Mediation ADR process must be utilised for dispute resolution

FOR a long time, the formal court system has been the main process for resolving disputes and has been inundated with many cases quite unnecessarily resulting in the process being overrun with cases.

Now mediation with other forms of ADR is fast becoming accepted worldwide as preferred forms of dispute resolution. All these have one purpose, that purpose is to deliver justice to our people.

That’s from the acting Chief Justice Ambeng Kandakasi during the meeting feeling satisfied with the topics and presentations. Facilitators were senior counsel, a King’s counsel, a senior Judge John Logan and the Deputy Chief Justice Ambeng Kandakasi. The topics covered yesterday were advocacy in mediation, Personal Property Security Act fundamentals, recent changes to the Companies Act, Investment Promotion Act and the Associations Incorporation Act, recent legal developments with respect to mergers & acquisitions and listing on the PNG Stock Exchange.

Senior Judge of the Supreme Court Justice Logan in summing up the Legal Education event said “One of the hallmarks of the learned profession is the transference of knowledge and experience, another hallmark in the legal profession is that Judges take an active interest in delivery of continuing professional development as part of judicial role as displayed today with the participation of the acting Chief Justice Ambeng Kandakasi.”

He stressed that mediation is a process to help parties in a dispute to identify their disputes, develop and evaluate options, and enable them to make their own decisions about how to forward and or enhance their communication in a way that addresses their mutual needs with respect to their individual interests with future actions and outcomes and enable them to reach their own agreement or make a decision based on the principle of self determination and includes blended processes and customary forms of mediation.

Justice Kandakasi who is an accredited mediator and heads the ADR of the National Court has conducted number of mediations in resolving disputes especially on land matters and landownership in the resource areas of PNG.

With the vast experience, Justice Kandakasi encouraged lawyers to look at mediation as a means of resolving disputes in a timely and cost effective manner rather than taking lengthy approaches through the formal litigation process.

He said for too long, the formal court system has been the main process for resolving disputes and has been inundated with many cases which are quite unnecessarily consuming the court system with the process being overburden with cases.

The purpose is to deliver justice to our people. That being the case, there is an imperative for the formal court process and those involved with it to accept mediation and ADR as useful as friends and gatekeepers to play an important role in enabling clients, to make their decisions and to use mediation processes.

Mr Crowe said that Australia has seen mediation to be an effective method to lessen the burden on the courts as it is prompt, cost-effective and promotes a win-win result.

In Australia, we see only about 5 percent of commercial disputes go to trial through the normal court process while the rest settle in mediation,” he said.

He added that as commercial lawyers it is important to have a ‘broad and imaginative mind’ when approaching cases of dispute by working closely with the mediator whilst concentrating mostly on the interest of the parties without being too technical.

Remember of course that the mediator is also observing the body language and power dynamics in your room. I suggest that you do not try to effectively and efficiently use the mediate process to the client’s advantage.

He said that mediation is a process of understanding each parties’ position in the dispute, and by working alongside the mediator, they will all settle the disputes quickly.

He further elaborated that mediation trainings should be promoted in schools to help avoid the long and costly court processes.

CONTACT the Editor Courts on this email tkelola@sup.com.pg

First continuing legal education event a success

THE first ever Continuing Legal Education event for PNG lawyers held here in the country, has been hailed as a very big success.

The event which was organized by the Commonwealth Association (CLA) PNG in collaboration with the PNG Law Society, PNG Centre for Judicial Excellence (PNGCJE), the Bar Association of Queensland, the PNG/Aus Partnership, LLLS Lawyers, Ashurst, Allen Liokhaters and vLex was held at the Crown hotel on Tuesday.

Participants mainly lawyers, left the meeting feeling satisfied with the topics and presentations. Facilitators were senior counsel, a Kingston counsel, a senior Judge John Logan and the Deputy Chief Justice Ambeng Kandakasi. The topics covered yesterday were advocacy in mediation, Personal Property Security Act fundamentals, recent changes to the Companies Act, Investment Promotion Act and the Associations Incorporation Act, recent legal developments with respect to mergers & acquisitions and listing on the PNG Stock Exchange.

Senior Judge of the Supreme Court Justice Logan in summing up the Legal Education event said “One of the hallmarks of the learned profession is the transference of knowledge and experience, another hallmark in the legal profession is that Judges take an active interest in delivery of continuing professional development as part of judicial role as displayed today with the participation of the acting Chief Justice Ambeng Kandakasi.”

He stressed that mediation is a process to help parties in a dispute to identify their disputes, develop and evaluate options, and enable them to make their own decisions about how to forward and or enhance their communication in a way that addresses their mutual needs with respect to their individual interests with future actions and outcomes and enable them to reach their own agreement or make a decision based on the principle of self determination and includes blended processes and customary forms of mediation.

Justice Kandakasi who is an accredited mediator and heads the ADR of the National Court has conducted number of mediations in resolving disputes especially on land matters and landownership in the resource areas of PNG.

With the vast experience, Justice Kandakasi encouraged lawyers to look at mediation as a means of resolving disputes in a timely and cost effective manner rather than taking lengthy approaches through the formal litigation process.

He said for too long, the formal court system has been the main process for resolving disputes and has been inundated with many cases which are quite unnecessarily consuming the court system with the process being overburden with cases.

The purpose is to deliver justice to our people. That being the case, there is an imperative for the formal court process and those involved with it to accept mediation and ADR as useful as friends and gatekeepers to play an important role in enabling clients, to make their decisions and to use mediation processes.

Mr Crowe said that Australia has seen mediation to be an effective method to lessen the burden on the courts as it is prompt, cost-effective and promotes a win-win result.

In Australia, we see only about 5 percent of commercial disputes go to trial through the normal court process while the rest settle in mediation,” he said.

He added that as commercial lawyers it is important to have a ‘broad and imaginative mind’ when approaching cases of dispute by working closely with the mediator whilst concentrating mostly on the interest of the parties without being too technical.

Remember of course that the mediator is also observing the body language and power dynamics in your room. I suggest that you do not try to effectively and efficiently use the mediate process to the client’s advantage.

He said that mediation is a process of understanding each parties’ position in the dispute, and by working alongside the mediator, they will all settle the disputes quickly.

He further elaborated that mediation trainings should be promoted in schools to help avoid the long and costly court processes.

CONTACT the Editor Courts on this email tkelola@sup.com.pg

ADRs mediation accepted worldwide: Kandakasi

Mediators (the ADR Rules) define mediation as a process a mediator uses to help parties in a dispute to identify their disputes, develop and evaluate options, and enable them to make their own decisions about how to forward and or enhance their communication in a way that addresses their mutual needs with respect to their individual interests with future actions and outcomes and enable them to reach their own agreement or make a decision based on the principle of self determination and includes blended processes and customary forms of mediation.

Justice Kandakasi who is an accredited mediator and heads the ADR of the National Court has conducted number of mediations in resolving disputes especially on land matters and landownership in the resource areas of PNG.

With the vast experience, Justice Kandakasi encouraged lawyers to look at mediation as a means of resolving disputes in a timely and cost effective manner rather than taking lengthy approaches through the formal litigation process.

He said for too long, the formal court system has been the main process for resolving disputes and has been inundated with many cases which are quite unnecessarily consuming the court system with the process being overburden with cases.

The purpose is to deliver justice to our people. That being the case, there is an imperative for the formal court process and those involved with it to accept mediation and ADR as useful as friends and work in collaboration or in cooperation with them to better deliver justice.

He said Lawyers as gatekeepers have an important role to play in enabling clients, the people, to make choices for the use of mediation and other appropriate, active and assisted (ADR) forms of dispute resolution.

Malaysia mediation accepted worldwide: Kandakasi

KANDAKASI_

Mediation ADR process must be utilised for dispute resolution

FOR a long time, the formal court system has been the main process for resolving disputes and has been inundated with many cases quite unnecessarily resulting in the process being overrun with cases.

Now mediation with other forms of ADR is fast becoming accepted worldwide as preferred forms of dispute resolution. All these have one purpose, that purpose is to deliver justice to our people.

That’s from the acting Chief Justice Ambeng Kandakasi during the meeting feeling satisfied with the topics and presentations. Facilitators were senior counsel, a Kings counsel, a senior Judge John Logan and the Deputy Chief Justice Ambeng Kandakasi. The topics covered yesterday were advocacy in mediation, Personal Property Security Act fundamentals, recent changes to the Companies Act, Investment Promotion Act and the Associations Incorporation Act, recent legal developments with respect to mergers & acquisitions and listing on the PNG Stock Exchange.

Senior Judge of the Supreme Court Justice Logan in summing up the Legal Education event said “One of the hallmarks of the learned profession is the transference of knowledge and experience, another hallmark in the legal profession is that Judges take an active interest in delivery of continuing professional development as part of judicial role as displayed today with the participation of the acting Chief Justice Ambeng Kandakasi.”

He stressed that mediation is a process to help parties in a dispute to identify their disputes, develop and evaluate options, and enable them to make their own decisions about how to forward and or enhance their communication in a way that addresses their mutual needs with respect to their individual interests with future actions and outcomes and enable them to reach their own agreement or make a decision based on the principle of self determination and includes blended processes and customary forms of mediation.

Justice Kandakasi who is an accredited mediator and heads the ADR of the National Court has conducted number of mediations in resolving disputes especially on land matters and landownership in the resource areas of PNG.

With the vast experience, Justice Kandakasi encouraged lawyers to look at mediation as a means of resolving disputes in a timely and cost effective manner rather than taking lengthy approaches through the formal litigation process.

He said for too long, the formal court system has been the main process for resolving disputes and has been inundated with many cases which are quite unnecessarily consuming the court system with the process being overburden with cases.

The purpose is to deliver justice to our people. That being the case, there is an imperative for the formal court process and those involved with it to accept mediation and ADR as useful as friends and work in collaboration or in cooperation with them to better deliver justice.

He said Lawyers as gatekeepers have an important role to play in enabling clients, the people, to make choices for the use of mediation and other appropriate, active and assisted (ADR) forms of dispute resolution.

Malaysia mediation accepted worldwide: Kandakasi

KANDAKASI_