Alternative Dispute Resolution by Tania Sourdin The Lawbook Company, RRP $63.55

Having just been involved in the process of a successful mediation of a commercial litigation matter, I was eager for further information and hence keen to read this book.

Regrettably, it failed to live up to my expectations.

The foreword by Sir Laurence Street seemed to set the scene for a very lively and interesting discussion, as he raises the question: to what exactly is *alternative dispute resolution* the alternative, given that, in his opinion, adjudicative or determinative processes do not *resolve* disputes.

Apparently academic discussion on the terminology has raged for years, although until now I admit the debate has not been one which has come to my notice in the sheltered workshop of day to day life as a commercial lawyer.

I had hoped that the book would be of practical assistance to non-litigation practitioners seeking more cost-effective and client-friendly solutions to the *alternative* nightmare which modern litigation represents.

But my overall opinion after 183 pages of text is that there was basically little practical content, and what there was, was largely self-evident to any lawyer of experience or could have been said in far fewer words.

Time was spent discussing the straw-splitting distinctions between a variety of different words which basically mean the parties come together to try to resolve issues between them, some of which are so similar in their effect as to render distinction between them entirely academic, and of no real assistance to the average client seeking simplicity of language and practical solutions.

As for the coining (not by the author) of terms such as *med/arb,* one can only despair.

It is a pity that there is an apparent lack of statistical information available from Australian jurisdictions, given the number of decades in which these processes have been incorporated into our litigation systems.

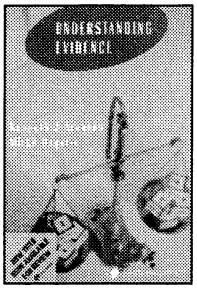
This is not the fault of the author, of course. Some reference was made to overseas statistics, but the author sometimes had to distinguish these as being of limited value in the Australian context.

The appendices, in comparison, are of practical assistance, particularly the Mediation and Evaluation Information Kit reproduced with the permission of the Law Society of New South Wales. Admittedly, this could probably just as easily have been obtained from the internet.

The kit contains excellent precedent clauses for inclusion in contracts, sample mediation agreements and the like.

Perhaps it is just too long since I have had to set aside time to peruse the work of academics, or the decades of constraints on my time now hinder my ability to enjoy a discussion of fine lines and hair splitting detail – those of you so inclined would no doubt find the book engrossing night time reading. But if you are into acronyms, this book has plenty to add to your collection.

– **Lyn Bennett, Associate, Ward Keller**



Understanding evidence by Kenneth J Arenson & Mirko Bagaric LexisNexis Butterworths, RRP $90

This is a "cases and materials on evidence" book, with commentary and instruction.

Each chapter has an "Introduction", sometimes with an "Overview", followed by quite extensive case extracts, then followed in each case by some questions intended to probe, test and enhance the reader's understanding of the particular topic.

Although the quality of case discussion and relevant principles is good - see for example the 10-page discussion on the accused's right to silence at trial in the context of the High Court's decision in *Weissensteiner v R,* (1993) 178 CLR 217 - the book is not really for practising lawyers.

It is rather a useful source book and guide for students of evidence.

If my comments to here do not deter you from purchasing the book, I should warn you that the print font is very small.

The case extracts, which comprise about 75% of the contents of the book, feature a particularly small font.

Every page I read required an actual physical effort.

It had me wondering about the potential tort liability of an academic institution to a student whose eyesight was damaged by having to read a prescribed small font text.

A final note - although the book has a table of contents (eight pages), a table of cases and a table of statutes, it does not have an index.

Perhaps the authors did not consider an index was necessary for this type of compilation.

– **Peter Barr, Barrister, William Forster Chambers**