

OPENING OF BAR DISPUTE RESOLUTION CENTRE
BAR COMMON ROOM
FRIDAY 4 JUNE 1999, 10.30AM

The Hon P de Jersey - Chief Justice

I am very pleased today to be associated with the opening of the Queensland Bar Association's Dispute Resolution Centre.

The facilities comprise an arbitration room, set up in courtroom style, with an office for the arbitrator, and two mediation rooms, one large and one smaller, each with an associated "breakout" room for the parties. The Centre has been constructed and financed by Barristers Chambers Limited, but will be managed by the Bar Association via Barristers Services Pty Ltd. As we know, the Centre is situated on the 5th Floor of the Inns of Court here, directly opposite the offices of the Bar Association, and can as needed function in conjunction with the Common Room and the Committee Room, each of which has been recently refurbished by the Bar Association.

I see this material development as very significant, if not fascinating. Until certainly the late 1980s, any suggestion that a barrister would be committed to any method of dispute resolution other than litigation, or infrequently arbitration, would have been dismissed as a piece of heresy. Like the Courts, the Bar saw its "business" as litigation. Yet here today, a decade later, many barristers are not only heavily engaged in mediation, case appraisal and other methods of so-called "alternative" dispute resolution, but the Bar Association is actively facilitating that, by providing appropriate physical premises.

My personal long term interest in ADR is well known. I attended one of the seminal early comprehensive conferences on the subject held in the United States in 1988, and I have actively supported the trend ever since. Now I am reassured to be leading a court which is actively committed to ADR, regularly referring cases to its processes, and maintaining a system for the accreditation of mediators and appraisers.

It is easy to justify the trend to ADR, for its socially desirable focus on amicable compromise among other things; and this is not the occasion to expatiate on that. But with a slight touch of irony I will mention a paper I delivered on the subject at the Australian Bar Association Conference in Darwin in July 1990. My theme was "why the Bar should embrace ADR". The enthusiasm with which I embraced the prospect was not, I should say, shared by all my audience. Indeed, one commentator subsequently saw fit rather derisively to dismiss my contribution on the simple ground that my paper had been too short. But that is really the point

about ADR: its utility is so obvious that it does not need any extensive justification. And now I am pleased to see the Bar much more generally favouring the trend. It really "took off" I think, when we came to realise, as barristers and judges, that with our focus on adversarial litigation carried through to judgment, we had rather overlooked the importance of negotiation.

And so today, these premises stand as testimony to the Bar's sensible support for these other important methods of dispute resolution. I congratulate the Bar on its attitude to a progressive modern approach to dispute resolution; and to its preparedness to facilitate those other approaches in this particular way.

In all of this, we see the Bar acting very much in the public interest. That it does so in many ways is not often sufficiently recognised and acknowledged. Today I am very pleased to make that acknowledgement.

It is with great pleasure that I declare open the Bar Dispute Resolution Centre. May its operation facilitate the early resolution of disputes, as expeditiously and inexpensively as justice may allow. May the amicability of the compromises and other resolutions it promotes, lead to the fostering of better personal and community relationships. And may all those who work here - helping people and corporations through their problems - gain thereby that sense of fulfilment and purpose in serving the interests of others which will always result from true professionalism.