

Golf - Bar Tours Highlands

In July an elite, hand-picked team of Bar golfers and sundry others putted their way around golf courses in Scotland and Ireland. John Maconachie reports.

In July a small contingent of golfers made up of McClellan QC, Maconachie, Callaway (the younger and more pleasant of the two) with Phil Wotton, solicitor of Phillips Fox, and a number of judges from the Family Court, District Court and Compensation Court together with some wives and partners, toured Scottish, Ulster and Irish golf courses. Also in the group was Eric Moorhouse, a friend of Cook J., who kindly assisted with some of the organisational aspects of the tour.

On 17th and 18th July we played the Kings and Queens courses at Gleneagles Hotel in Perthshire. The Scottish Open had been played over the Kings course a week or so prior to our visit and both courses were in immaculate condition.

Overnight we stayed at the magnificent Gleneagles Hotel and dined together in the impressive dining room. During dinner a piper played on several occasions - McClellan QC, who it is understood traces his ancestry to Scotsmen of high birth, and Maconachie who is also of Scottish ancestry but for reasons best known to himself is not prepared to disclose more than that, were then seen to cry into what they believed to be Haggis but which was in fact fruit cake. Perceiving that these pseudo-hairy chested distant cousins of Rob Roy McGregor couldn't handle malt whiskey, Callaway (the younger and more pleasant of the two) whose ancestry is obviously Irish (despite the fervent and understandable denials of his father, Callaway QC (the much older and less pleasant of the two) was heard to mumble something about Scotsmen being Irish fishermen who had gone away one day and got lost.

On 19th July we were entertained at "a day of golf" at Muirfield - the seaside links course of the Honourable Company of Edinburgh Golfers - as the guests of the Edinburgh Bar.

36 holes of foursomes were played punctuated by a 2 1/2 hour (!) lunch the after effects of which caused the ball to run very much more freely (if somewhat inaccurately) across the greens during the afternoon round. The New South Wales Bench and Bar succeeded by four matches to one. Callaway (the younger and more pleasant of the two) was a clear winner in the "club throwing in the heavy rough" competition.

On the evening of 20th July, after a day spent watching the British Open at St. Andrews, we were wonderfully dined by the Scottish Bar, after drinks in, and an inspection of, the magnificent Advocates Library in Parliament Square. A silver waiter has since been delivered to our Scottish hosts in thanks. (see photo)

On 21st and 22nd July many of our party returned to St.

Andrews to watch the Open while several others masochistically subjected themselves to later afternoon games on Edinburgh golf courses.

On 24th July we had the great privilege of playing the Old Course at Royal Troon, the 1989 Open course on the west coast of Scotland, as well as Portland, the secondary course at that club. Great interest was shown in the 18th hole where Greg Norman comprehensively threw away that Open championship with an over ambitious drive which landed in a bunker that went half way to China.

Muirfield and Troon gave us an insight into Scottish society - at Muirfield women were reluctantly allowed on the golf course but refused entry to the clubhouse; Royal Troon were somewhat more consistent in their attitude - women were not permitted on the Old Course, or in the clubhouse, and any enquiries by them as to the presence or otherwise of a gentleman in the clubhouse were not responded to or, it seems, even acknowledged. Maconachie was heard to remark that it seemed to be quite a reasonable and appropriate response to such intrusions.

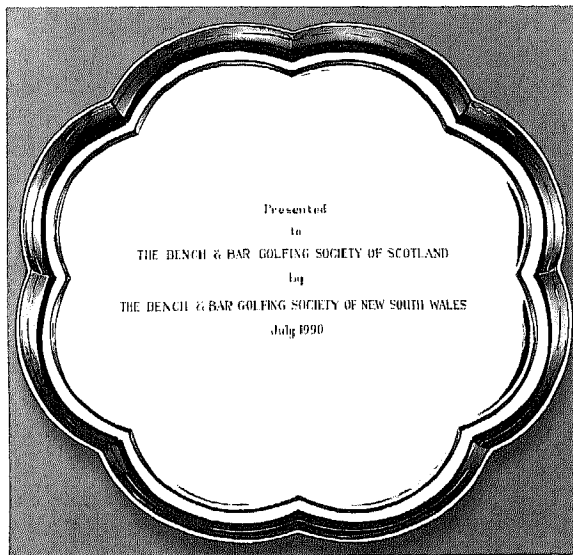
Before travelling to Ulster we had the good fortune to play at Prestwick, the venue for the first British Open 119 years ago - an old fashioned course with a number of holes, including par threes, which require one to play to the green when there is

between the golfer and the green a hill up to 100 feet high denying sight of, and in most cases delivery of the ball to, the green. Different!

Then came Ulster - what an extraordinary place it is. Armoured personnel carriers and armed soldiers in the streets, fortified check points on roads, and a Supreme Court building in a sealed off road, defended (literally) by armed British Soldiers some of whom were located in what could only be described as a bunker, and the bomb blasted building itself clothed in scaffolding and razor wire.

We played a much superior Ulster Bar team over the magnificent Dunluce Links of the Royal Portrush Golf Club in County Londonderry and were comprehensively beaten in every match. The rugged beauty of the course defies adequate description. In what seemed to us a howling gale but which was to the locals a gentle zephyr, we struggled over terrain that would have caused battlefields of the Crimean war to be declared "unplayable".

The next day, 27th July, our touring party played alone at Royal County Down and there experienced the only rain of the whole tour. However, not even rain could spoil the pleasure of playing on such a challenging and beautiful golf course.



'Silver Waiter'

Communicating in Mediations

Courts are being called upon by the Law Council to set up mediation programs. Mediation is an art in itself. Neuro-linguistic programming techniques may help you master the art.

Lawyers and barristers are often called upon to conduct mediations, both officially and unofficially.

One of the primary obstacles to successful mediation is that clients often do not say what they mean, either about the problem, or about their desired outcomes.

Few books or courses on mediation deal explicitly with how to surmount these obstacles. Neuro Linguistic Programming is a model of communication derived from studies of verbal and non-verbal behaviour of successful therapists, mediators and other communicators whose job is to effect change.

Non-verbal behaviour comprises some 80% of our communication. A mediator needs to recognise the non-verbal signals that a verbal message is incomplete or inaccurate. The mediator's non-verbal behaviour, coupled with appropriate questions can then elicit the real needs and desired outcomes of both clients as well as any hidden agendas or conflicts of interest.

A second obstacle is misleading language. Do you or your clients:

- Hallucinate what is in the other's mind? ("He doesn't want me to have" How do you know that?)
- Make unspecified assumptions? ("There is no way it will work." What do you mean by "work"?)
- Leave important parts of the process unspecified? ("I want everything to be fair." "What's 'everything'; what's fair?")
- Over-generalise? ("All...are... ." "All?")
- Distort reality? ("It's vital!" "You'll die without it?")
- Delete relevant information? ("We never got along." "Not even in the beginning?")

NLP provides a metamodel of verbal communications to recognise and challenge these patterns.

A primary obstacle to implementation of the mediated agreement is that it is sometimes interpreted differently by the two parties. A mediator needs to elicit and include in the agreement, the criteria of both parties. For example, "sell the house" can mean different things to different people unless the questions "How, when, by whom, for how much, etc." have been adequately answered.

An overriding principle of NLP is accurate perception and behavioural flexibility. No fixed pattern of behaviour will work every time. You have a box of tools. What cues do you watch and listen for so you know which tool will undo the nut in a given situation? □

Michael Grinder, National Director for Neuro Linguistic Programming in Education (USA) and a member of the Oregon Mediation Association, will present a two day seminar on NLP in Mediation, September 20-21. For more information: phone Dr Lindsey Smith (042) 67 5366 or Andree Maddox on (02) 357 2245.

That night we were royally entertained in the library at the Supreme Court. The hospitality of the Ulster Bar was magnificent and to top it all off they presented us with a crystal fruit bowl, suitably inscribed to mark the occasion of our visit. That beautiful article will find its place in the common room shortly.

The evening finished at our hotel at about 4 a.m. No report of the last half of the evening is possible because no-one present had any, or any sufficiently sober, recollection of events.

We travelled from Belfast through County Armagh, past a permanent and very serious British Army checkpoint on the main road out of Ulster (tank traps, blast deflectors, machine guns and all) to Dublin. There we played the Dublin Bar at Woodbrook and the golfing party was entertained to dinner at the golf club by our Irish hosts. Another magnificent night was had but it is sad to report that again we were comprehensively beaten in the golf match.

Thereafter we toured the southwest of Ireland and played the magnificent links courses at Waterville, Bally Bunion and La Hinch.

We had the opportunity both on and off the links to appreciate the splendour of the region - it is indeed a most beautiful place.

On the last night that we were together, at Newcastle on Fergus we dined as a party at a castle where the food and surroundings were magnificent. The walk back to our hotel involved a hike through a golf course during which Hughes, Heron D.C.J. and their wives (all of whom joined for the Irish section of the tour), took a wrong turn and were found by some local wandering aimlessly along a country road, away from the hotel. All deny Irish ancestry; that matter has not yet been resolved. It has been suggested that Kenny QC determine the issue.

One disappointing feature of our 2 1/2 weeks away was that Francey was a late withdrawal from the touring party, after he had done so much work to arrange it. Our collective thanks to him.

An open invitation has been extended to the wonderful people we met in Britain and Ireland to come here to play golf and it is sincerely hoped that a contingent will be here in the foreseeable future. □



Peter McClellan QC on tour.