

Primary Dispute Resolution Services in Australia

Joint meeting between the Family Services Council and the Family Law Council

May 14th 1998

Background

The *Family Law Reform Act 1995* provided as one of its objects encouragement of people to use primary dispute resolution (PDR) mechanisms (such as counselling, mediation, arbitration or other means of conciliation or reconciliation), rather than litigation to deal with issues arising on the breakdown of marriage.

In 1995 the Joint Select Committee in its report *Funding and Administration of the Family Court of Australia* recommended that federally-funded PDR services be available to a greater extent in a community setting to increase access and choice to the services outside a litigation environment.

The PDR services provided by the Court and community based agencies have largely developed separately, without an overall plan or significant liaison. The Government wants to ensure the best access to these services and the best results possible for users of PDR services.

In keeping with the recommendations of the Joint Select Committee to increase access to community based PDR services, and recognising that many issues would arise from any change to the existing way those services are delivered, the Attorney-General's Department released a discussion paper titled "*Delivery of Primary Dispute Resolution Services in Family Law*" in August 1997.

Submissions were received from a range of stakeholders including the Family Services Council (FSC), the Family Law Council (FLC), the Family Court of Australia, the legal profession, community organisations, community legal centres, legal aid providers, community and court based counsellors, professional bodies and individuals.

On 20 March 1998 the Attorney-General, the Honourable Daryl Williams AM, QC, MP asked the FSC and the FLC to meet and discuss four specific issues relating to PDR services. The Attorney conveyed his views to provide a context for the meeting which included:

- Significant changes are needed to the way PDR services are delivered if we are to divert greater numbers of people from any involvement in adversarial processes in family law matters;
- Exploration of the full potential of the existing system is an essential first step in achieving that important objective. It is clear that there is a great deal of work to be done in promoting primary dispute resolution methods in family law not only within the community generally but also among family law practitioners;
- Within the existing structure of service, it seems likely that improved outcomes for clients could be achieved if the current roles of and relationships between all family law service providers were clarified;

- That there is a great deal of confusion around the terminology, definitions and purpose of the range of services offered by the court and the community and how these affect clients and the choices they make.

The Attorney-General asked the FSC and the FLC to consider:

- The current roles and relationships between all family law service providers including community based services, family law practitioners and the Family Court;
- How a more effective partnership between these providers could be achieved to reduce the numbers of people commencing proceedings in the Family Court;
- Any structural or practice changes that could be made relatively quickly and easily to support a stronger partnership approach that focuses on the client; and
- Any structural or practice changes that would be necessary in the longer term for the community based services to take on a greater share of family dispute resolution services.

Meeting overview

The joint meeting has identified areas where there is agreement about the current system which could lead to improvements regardless of what decisions are made in the future. There was general agreement that the Attorney-General's direction to Councils to hold a joint meeting has stimulated a process of discussion and changes of attitudes.

Whatever decision is made about the delivery of PDR services many participants felt that specific funding would be needed to support and build a strategic alliance between stakeholders. There is a need for planning and policy integration and an examination of how links might be formed with relevant State/Territory agencies and bodies.

It was proposed by some that an office responsible for research and policy development could have a coordinating role which would fill a gap in the present structure. This body could be administered by a national task force extending beyond the court and community service providers to representatives from other community organisations, the legal profession and the public.

Some members felt that it might be beneficial for further joint meetings to take place or for combined working groups to be established once particular issues are identified from decisions made about the delivery of services. Any such activity would need to be endorsed by the Attorney-General and Councils understand that their role is to provide advice rather than to implement Government policy.

It should be noted that some members report a difficulty in giving advice when they are not clear about what decisions will be made by Government. However, they felt they could give more specific advice once decisions are known. There was a general feeling that while this report does not contain specific information upon which decisions can be made, it has presented some strategies and options for thought.

A number of participants wished to discuss issues other than the questions posed by the Attorney-General and in particular that any change from the status quo was appropriate.

The facilitator proposed that given this report lists a number of options and strategies Councils could meet again if the Attorney-General decided they should make recommendations for the delivery of PDR services.

Meeting approach

A preliminary meeting was held to discuss procedure with the objective of ensuring that the one day joint meeting was productive. Attendees included;

- Judith Roberts, Chairman of the FSC;
- Jennifer Boland, Chairperson of the FLC;
- Professor John Wade, facilitator for the joint meeting;
- Helen Hambling, Assistant Secretary, Legal Aid and Family Services, Attorney-General's Department;
- Richard Morgan, Senior Government Counsel, Civil Law Division, Attorney-General's Department;
- Debra Wheare, Secretariat FSC; and
- Jenny Degeling, Secretariat FLC.

It was decided that given the limited timeframe for Councils to consider the complex issues around the delivery of PDR services, the meeting would not focus on questions addressed in submissions to the Department's discussion paper as they were already under consideration by the Attorney-General.

Attendees considered the range of issues raised in the Attorney-General's letter and adopted the facilitator's suggestion that these could be separated into two groups of nine questions. The first group of questions constituted broad research questions which could not be adequately addressed in the joint meeting but would require specific attention on a relatively large scale. For example, to address a question about the current dispute resolution system would require further study, including a theoretical and diagrammatical map and although this would be important for future policy development it could not be adequately addressed at the joint meeting.

The questions which would not be considered at the joint meeting included:

- How could further "investigative" work be undertaken in the area of dispute resolution?
- (How) could different dispute resolution services be distinguished? (In concept and understanding)
- How does the current system of dispute resolution actually work? (Too many myths and competing views on this (no shared understanding)
- What relationships currently exist between different dispute resolution service providers?

The facilitator pointed out that international research has identified questions for the next decade of research into the delivery of dispute resolution services. These questions are listed at Attachment A and it is interesting to note that they are almost identical to the research questions proposed in the Attorney-General's letter of 20 March 1998.

Regarding research some attendees suggested we could look at the successes and failures in other jurisdictions, such as the United Kingdom and New Zealand, keeping in mind that this will not help determine all aspects of change in the Australian environment. It was also suggested that there might be a need to compare the area of PDR services with changes made to the social services in the Department of Social Security, the logic being that it is necessary to manage the system as well as possible whatever system is imposed and to learn from how others have managed change.

Participants to the Joint Meeting were provided with the FSC's, FLC's and Family Court of Australia's responses to the Discussion Paper prior to the meeting.

Participants

Facilitator: Professor John Wade

Family Services Council Family Law Council

Mrs Judith Roberts *Chairman* Mrs Jennifer Boland *Chairperson*

Dame Margaret Guilfoyle Ms Elaine Atkinson

Ms Susan Gribben Ms Dale Bagshaw

Ms Dale Bagshaw Ms Susan Blashki

Ms Dianne Gibson Professor Eleanor Bourke

Ms Helen Disney Mr Stephen Bourke

Ms Helen Hambling The Hon Justice Rod Burr

Ms Debra Wheare *Secretariat* Professor John Dewar

The Hon Justice Michael Hannon

Ms Annemaree Lanteri

Mr Richard Morgan

Mr Des Semple

Ms Jennifer Degeling *Secretariat*

Family Services Council Apologies Family Law Council Apologies

Mr Paul Tyrrell The Hon Justice Carolyn Martin

Professor Margaret Alston *Family Court of WA*

Mr Daniel Ford Dr Kate Funder

AIFS

Family Law Council Observers

Dr Carole Brown

Family Court of Australia

Ms Margaret Harrison *Family Court of Australia*

Attorney-General's Department Observers

Ms Renee Leon *Civil Justice Branch*

Ms Sue Pidgeon *Civil Justice Branch*

Joint approach

The facilitator outlined the rationale for the day's agenda explaining that five of the nine questions about the delivery of dispute resolution services would be addressed during the day.

The Attorney-General clearly sought particular advice and those issues would be specifically considered at the joint meeting. The questions to be addressed on the day of the joint meeting were:

- How can the use of dispute resolution services be promoted in the community and among gatekeepers?
- What relationships should exist between different dispute resolution service providers?
- In the short term, what options for change exist to create a "stronger partnership" between dispute resolution service providers?
- In the longer term, what are the options to encourage more dispute resolution work to be done by "community-based services"?
- How can more people be diverted away from any involvement in adversarial processes and there be a reduction of the numbers of people commencing proceedings in the Family court?

Participants were asked to answer the questions with 2 scenarios in mind: (1) "What if the status quo is retained?" and (2) "What if PDR services are moved to community based agencies?"

Common themes

The meeting was asked to consider common themes in submissions to the Attorney-General's Department's PDR paper which they had read. A number of themes emerged which had commonality across the selected submissions:

1. PDR services, especially conciliation, conciliation counselling, counselling and mediation have evolved and developed in all sectors, including the community sector, since the Family Court service was established.

2. Any arrangement of services must have a client focus.
3. Expertise developed in Court PDR services should be retained and utilised.
4. Reportable counselling and similar work (when proceedings have been commenced) should remain with the court. However there was no commonality on funding or control of those services (nor were they discussed).
5. Cases involving serious violence are usually best handled in the Court for reasons of expertise and safety.
6. Relationship counselling is better delivered by community based services.
7. Education of professionals and the community (gatekeepers) about present and future availability of services is necessary in the current system.
8. There is no evidence or certainty that change would succeed in deflecting people from the court.
9. Change should not be based on untested assumptions.
10. Any changes to the existing arrangement will not be cost neutral.

How can the use of dispute resolution services be promoted in the community and among gatekeepers?

The facilitator asked the group to consider this question keeping in mind the two scenarios and some members noted that some of their answers appeared to apply to both. Some members of the group commented that they had great difficulty in the identification of and delineation about how and where dispute resolution services should be categorised and that it should be expected the general public would have even greater difficulty in doing so.

Environment/market

- The community is more adversarial now than in 1976 and the forces for cooperation are less powerful than the forces for competition. The social philosophy of competitiveness runs counter to a non-adversarial/mediatory culture. Public education must address this issue as an issue of public attitude. There might be a need to consider the issue of competition v cooperation and how these perspectives differ i.e. big companies collaborate in order to survive the competitive environment. However, another view was that the competition/cooperation dichotomy is too simplistic to explain the dispute resolution services environment.
- Research is needed to determine what the public wants and knows about.
- Market research and promotion needed. Use TV (popular programs/soapies or advertisements) to sell the message of alternatives to courts and the police. The current media images suggest law and order and judicial based resolution rather than a community based model of resolution.
- A 'restaurant strip' approach was suggested i.e. range of choices of services in the one location creating client choice and exposure to alternatives.
- Design a clear pathway for the public through the system. However, before that can be done, the whole family law system needs to know who it is and what it does.
- There is a need to 'normalise' crisis PDR services e.g. time off from the workplace to attend counselling should be similar to attending the doctor.
- Family Court sessions should be more comprehensive and include the best interests of the child and possibly even attendance by children.
- The education process should be broad based e.g. by taking it into schools at all levels.

Referral and interaction

- Use existing court mechanisms to encourage people in certain directions.
- The role of lawyers as gatekeepers needs attention to ensure that when people come into the system they are directed to the right services e.g. lawyers have contact with and confidence in the court system but are not sufficiently aware of the quality and range of private or community services. This may require better education for lawyers about the range of PDR services available in the community. At the same time, the clients often want to know their legal rights before taking any further steps. Clients have confidence in their lawyers' networks and may be reluctant to access other services, so a cultural change may be required. This might be achieved through educating people about access to services beyond strictly legal services.
- Local law societies and local community based services need to interact to build trust and confidence in each other, as was the case with the development of mediation services.
- Academics need to interact e.g. Adelaide Law School held a mediation conference conducted by the University of South Australia. Education about alternatives should be part of relevant undergraduate courses at university.
- Identify the incentives and disincentives of referral by gatekeepers in the present system especially where they have a vested interest in undertaking the work themselves e.g. cost (loss of business), workplace practices, availability.
- An effective partnership between the court and community based services, lawyers and the community must be a first priority. There is a need to consider who should be in the partnership, what their roles should be and how a partnership approach should be used as an intake strategy.
- There should be a wider base of intake gatekeepers who must understand the total system. This may include taking on an early preventative focus by getting people to the appropriate services earlier in the process. The suggestion was made of a cohesive panel represented by a range of stakeholders who could present to and educate gatekeepers about the network of existing services. Examples of gatekeepers whose roles should not be underestimated include legal aid commissions and general practitioners.

Professional issues and work practices

- A need to rectify the lack of leadership in use of dispute resolution services e.g. mediators have no profile or career path. High profile professionals such as judges might be utilised to increase the profile in alternative dispute resolution (perhaps by using mediation themselves).

Funding

- Without a commensurate injection of funds, there is a risk that an extension of services will diminish the quality of services.

The facilitator proposed that there were two underlying fallacies in this question about promoting dispute resolution services in the community and among gatekeepers. One is that the government itself is a prodigious litigator. It models its own problem solving policy on the court/adversarial system but encourages the public to do the opposite. The Government

should consider its own behaviour in the context of the implementation of models designed to change the behaviour and attitudes of the public.

The second fallacy may be the assumption that a large number of people will be helped by an expansion of services. The facilitator proposed that only a tiny percentage of people access services (the top of the pyramid), and that an increase in services will only marginally increase the percentage of people helped. Most people in conflict tend to settle or give up and there is no reason to suggest that this will change in the future.

In the short term, what options for change exist to create "a stronger partnership" between dispute resolution service providers"?

Environment/market

- Mapping of services, comprehensive guides and service directories produced. An efficient use of IT services and products.

Referral and interaction

- There is a problem with quality assurance. How do you know the quality of a service before making a referral? There are issues of fear and trust about making a bad referral.
- The NZ coordinator model warrants further consideration. This is where a person with a comprehensive understanding of the range of available services can coordinate referrals at the intake stage. The Government might fund such a position in the court, possibly along the lines of the Melbourne Magistrates Court Juvenile Justice Officer or Intellectual Disability Officer. Such a position would increase the knowledge of the services, improve confidence in the system and may reduce the need for legally aided separate representation of children where the coordinator can assist the primary professional handling the case. This was referred to during the course of the day as 'the broker model'.
- Discussion of the broker model ranged from simple networking to counter diagnosis. The role of the broker needs full consideration e.g. by a national task force. The Family Court Rules already provide for the appointment of Assessors but is currently not utilised. The broker model would lend itself to use of these existing provisions. The position would then have higher visibility and trust in the Court although there was suggestion that the broker would need to be independent from the court but establish close liaison with the court and community organisations. Brokers would need high level specialist skills given the need to negotiate with other professionals.
- Court case management guidelines discourage ordering interim reports (perhaps as a cost issue) and the better use of assessors (or brokers) might address this.
- An exchange/secondment program between services e.g. someone from a community organisation could work in the court or vice versa. This would form part of a networking strategy to 'cross-fertilise' across the family law system.
- A display of high profile partnership at a high level, not just grass roots cooperation, is needed to assist organisational change.
- Clarity with client and gatekeeper as to services available (requiring an increase in trust to make referrals).

- Local area committees of people representing the field of stakeholders might be set up at the local level to get cooperation and as a mechanism to set up the partnership. The committees would need close links with the communities they serve.
- A proposal was put forward for a national task force to support the local area committees. The goals of the local area committees need to be carefully defined to create a partnership with certain outcomes. These might include improved client referral, client choice, accessibility, information dissemination and uniform promotion of PDR services. A task force might also oversee, direct and coordinate change.

Professional issues and work practices

- Impose some professional requirement for groups to meet along the lines of Continuing Legal Education. Part of a continuous improvement strategy might include specific skill attribution/accreditation across defined skill areas of the family law system.
- It is necessary to investigate who are the parties to the partnership and what they have to gain or lose in the partnership. If some parties have too much to lose, the partnership won't work.

In the longer term, what are the options to encourage more dispute resolution work to be done by "community based organisations"?

The facilitator pointed out that the solution is embedded in this question i.e. PDR will move away from the Court to the community-based organisations. There was some discussion about whether the use of the word 'encourage' was really to 'compel' and that a compulsion to use community based PDR services is therefore a strategy within itself. Some members asked the questions "who needs to be encouraged, the clients or the referrers", and "what are the obstacles"?

Environment/market

- How would services be marketed to reach clients; in the community, when filing in court, when getting an Apprehended Violence Order from the Magistrates Court? Suggestions included making videos, personal presentations and education packages available in courts, community organisations, libraries and other community agencies/bodies.
- Need to change community ethos so as to view dispute resolution services as a cooperative effort for the family i.e. the public should want to use the services. The public also need to see visible signs of the courts working with community organisations. It was suggested that this implies a human cultural change and it might be beneficial to consider a generational context to the change. This might incorporate targeting young people through educative/preventative measures.
- The Child Support Agency and the Department of Social Security should not be overlooked as stakeholders. Both are developing education and mediation services.
- Need to clarify who is the client at different stages e.g. at pre-filing it is a consensual client; post filing the court is the client; as funder, the government is the client.
- Policy development, service design and resource allocation must be developed according to best practice with performance indicators, standards and benchmarks (as is being undertaken with the introduction of FAMQIS in the community)

organisations). Currently there is no compulsion to commit to family law standards (where they exist).

- Collocation of services (one stop shop) will encourage use.

Referral and interaction

- Case management practices could be developed so that lawyers or community mediators 'retain ownership' of their case i.e. the case comes back to them after being referred to other agencies or for legal advice. This confidence already exists between lawyers and court mediators.

Structural change

- One suggestion was to establish an Office of the Status of Mediation, along the lines of the Office of the Status of Women, to coordinate, research and clarify roles of service providers/stakeholders and gatekeepers. Another suggestion was that central coordination would be beneficial in some form. Attention was drawn to the fact that the purchaser/provider model accounts for one aspect of managing a service delivery system. There is also a need for administration, evaluation, training, data collection, grants, tendering processes, marketing etc. The benefits of a purchaser/provider model include Quality Assurance, policy and service design, transparent monitoring and evaluation.

Professional issues and work practices

- Need to clarify when a client should go to lawyer and when to a mediator. There is a need to deconstruct what lawyers actually do to ascertain what community organisations could do. Lawyers would trust mediators more if they were legal professionals and see the traditional role of the legal profession upheld by the courts in that clients are referred back to them for further legal advice (case ownership). Lawyers need confidence that their clients' rights are protected and that the client acts with knowledge of their rights.
- Reduced filing fee or fast track hearing could encourage use of voluntary dispute resolution at an earlier stage. Otherwise the cost to the client is high because, for example, if you delay filing there is a delay in hearing.
- It could be a pre-requisite to filing that PDR has been obtained, or a credit could be given as an incentive to get PDR e.g. move ahead in the court queue if PDR fails. Potential client rewards for trying PDR first.

Funding

- More funds needed if community based services are to do more e.g. for security, training, redesign of services/agencies (administrative and organisational structure). Data is needed on unit service cost.
- Cost to client of community based services; would clients use them when court services are free?
- Need to determine what are priorities of the services. Whether it is substitution of services, or additional services, and whether it is program driven or budget driven.

How can (a) more people be diverted "from any involvement in the adversarial process" and (b) there be a reduction in the numbers of people "commencing proceedings in the Family Court"?

Structural change

- Change the *Family Law Act* to erect barriers to litigation e.g. reduce the basis for applications, increase filing fees, reduce the number of judges, increase costs, reduce quality, lengthen delays (or create incentives for using PDR and increase the profile of PDR).

Professional issues and work practices

- As long as there are delays, you must file to get in the queue. Reduce numbers by making the product faster (but then there is a risk that numbers may increase because the system is faster). Delays can be either beneficial or detrimental in that, for some people, the purging experience of having their day in court is very beneficial or in the case of crisis, people might be too vulnerable to handle the process at the early stages of a family breakdown.

There was some general discussion that:

- In relation to the question about diverting more people away from any involvement in the adversarial process, there are a number of factors driving litigation. More research is needed to clarify this, for example, the need for a clearer definition of 'commencing proceedings' is needed because it might mean filing, obtaining consent orders or a hearing before a judge.
- It is accepted that 5% of cases need to be judicially determined. However, we need to acknowledge that, of the remaining 95%, people settle for different reasons such as cost, fear, or compromise and presumably many people may settle outside the system or simply give up.

There was some general agreement that in considering the question about steering people away from litigation it might be useful to consider the reasons why people file.

Why do people file?

1. To get in the queue.
2. Emergency application to be made in a crisis situation.
3. All other strategies or processes, including negotiation, have been exhausted.
4. It puts negotiation into a structured procedure.
5. Strategically advantageous (to be the initiator rather than the reactor)
6. To get an independent source of advice or intervention from a third party.
7. Some lawyers prefer to work in an adversarial manner.
8. Where difficult questions of law arise and are too complex for the parties involved.
9. Strategically advantageous (intimidate the other party).
10. Litigants in person file (don't know what else to do).
11. Gives the applicant credibility with other stakeholders e.g. children.
12. Litigation affects the negotiation procedure i.e. litigate with the left hand, negotiate with the right.

13. To get information from the other party e.g. subpoenas, affidavits.
14. Filing provides an ethical foundation for negotiation i.e. changes the game play.
15. To avoid professional negligence claims.
16. Filing is functional to negotiation by getting a response from a disorganised party.
17. Strategically advantageous (to exhaust funds/legal aid funds of other party).
18. Must file for consent orders.
19. Must file within 12 months of separation for property or child matters.
20. Creates clarity i.e. party must state what they want.
21. Gets the moral high ground for applicant.

If these reasons for filing exist it might prove beneficial to contemplate whether they can be satisfied by some means other than filing? The answer to how more people can be diverted from litigation might lie in considering the reasons for filing. For example, to see a Registrar for an Order 24 conference is only possible after filing, so if the filing requirement was removed would the need to proceed to litigation be lessened?

What relationships should exist between different dispute resolution providers?

Environment/market

- Determine who is the client - not a homogenous group. Market research needed to identify potential clients not just existing clients.

Referral and interaction

- Relationships should have a client focus based on client needs, client empowerment and client choice. Clients should make up their own minds based on adequate information at different stages in the family breakdown cycle/process.
- Knowledge of the network of family law services is necessary for appropriate referral but also a need to offer diverse services and perspectives which challenge, stimulate and complement each other.
- Shared research to develop uniform terminology and methodology and possibly shared data collection, or at least, information dissemination.
- Avoid dominance by one provider e.g. at present there is a perception in community based services that the Family Court dominates the field. Models of partnership could be adopted.
- Each provider could enhance the legitimacy of the others in a strategic partnership which views the family law system as one field.
- Cooperation between providers to do more with less, to minimise professional burn-out and ease pressure to be multi-skilled.
- Accept the importance of the point of first contact. That person should be able to offer different menus for appropriate client choice.

Professional issues and work practices

- Mutually agreed ethics, especially for client confidentiality.

- Providers should agree on minimum standards of service provision, rules on level playing field, accountability, clarity in roles and functions. There should also be consistent scrutiny and evaluation procedures.

End of session general discussion

The facilitator pointed out that this discussion should be in light of public statements made by the Attorney-General that services will be moved from one sector to another. Comment was made that the Attorney-General has the authority and right to determine public policy in this area. There was also acknowledgment that some of these issues had already been canvassed in the submissions to the Department's discussion paper and so were in the process of being considered. Questions to be considered for this discussion included:

- What, if any, dispute resolution services should be moved?
- If so, on what time schedule?
- If so, with what funding for whom?
- If so, managed by whom?
- If so, into what location?

As discussed in the meeting overview there was some thought that extensive research is needed to answer these kinds of questions precisely. Even if research data points to the need for change, this should be achieved through pilot programs with minimum initial disruption to services. However, care is needed with pilots as they can be of excellent design but impossible to replicate in reality i.e. 'rolls royce' pilots.

The Departmental discussion paper identified three problems with services:

- not enough accessibility
- cost too high - contestability issue
- lack of cross referral across the family law system because of a lack of integration.

Some members felt that the Departmental paper included a number of untested assumptions such as:

- the fact that the Family Court Counselling and Mediation Service is attached to the court leads to the assumption that people are directed into litigation;
- that you can reduce the numbers of people requiring judicial determination given that the population accessing these services is approximately only 5%;
- that you can reduce the numbers of people filing applications; and
- that transparency of the Family Court budget is needed.

NEXT DECADE OF RESEARCH

The facilitator had framed the questions numbered below based on his knowledge of international and national research in the area of dispute resolution services. He suggested that these were key questions falling out of that research for the next decade about the provision of dispute resolution services.

These key questions are similar to those issues and questions raised by the Attorney-General in his letter of 20 March 1998 to the Family Services Council and the Family

Law Council. Attendees at the preliminary joint meeting reframed the Attorney's issues and questions for the purpose of the joint meeting and these are listed at pages 5 and 7 of the Report.

Key Questions

1. Can a helpful taxonomy (catalogue) of Dispute Resolution services be developed?

For example types of;

- **interviewing**
- **assisted negotiation**
- **lawyering**
- **therapy**
- **mediation**
- **decision-making**

2. What do successful Dispute Resolution practitioners actually do? (beyond myths, models and propaganda)

3. How can diagnosis be improved - right clients to right service more often?

4. How can the effectiveness or "success" of different Dispute Resolution services be compared accurately?

5. How can Dispute Resolution services be marketed more effectively?

6. What are the cultures and behaviours of gatekeepers to Dispute Resolution services?