

## 2010 ANNUAL REPORT

### THE DISPUTE RESOLUTION CENTRE

#### ABOUT THE DRC

Established in 1996, the DRC has over 14 years experience mediating and arbitrating disputes in the construction, energy, business and financial sectors.

The DRC has a cadre of qualified and certified mediators and arbitrators, both local and international, with a range of specialisations.

The DRC has a strong training unit which offers over 30 short courses in Conflict Management & Resolution, Negotiation, Mediation, Arbitration and related fields

The past year trumpeted another successful year for the Dispute Resolution Centre (DRC). There were many ground-breaking achievements, the highlight being the Court-Annexed Mediation Pilot Project, a collaborative effort of the Judiciary and the DRC. As well, the Centre enjoyed the status of being the first private organisation to be registered as an Approved Mediation Agency with the Mediation Board of Trinidad & Tobago. Last year the Centre also expanded its roster of certified mediators and introduced several new and timely ADR programmes linked to its initiatives. In 2010 the DRC partnered with the Citizen Security Programme in offering specialised training to high risk communities.

Overall, the DRC performed well in 2010 with revenue doubling over the previous year and profits increasing by 60%. Collectively, the DRC enjoyed a healthy increase in mediations, court-annexed and walk-in mediations, with workshops increasing by 37%. The Centre also maintains a tight reign on receivables and closed the year with receivables at 7%.

## **The Court Annexed Mediation Pilot Project**

In 2010, the DRC had the privilege of undertaking a joint initiative with the Judiciary by way of a Court Annexed Mediation Pilot Project. The project focused on the referral of 60 High Court matters to the DRC for mediation for a period of six months starting March 2010. Over 300 persons participated in the project and cases were mediated in Port of Spain, San Fernando and Tobago. The project closed with a settlement rate of 60%.

This initiative allowed the Judiciary, the DRC and, by extension the mediation and legal communities, to collect data, analyse and report on the readiness of the average citizen for mediation. The pilot assessed 50 cases representing individuals and organisations in a range of matters from land disputes to personal injury and from commercial to intellectual property. The participants differed by age, race, income profession, and geographic location. Similarly, the mediators brought a rich and diverse background including ADR, law, business, finance and the social sciences.

In preparation for this project, all mediators were required to attend mandatory court annexed mediation training for inclusion on this specialised roster and the project was evaluated by an independent ADR consultant. Over 85% of the persons evaluated rated the mediators' skills, professionalism and performance as Very Good to Excellent. Comments included *"our mediator....was clear, respectful, accurate and made the mediation process successful."* The mediators similarly commented that the attorneys were invaluable contributors to the success of the

mediations. They indicated that the attorneys played an active and vital role in helping the parties engage in constructive and fruitful discussions and in offering creative solutions.

The hard and soft data emerging out of this project suggests that Trinidad and Tobago is ripe for mediation. 97% of the attorneys and 91% of the litigants who participated in the project reported that they would use mediation again. But these results are not uncommon as Mediation leads to tangible and intangible benefits. Not only do the parties enjoy quicker resolution, the attorneys enjoy a faster turnover of cases from satisfied clients, leading to repeat business. The Judiciary enjoys cost savings as the courts become de-clogged and more efficient and this approach supports and complements court reform and assists in alleviating backlogs, reducing delays, managing case loads and stream-lining procedures to accelerate case disposition. Interestingly, the DRC was able to maintain an average turnaround time of 45 days from the date the matter was referred by the judge to completion.

In December the independent evaluator Professor Michael Lang handed over an overall assessment of the project in the form of the final Evaluation Report to Chief Justice Ivor Archie.

## TRAINING

In 2010 the DRC facilitated 26 workshops ranging from Conflict and Anger Management to Basic and Practical Mediation Skills workshops. The Centre rolled out workshops for executives, managers and professionals as well as support staff. The Centre facilitated 11 public workshops and 15 in-house workshops which included a package of workshops for high-risk communities. In 2010 the DRC trained 673 persons compared to 449 in the previous year and workshop revenue increased by 50%. We thank our trainers and coaches for their dedication and professionalism.

Coming out of the court annexed mediation pilot project, the Centre offered a new workshop entitled "*The Unique Role of the Attorney in Mediation*", which was fully subscribed. Other workshops offered by the DRC include:

- Dealing with Difficult People in the Workplace
- Successfully Confronting & Resolving Conflict within Teams
- Managing Workplace Conflict
- Analysing the Cost of Conflict in the Workplace
- Stress and Anger Management
- Dealing with Telephone Aggression
- Managing Violence and Aggression in the Workplace
- The Art of Negotiations
- Strategic Negotiations
- Basic, Advanced and Practical Mediation
- Court-Annexed Mediation for Lawyer and Non-Lawyer Mediators

- Arbitration

It is noteworthy that the DRC's Mediation programme is accredited by the Board and its trainers are certified by the Board.

### **COMMUNITY OUTREACH INITIATIVE**

Last year the DRC worked with the Citizen Security Programme (CSP). The aim of the CSP is to reduce crime and violence at a community level and the DRC rolled-out a comprehensive package of workshops for the CSP in Conflict Management and Mediation for High-Risk Communities. It was introduced on a phased basis over a six-month period and, as a foundation programme, was intensely reflective. 100% of the participants rated the programme as Excellent and 93% said that the course content met their expectations! These participants are now better positioned for certification by the Mediation Board of Trinidad and Tobago, and this opens up a range of opportunities and earning potential for this group.

### **2011 and Beyond.....**

The DRC takes this opportunity to thank the Honourable Chief Justice Ivor Archie for spear-heading the court annexed mediation pilot project and stands ready for an extended roll-out of this project. As well the Centre acknowledges the contribution of the following key stakeholders: the judicial officers and mediators, the attorneys and litigants, the project consultants, the Mediation Board and, of course, the Trinidad & Tobago Chamber of Industry and Commerce.

In 2011, the DRC will focus on building its roster of certified mediators and arbitrators and, in particular, the expansion of specialised rosters for the

construction and energy sectors. This will require specialised training for construction professionals, and we propose to work with the construction associations in this regard. The DRC will be hosting a Breakfast Meeting on 19<sup>th</sup> January 2011 to introduce ADR approaches to resolve construction disputes.

The Centre is committed to promoting and providing high quality training and education and will continue to work with the Mediation Board and other international accreditation bodies such as the Chartered Institute of Arbitrators in the United Kingdom. The DRC will reinforce its relationships with the business community, the Ministries and the NGO's for the expansion of ADR policies and programmes within organisations, communities and schools.

In closing, the Centre recognises the vision and leadership of the DRC's Board of Directors and applauds the dedicated efforts of the DRC team. The Board and Staff continue to work with passion and heart and for this we enjoyed a productive year.

We also take this opportunity to acknowledge the invaluable contributions of Mr. Christopher Hamel-Smith, S.C. to the DRC and the ADR movement overall. Mr. Hamel-Smith emigrated from Trinidad and Tobago and thus resigned from the Board last year and we thank him for his support and wish him all the best.