



**Victorian
Association for
Dispute
Resolution Inc**

President: Deborah Macfarlane

Secretary: Anthony Grimes

Email: admin@vadr.asn.au

**THURSDAY
15 March 2018**

Venue: Coopers Inn
Cnr Exhibition & Little
Lonsdale Streets
Melbourne.

Time: 5:45pm–6:15pm
Socialising

Drinks at bar prices
Finger food provided

Presentation: 6:15pm–7:15 pm

Cost: No charge VADR members
\$25 Non-members
Membership \$85 pa,
\$42.50 half yearly.
Enquiries: admin@vadr.asn.au

RSVP: by Tuesday 13 March 2018
admin@vadr.asn.au

Book early to ensure a place

PROFESSOR MARY ANNE NOONE

Wearing Two Hats: Lawyers Who Act as Mediators

In Australia, many barristers and solicitors act as mediators. Professional legal bodies promote the use of lawyers in this role claiming that “with their skills, training and experience solicitors are ideally placed to be mediators”. The dual identity of the mediator lawyer wearing two hats – officer of the court and neutral third party – poses significant challenges. How can the various professional responsibilities be reconciled? In the context of an emergent discussion about the ethics of mediators, the following issues warrant ongoing examination: Is there an expectation that the lawyer as mediator will be more “fair and just”? Should a lawyer/mediator give legal advice during mediation, particularly if a party is sacrificing clear legal entitlements of which they are unaware? How can a lawyer/mediator ensure mediation enhances, not limits, access to justice? Elements of ‘best practice’ for lawyers who act as mediators are proposed.

Mary Anne Noone is a Professor in the School of Law, La Trobe University. The thread drawing together her research, teaching, professional and community service activities is a passion for improving access to justice. She has many years’ experience, at both a practical and policy level, in the delivery of legal services to the poor and disadvantaged. She is a specialist on the Australian legal aid system, and an authority in clinical legal education, professional responsibility and ethics in mediation. Throughout her career, Mary Anne has been involved in dispute resolution. She has a postgraduate qualification in conflict resolution, has taught dispute resolution to law students and is an accredited mediator. She was a part-time member of Social Security Appeals Tribunal for 12 years and has served on a number of University disciplinary committees.