



## President's Message

*Ian Nosworthy, President*

I am delighted to have the opportunity to serve the Institute as its President for the next 2 years. I see both substantial opportunities and challenges for the Institute in that period. For those who do not know me, I have practised as a lawyer in Adelaide, Darwin and elsewhere for 35 years. I now practice as a Barrister, Arbitrator and Mediator and a partner in a small Adelaide based law firm. I hope that those of you who do not know me will take the opportunity to meet me.

I have been struck by the diversity in the style and content of President's messages in our Journal over the years. Our membership base is now also the most diverse in the Institute's history. In my view, our diversity should be one of our greatest strengths, and a base upon which the Institute can build for the future.

We are no longer a body dealing with a narrow class of disputes, nor are we simply confined to arbitration as the sole means of dispute resolution. Our aim must be to provide well trained dispute resolvers who have an understanding of the full spectrum of dispute resolution processes, even if some decide to limit their role in practice to specific activities such as arbitration, mediation, or acting for or providing expert advice to parties in disputes.

I have long been surprised at how little some lawyers understand about arbitration, and how rigidly some people adhere to definitional distinctions between ADR processes which have little to commend them, and even less relevance to successfully resolving disputes. The most successful dispute resolvers are not always senior lawyers, retired judges or highly qualified experts. Frequently, they are simply mature, even handed people who take the time and trouble to learn what is at the heart of the dispute between the parties, and work out how a gulf may be bridged in mediation, or a frame work for intelligent decision making put in place in arbitration. The lateral thinker may demonstrate intuitive or learned skills which keep the dialogue going when others run out of ideas.

The Institute's role in selecting an appropriate dispute resolver is a very responsible one, and should contribute to success of the dispute resolution process agreed by the parties.

Recent statistics demonstrate an increasing call for nominations in a variety of roles, to deal with disputes of all shapes and sizes. Where a nomination is required to be made,

typically the Institute will identify a small group of potential candidates and endeavour to match their skills both to the specific dispute and the process. The role of members who are approached as potential nominees is to respond quickly, provide a current CV, and confirm their availability to act, so that a prompt and appropriate nomination can be made. Obviously, if we have a diverse pool of dispute resolvers, we have the potential to match the resolver to the dispute more effectively.

On occasions, parties in dispute seek to use the Institute's nomination process as a cynical part of a negotiating strategy. We are presently taking steps to revise nomination procedures to minimise the scope for such stratagems.

All of these considerations mean that our present diversity of membership is a great strength. Long may it continue. Importantly, members who are accredited as arbitrators or mediators should not shrink from involvement because they think that their areas of expertise are not within the Institute's main stream. Common sense and good communication skills are not the sole preserve of the "traditional" dispute resolvers. We seek, and will support, your positive input.

I am very pleased with the composition and structure of our present Council, and I look forward to working with them. I thank our hardworking administrative staff and CEO, as well as past councillors for their input, and pay a special tribute to my predecessor, Robert Hunt, who worked tirelessly for the Institute over the last 2 years. I look forward to your support of our endeavours, and I invite you to contact me at any time. My email address is [iannos@nospart.com.au](mailto:iannos@nospart.com.au).