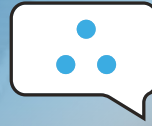




University of
Strathclyde
Glasgow



University of Strathclyde
Mediation
clinic

Conference Programme:

Working within the courts: the role of mediation and mediation clinics in civil justice systems

Saturday 18 March 2023

University of Strathclyde,
Learning & Teaching Building,
Glasgow, UK and Online

AS Anderson
Strathern

Welcome from the Director

I'm delighted that we are finally able to host an in-person conference in the swish new surroundings of Strathclyde's Teaching and Learning Building. Our first two Mediation Clinic conferences were online affairs and, clever as Zoom is, there's something nice about meeting real people in real rooms. Having said that, the pandemic showed us the potential of online communication to break down geographical barriers and the conference's hybrid format lets us welcome those unable to travel to Glasgow.

In recent years the Mediation Clinic has expanded its partnership with Scotland's sheriff courts (314 referrals and 167 mediations in 2022), inspiring our theme: *Working within the courts: the role of mediation and mediation clinics in civil justice systems*. Mediation has a long history of supporting and supplementing access to justice for ordinary people and we are pleased to be part of that tradition. Mediators, at the same time, want to offer a consistent service to all their clients: from unrepresented consumers to sole traders, SMEs and major utilities. The conference gives us a fantastic opportunity to meet and talk about how best to do this.

Our speakers offer a fascinating spectrum of perspectives. Tony Allen's opening keynote poses key questions: where's justice in mediation; how to deal with power; what does ethical mediation look like? Tony's career, dealing with some of the most fraught and emotive disputes to reach the court, gives him a unique vantage point to respond.

Our morning workshops are presented by three Clinic mediators and a legal academic. Patrick Scott SC shares his distinctive knack for supporting those referred by the courts from first encounter to successful resolution. Adrienne Watson and Leon Watson (no relation) describe their journey from being students on the [LLM/MSc in Mediation and Conflict Resolution](#) through to mediating small claims disputes. And Dr Anna Howard draws on her international research with in-house lawyers to detail the lessons we can learn from their approach to mediation.

The afternoon offers further insights into mediation's relationship to the justice system. Sheriff Derek Livingston has been referring cases to the Clinic since the start of Simple Procedure and sets out his model for a fruitful partnership between judiciary and mediators. Ben Cramer and Alison Welsh, also Strathclyde alumni, provide reflective space to consider a key question: how does real-world experience shape what mediators do? And Jordan Bird of Hamilton CAB shares his experience supporting consumers to make the most of mediation.

Our final speaker is John Sturrock KC, founder of Core Solutions and a serial innovator in the field of mediation. John introduces the [Mediators Green Pledge](#) and challenges us to consider how we, and the wider justice system, can reduce our carbon footprint.

Following a panel discussion to share and discuss our learning, the day concludes with a drinks reception in the convivial surroundings of University of Strathclyde Union. I'm very grateful to Alun Thomas and his team at Anderson Strathern for sponsoring this event and look forward to meeting you over a wee refreshment at 4.30.

Charlie Irvine
Director, University of Strathclyde Mediation Clinic

Programme

10.00am	Welcome with Chair Dr Vanessa Collingridge
10.05am	Douglas Brodie, Associate Principal (Social Inclusion)
10.15am	Keynote Speaker Tony Allen: Mediation in the Shadow of the Law. Shadow or sunlight?
	Where is mediation now? Where should it be? In shadow or sunlight?
	How have things changed since being challenged in 2008?
	The continuing and remaining challenges: <ul style="list-style-type: none"> • Where does justice reside in mediation? • Fairness of process and power imbalance • The proper relationship between civil justice and mediation • The need for ethical mediation
11.15am	Coffee
11.30–12.30pm	Workshops
	“How to prevent a slip ‘twixt the cup and the lip!” A workshop on how to encourage parties to mediate after a court referral to the Mediation Clinic, Patrick Scott, Mediator
	When a matter is referred to mediation by the court, the mediator has to try and encourage the parties to proceed with the mediation and achieve a positive result. This workshop explores what steps can be taken to obtain a high conversion rate of referrals to mediations, and a good settlement rate. Attendees will be taken through the stages, from first point of contact with the parties to the commencement of the mediation. There will also be interactive discussion groups to share ideas and provide feedback.
	“From Theory to Practice”, University of Strathclyde Mediation Clinic Presentation, Leon Watson and Adrienne Watson
	Join us to explore and discuss the challenges new mediators encounter as they transition from essay writing and journal reading to mediating real cases.
	Through a mixture of presentation, discussion and interactive exercises Adrienne and Leon will share their experience of the LLM/Msc in mediation & conflict resolution and how it prepared them to become mediators themselves (and perhaps where it didn't!)
	Together we will explore the challenges that new and experienced mediators face on a daily basis, share our learning and engage with the difficult questions being a mediator raises.
	“Working with lawyers in mediation”, Dr Anna Howard, Guest Lecturer, University College London
	Dr Anna Howard will draw on the findings from her research interviews with in-house counsel and her experience as a solicitor to explore lawyers' perceptions and experiences of mediation. Anna will identify reasons for lawyers' scepticism and support of mediation and consider the relevance of those insights to efforts to encourage mediation. At a time of increasing interest in mediation's role within civil justice systems, Anna will also consider lawyers' key contribution to the promotion of mediation and how they might be supported in that role.

Programme continued

12.30-1.00pm	Group Discussions
1.00-1.45pm	Lunch
1.45-2.45pm:	Workshops
	<p>“Making the most of mediation in Simple Procedure - a Sheriff’s perspective” Sheriff Livingston, Airdrie Sheriff Court</p> <p>Sheriff Livingston was one of the first to recognise the importance of a partnership between court and mediators in Simple Procedure. In this workshop he will discuss the practicalities of that approach and the wider policy issues raised, drawing on actual cases. Key questions include:</p> <ul style="list-style-type: none"> • From the Sheriff’s perspective, how does mediation help parties? • What can mediation achieve in small claims cases that the courts cannot? • Is there ever a time when mediation is not suitable? • Should mediation be made compulsory - pros and cons
	<p>“What we learn from our own practice”, Ben Cramer, Mediator and Alison Welsh, Mediator and HR Professional</p> <p>“We will talk about what it’s like mediating Simple Procedure disputes and will be inviting conference delegates to reflect on how their experience has shaped their practice.”</p>
2.45 -3.15pm	<p>“The Consumer Voice”– Jordan Bird, Hamilton Citizens Advice Bureau</p> <p>Discussing the unrepresented litigant and the lay representative partnership of assistance, Jordan intends to take you through a case with some real-life experiences and how this has resolved clients disputes during the last few years. He will also look at the role mediation can play in the future with the civil justice system.</p>
	<p><u>The World Mediators Alliance on Climate Change, John Sturrock KC</u></p> <p>Climate change presents an ever-growing existential threat. What can mediators contribute to humanity’s need to reduce our carbon emissions? What would a Net Zero Civil Justice system look like? What personal commitments can we all make?</p>
3.15pm	Coffee
3.40-4.20pm	“What have we learned from today”, Panel discussion with Sheriff Livingston, Charlie Irvine, Tracey Reilly and Alison Welsh
4.20- 4.30pm	Close (Charlie Irvine)
4.30-6.30pm	Drinks reception (sponsored by Anderson Strathern)

Biographies

Tony Allen



Tony Allen is probably the UK's best-known mediator specialising in clinical negligence disputes and has been recognised as such by legal directories since mediators were first rated. He practised as a solicitor in Sussex for over

30 years and was accredited by CEDR in 1996. In 2000, he joined CEDR as a full-time Director and mediator, and also training mediators for CEDR in Europe, Africa, Asia and North America. Since 2011 he has been a self-employed mediator and trainer and is a member of CEDR Chambers. He has mediated throughout the UK (including Scotland), and in Ireland and South Africa.

He is also recognised as an authority on the law relating to civil mediation, and lectures to a number of university law faculties, the judiciary and other legal organisations on this topic. He was a member of the Civil Justice Council Working Party on ADR and Civil Justice. The second edition of his book *Mediation Law and Civil Practice* and also his new book *Mediating clinical claims* were published by Bloomsbury Professional in 2018. He is a co-author of *The ADR Practice Guide: Commercial Dispute Resolution*. He regularly writes articles for the CEDR website.

Further information can be viewed at <https://www.cedr.com/about-us/people/tony-allen/> and <http://allensmediate.com/index.php?page=5>

Jordan Bird



Jordan is currently an in-court adviser in Hamilton, who has appeared in courts across central Scotland over the last few years in housing and simple procedure cases. He is a graduate of Strathclyde University and a former member of the law clinic, where he represented clients in court.

Douglas Brodie



Douglas Brodie is Professor of Employment Law at the University of Strathclyde in the UK. He is an authority on Labour Law and Delict (Tort). His main research interests are in the area of employment contract and the history of Labour Law and in

the area of Delict, the analysis of negligence. Much of his writing in recent years concerns the law of implied terms and the impact of relational contract theory on the law of the employment contract. He has a strong interest in comparative law and has a particular interest in developments in Australia, Canada and New Zealand.

He has published widely and amongst his publications are: *A History of British Labour Law* (2003), *The Employment Contract* (2005), *The Contract of Employment* (2008), *Enterprise Liability and the Common Law* (2010) and (with G. Anderson and J. Riley) *The Common Law Employment Relationship* (2017). His latest book *The Future of the Employment Contract* was published by Elgar in July 2021.

Biographies continued

Douglas Brodie continued

He is also Associate Principal for Social Inclusion at Strathclyde. His role includes championing widening access at all levels of study. Previously, he served as Executive Dean of Humanities and Social Sciences from January 2015 to September 2020. Prior to Strathclyde, he was Professor of Employment Law at the University of Edinburgh, and served as Dean from 2007 to 2011 and was Dean of the School of Arts and Humanities at the University of Stirling from 2011 to 2014. He also served as Dean for Internationalisation at Stirling.

Dr Vanessa Collingridge



Vanessa is an award-winning broadcaster, best-selling author, prize-winning academic and leadership coach. After graduating from Oxford University with First Class honours in Geography, she moved into television, specialising in science,

environment, culture and history. For over 25 years, she's worked on all seven Continents. After a decade presenting network current affairs shows she took over the chair of Making History, Radio 4's flagship weekly history series. Her 4x1hr documentary series, Captain Cook – Obsession & Discovery based on her best-selling book, has been screened around the world winning five major international awards including a Canadian "Oscar".

A qualified cosmonaut on Star City's Space Tourism Programme, she is also director of Monster Media Productions making radio and television programmes for broadcast and corporate clients; it also provides executive coaching across the world in media, communication and impact/presentation skills. After three years of living in Hong Kong, China, she is now back home in Scotland with her partner, their four sons, a dog, two cats, an African pygmy hedgehog and an axolotl...

Ben Cramer



Ben Cramer was born in Tooting, South London and grew up living with his family on the South Coast of England, in a village at the foot of the South Downs, and then in Cambridge. He returned to South London for university, living there with

friends for almost a decade, before moving to Edinburgh where he has lived since 2011, now residing with his partner in Newhaven.

Ben graduated, with distinction, from the University of Strathclyde MSc in Mediation and Conflict Resolution in 2018 and has been cultivating a mediation practice over the subsequent four years, co-mediating with the University of Strathclyde Mediation Clinic, Edinburgh Sheriff Court Mediation Service, Restorative Solutions and Scottish Mediation. Thanks to a recent pilot project at the Mediation Clinic, Ben is handling all referrals from Airdrie Sheriff Court. Ben is currently enrolled for a doctoral degree at the University of Strathclyde and is interested in writing that conveys what happens in mediation.

Biographies continued

Dr Anna Howard



Dr Anna Howard is a lecturer, mediator and lawyer. Anna is a Guest Lecturer at University College London and a Research Fellow at the Singapore International Dispute Resolution Academy. Anna's recently published book, *EU Cross-Border*

Commercial Mediation: Listening to Disputants (Wolters Kluwer 2021), is based on her PhD which she was awarded by Queen Mary University of London in 2020.

Anna qualified as a solicitor (England & Wales) in 2003 and practised EU competition law at Freshfields Bruckhaus Deringer and Fieldfisher before starting her academic career as Lecturer of Law at the School of Law, Singapore Management University. Anna is an accredited mediator (Core Solutions, Scotland) and recently trained as a community mediator (Calm Mediation, London).

Charlie Irvine (Director, University of Strathclyde Mediation Clinic)



Charlie Irvine is Director of Strathclyde's LLM in Mediation and Conflict Resolution, combining academic study with a strong focus on practice. In response to student demand he started the Mediation Clinic in 2011; from a handful of mediations

per year the Clinic has grown to the point where it provides small claims mediation in almost half of Scotland's courts. Charlie's academic work focuses on the role of justice in mediation and his practice includes workplace, succession and charity disputes and professional complaints. He is a regular contributor to the Kluwer Mediation Blog.

Sheriff Livingston



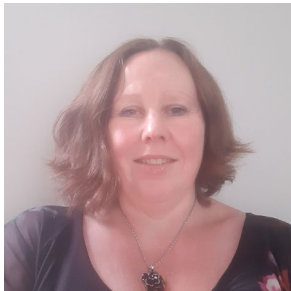
Derek Livingston graduated LLB at the University of Glasgow before joining the Glasgow firm of Joseph Mellick in 1978 where he served his apprenticeship. From there he joined Naftalin Duncan & Co, becoming a partner in 1981. His work

was initially both in the criminal and civil spheres before specialising in the civil side of things taking a particular interest in housing and welfare law but engaging in the full range of civil work as well as regularly carrying out night work for a newspaper. In 2007 he was appointed as a part time sheriff and in 2016 as a summary sheriff at Falkirk. He is now a full sheriff in South Strathclyde Dumfries and Galloway.

His appointment as a summary sheriff coincided with the inception of Simple Procedure and a load of rules which pointed parties to mediation and Alternative Dispute Resolution. To his disappointment although not surprise he discovered that although sheriffs had a duty to try to have parties engage in these processes no signposting of resources took place. He met Professor Irvine at a seminar on Simple Procedure at the University of Strathclyde and arranged for mediation services to be made available at Falkirk and became a big fan of the concept.

Biographies continued

Tracey Reilly



Tracey Reilly is head of Consumer Markets at Consumer Scotland, a newly established statutory, independent body, providing a voice for consumers in Scotland. She has previously worked as Clerk to the Justice Committee at Holyrood, and

in policy roles at Citizens Advice Scotland and the Scottish Government. She has a strong personal interest in dispute resolution issues, having completed the QMU post-graduate diploma in dispute resolution in 2020.

Patrick Scott



Patrick Scott SC served as Chair of the Board of the University of Strathclyde Mediation Clinic for three years, from 2019 to 2021. He is now the newly appointed editor of the Clinic's newsletter, "Mediation Matters!". Patrick is a lead mediator with the Strathclyde

Clinic and, in particular, mediates matters from the Kilmarnock Sheriff Court. He is on the Scottish Mediation Register and also serves on the mediation panel of the Scottish Legal Complaints Commission.

After practicing as an advocate in South Africa for thirty years (the last seven as senior counsel), Patrick relocated to the Isle of Arran. He enrolled for a Masters' degree in Mediation and Conflict Resolution at the University of Strathclyde in September 2017, and graduated, with distinction, in 2019. His Master's dissertation was on mandatory mediation, and its effect on the parties' satisfaction with the mediation process ("Mandatory Mediation: Golden Goblet or Poisoned Chalice"). He is also a Board member of Mediation in Motion Mediators, a mediation organization in South Africa and writes a column for their quarterly newsletter, "Let's Mediate!".

John Sturrock KC



John Sturrock KC is founder and senior mediator at Core Solutions and also acts as a mediator with Brick Court Chambers in London. His work extends to the commercial, professional, sports, public sector, policy, government and political

fields. He is identified as a Global Elite Thought Leader by Who's Who Legal, is a Distinguished Fellow of the international Academy of Mediators and has been a Visiting Professor at the University of Edinburgh.

He writes extensively and recently published "A Mediator's Musings, Volume 2. He is founder of Collaborative Scotland, which promotes non-partisan respectful dialogue about difficult issues and he is one of the initiators of the Mediators Green Pledge. In 2019, John conducted a major review for the Scottish Government into allegations of bullying in NHS Highland and the subsequent "Sturrock Report" was well received across the public sector. He was a member of the Stewarding Group of the first Citizens Assembly in Scotland in 2019 - 2021. In 2019, John also co-chaired an Expert Group under the auspices of Scottish Mediation which produced a report entitled "Bringing Mediation into the Mainstream".

Biographies continued

Adrienne Watson



During Adrienne's career, she has worked in several administrative roles with academic organisations and consultancies. For more than 20 years, she ran a specialist environmental consultancy where she was responsible for the organisation's human

resources, finances, IT and administration. In 2016, Adrienne became an Accredited Mediator by completing the Mediation Skills for Alternative Dispute Resolution course at Regent's University London. Then in 2021 she joined the Mediation and Conflict Resolution MSc course at the University of Strathclyde.

Through the Strathclyde Mediation Clinic, Adrienne has been learning how the MSc course theory relates to mediation practice in court-referred disputes. In particular, she is enjoying working with the Clinic's highly skilled Lead Mediators to assist parties in resolving their disputes and is looking forward to building on this experience after she completes the course.

Alison Welsh



Alison Welsh is an Accredited Mediator who Lead mediates with the Mediation Clinic and is the main point of contact with Hamilton Sheriff Court, she also mediates privately. Having studied Business and Psychology at Strathclyde University in the 1980's,

Alison then went on to have a long career in Human Resource Management and Employment Law. In 2006 she helped establish and manage an HR and Employment Law consultancy firm, Square Circle HR, which supported small to medium sized organisations with outsourced HR and legal support. In 2018, following the acquisition of Square Circle by a law firm, Alison joined the University of Strathclyde's Masters Course in Mediation & Conflict Resolution. Her other interest is in Holistic Therapies being qualified in Reiki and Reflexology.

Leon Watson



Recent graduate from the LLM Mediation and Conflict Resolution course at the University of Strathclyde, and volunteer mediator with Strathclyde Mediation Clinic.

Travel information

Where do I go on the day of the Conference?

Please go to:

Room TL325ab, Level 3,
Learning and Teaching Building,
University of Strathclyde,
Jocelyn Bell Burnell Wing,
48 North Portland Street,
Glasgow G1 1XN, UK.

Level 3 can also be accessed from
Level 1 on Richmond Street.

Please also see a [map](#) of the campus.

How do I get to Glasgow?

The Glasgow Convention Bureau has information and resources on [travelling to Glasgow](#) and [finding accommodation](#). Downtown Maps also offers a complete [city guide](#) so you can make the most of your visit to Glasgow, including interactive maps, dining locations and leisure activities.

Please see overleaf for a selection of hotels near to the Learning and Teaching Building.

Is there car parking?

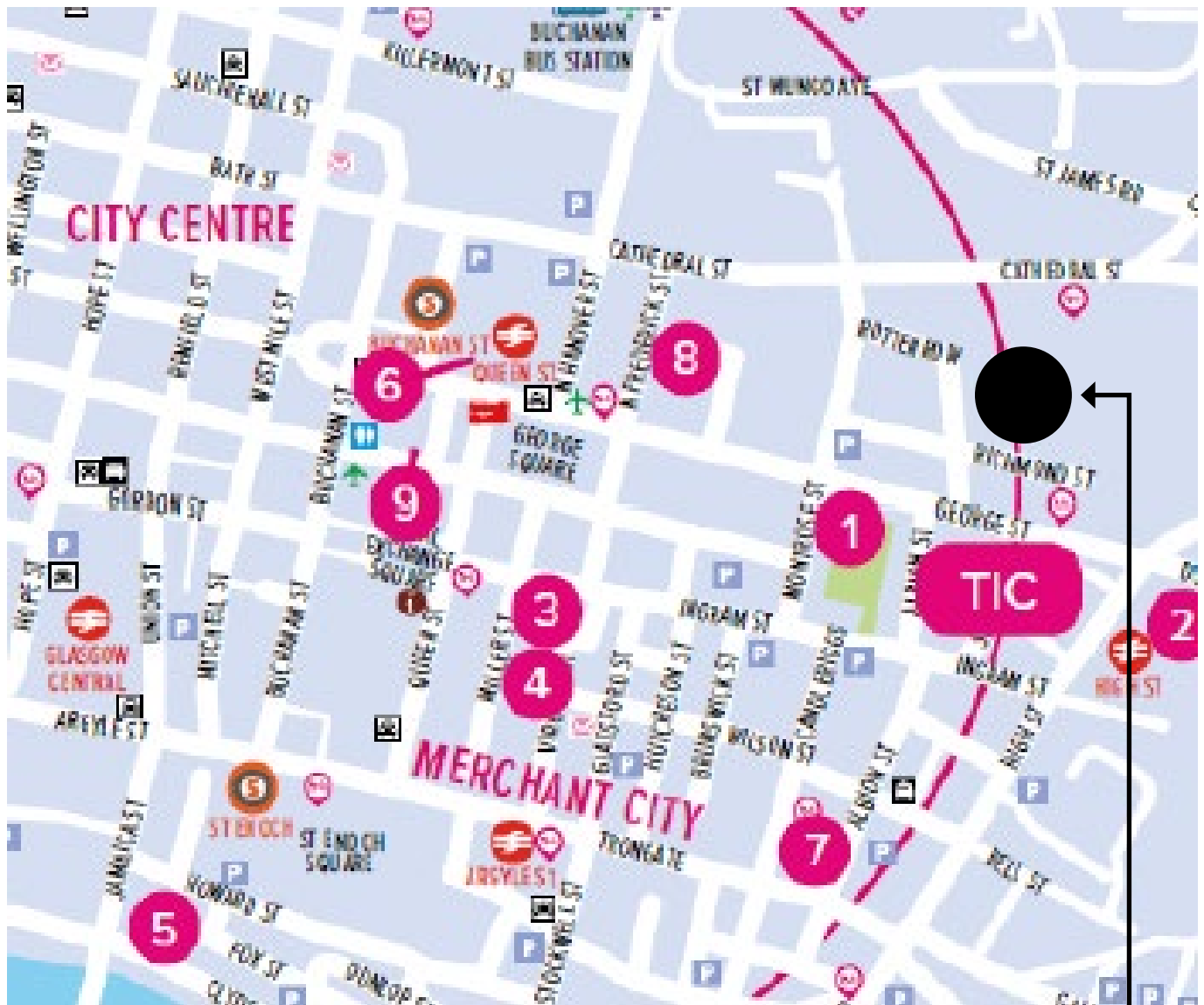
We will have free access to the [McCance](#) car park for the day of the conference.



Portland Street Entrance



Richmond Street Entrance



1. [Premier Inn George Square](#)
2. [Moxy Hotel](#)
3. [Mercure Hotel](#)
4. [Ibis Styles](#)
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6. [Carlton George](#)
7. [Fraser Suites](#)
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Feedback on your Experience

We hope you have enjoyed the Conference and we would love to hear your feedback.

Thank you

Thank you to Anderson Strathern for sponsoring the drinks reception.

Donation

If you have enjoyed the Conference and would like to support the Clinic Donations would be most welcome.



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