

## **CLA ADR Committee Terms of Reference**

### **Mission Statement**

*“The ADR Committee’s mission is to enable CLA members and others to share experience and develop awareness of all methods of resolving disputes without going to court, including Arbitration and Mediation and hybrid forms of each. The Committee will facilitate this through a subgroup of the Committee considering Arbitration and a subgroup considering Mediation and Committee members can be part of each subgroup. The Committee and the subgroups shall exchange views and knowledge, develop policy positions, undertake special projects including encouraging all Commonwealth Members to ratify the Singapore Mediation Convention and shall advise the CLA Council on arbitration and mediation and dispute resolution matters.”*

### **Other guiding principles/aims**

The ADR Committee’s work will:

- Implement the CLA’s Diversity & Inclusion policy
- Champion CLA for membership growth by enhancing the CLA’s value offering

### **Activities**

<b><i>Exchange views and knowledge</i></b>	<ul style="list-style-type: none"> <li>• Webinars, training and articles to generate discussions on Alternative Dispute Resolution</li> <li>• Partnering with Commonwealth Secretariat to assist it develop policies for trade and commerce within the Commonwealth through effective dispute resolution options with suitable and trained capacity in commonwealth member states.</li> <li>• Partner and collaborate with recognised training bodies in regions to foster connections and share information</li> <li>• Make speaker recommendations to the CLC Papers Committee</li> <li>• Contribute Newsletter and journal articles</li> </ul>
<b><i>Developing policy positions</i></b>	<ul style="list-style-type: none"> <li>• Develop dispute resolution policy and protocols for endorsement by CLA Council</li> </ul>

<b><i>Undertaking special projects</i></b>	<ul style="list-style-type: none"> <li>• Organise a regular Commonwealth Mediation Conference</li> <li>• Provide training for practitioners using experienced trainers</li> <li>• Develop template dispute resolution clauses for commercial and other agreements</li> <li>• Collaborate with the CLA Family Law Committee on best practice for the resolution of family disputes</li> <li>• Provide capacity to the Commonwealth Secretariat to assist its development of arbitration and mediation policies for Trade and Access to Justice</li> </ul>
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### **Membership**

- Initial membership from Council, ExCo and YCLA
- Co-option of other members who can contribute specialist expertise or other advantages
- All Members are required to be in good standing with CLA unless they represent a partner organisation (ie. NGO and Commonwealth accredited organisation partners, or non lawyers)

### **Possible Partnerships**

- Commonwealth Secretariat
- Legal professional bodies such as Nivaaran, Chartered Institute of Arbitrators, Regional Arbitration and Mediation Centres

### **Administration**

- A Subgroup secretary to be appointed who will be responsible for meeting arrangements and minute taking and to report to the plenary Committee on the sub group activities and be the point of contact to liaise with the Secretariat for diary planning, record keeping and circulation of documents.
- Meetings will be held initially each month until established and then every 2 months
- Reporting lines
  - Each subgroup to the Plenary ADR Committee
  - To ExCo – brief verbal report with advance notification if specific Agenda time requested and with documents for circulation to be provided to the Secretariat the week before the ExCo meeting.
  - To Council – a brief written summary of activity and any relevant reports for circulation to be with the Secretariat 2 weeks before the Council meeting. Requests for substantial agenda time at Council to be requested at least 2 weeks in advance.
  - General Meeting – a written report of activity for the CLA membership. To be received no later than one month before the CLC

- For webinars and in-person events: the Committee members are required to identify their target audience, speakers and propose a Budget to disclose any financial exposure for the CLA, potential earnings for CLA and details of promotional or other requirements and the call upon the Secretariat's time. A Committee member will be identified to work with the Secretariat who will assist with scheduling (to coordinate with activities of other CLA Hubs and Committees) hosting on Zoom and marketing. Submission of all data (dates, times, speakers' bios etc) must be submitted at least 8 weeks prior to the event to give time for successful marketing strategies.