference when an unrepresented party or an Independent Children’s Lawyer (ICL) was present or not. Conclusions: the data provides the first internal quality control evidence that shows preliminary support for the success of the current Legal Aid NSW FDRS model measured by an agreement being reached in meeting client needs. 128

Thinking Outside the Box: Practice Innovations to Keep Children at the Centre of FDR – Elke Pitkethley and Anne Dwyer

Child Inclusive Practice (CIP) remains central to Family Dispute Resolution (FDR), yet its traditional format inherently includes natural boundaries in terms of barriers related to the developmental needs of very young children and adolescents. This practice paper examines two innovations developed within Uniting NSW.ACT to address these gaps: Developmentally Assisted Mediation (DAM) for infants and toddlers and an online CIP model for adolescents. The article highlights the importance of meeting children where they are developmentally and creating accessible, safe alternatives to expand child-focused participation across the age spectrum. 136

IN PRACTICE

The Dayton Mediation Center’s Mediation Response Unit: A Transformative Approach to Community Conflict and Policing – Cherise D. Hairston, Michelle Zarembo and Jeanne F. Zimmer 145

Community Mediation in Australia: Current Challenges – John Steele 148

Restoring, Reviving and Restructuring Relationships – Mieke Brandon AM RIF and Linda Kochanski AM 153

The Individual and Society in a World of Relations: The Power of Relational Learning in Mediation to Build a Nation – Dr Katherine Pavlidis Johnson 155