

## Book Reviews

### Alternative Dispute Resolution

**Tania Sourdin**

**Lawbook Co, 2002, pp 295, \$63.45**

*Alternative Dispute Resolution* is a book that endeavours to outline the theory and application of Alternative Dispute Resolution ('ADR') within the Australian context. The ever-evolving changes that have occurred in relation to how conflicts and disputes are resolved within the legal context has led the author, Professor Tania Sourdin, who is both an academic and a professional practitioner in ADR, to write such a text.

The content is succinct and straightforward, with its aim to explore the current and expanding area of ADR, with a particular focus on theory, skills and processes required within this field. *Alternative Dispute Resolution* is valuable to students, practitioners and those involved within the realms of ADR.

The text is divided into ten chapters, with useful and beneficial appendices to facilitate an understanding of the practical aspects of ADR. Chapter one of *Alternative Dispute Resolution* outlines what is meant by ADR, placing it in its social and historical context and the emergence of this new paradigm of dealing with conflict and disputes. The second chapter builds on the first in relation to the definition of ADR by defining and explaining three processes of ADR: facilitative, advisory and determinative. Key definitions are highlighted and clarified within this context, making the ideas conveyed easily accessible to the reader.

Skills is the topic of chapter three, which outlines the appropriate communication skills required for ADR and provides a clear and concise overview of both the expertise required and how it may be obtained. This chapter is well linked to the appendix and provides a number of tables and case studies to place the skills within the framework of ADR.

The following four chapters (four to seven) involve issues about ADR objectives and the role and relationship of these objectives to the litigation system. These chapters aim to conceptualise the varying roles that ADR plays within the community, from court-based, to multi-option civil justice, to ADR outside the litigation system. These chapters give the reader an insight into the impact of ADR upon the traditional background of litigation, as well as the regimes employing

these new processes and the different avenues available other than the court system. Further, specific legal issues that arise in ADR are explored, such as the liability of practitioners, confidentiality and the enforceability of agreement following the ADR process arguably being of particular interest to practitioners.

Chapter eight discusses system design issues, with particular focus on the organisation. The inclusion of this chapter extends the book's application beyond the traditional thinking of ADR into new realms applicable to dispute management systems for handling conflict within an organisation. Further, the chapter examines issues relating to codes, rules, guidelines and standards applicable to ADR. This is well integrated, with illustrative tables and the appendix to again show the practicality of the ADR process.

In the remaining chapters, ADR and technology and future trends are discussed, which are interlinked in regards to the progression of the ADR process. These chapters are relevant to assess the possible future direction that changes in society, technology, litigation and the business sector may have on the ADR process.

The appendices are particularly beneficial in their practical application. Appendix A gives the reader an opportunity to apply useful illustrative exercises, with Appendix C providing valuable examples of drafting in regards to dispute resolutions. Appendices B, D and E deal with mediation and evaluation information, the Professional Code of Conduct for Mediators and the National Alternate Dispute Resolution Advisory Council standards. Finally, Appendix F provides recent Australian material and cases, as well as other useful world resources.

*Alternative Dispute Resolution* has successfully achieved its aim of providing a comprehensive assessment of the theory and application of ADR. However, it must be remembered that this text is an introduction to the area of ADR and that, while some practical application is provided, it is merely a starting point; analysis of how to administer such a resolution is not within the realms or the intention of the text. Notwithstanding this, the book is clear, succinct, logical and easy to read. It is well laid out, and the appendices are particularly well utilised. Statements are well backed-up by citations from various sources. Furthermore, the use of tables, graphics, definitions and illustrative examples exemplify well the issues being presented.

This text is a very useful book, particularly for students interested in the ever-expanding area of ADR. It is well written and easy to follow, with practical examples making it particularly relevant to students embarking on a course of study in this area.