LECTURE TO THE ADR ASSOCIATION OF BARBADOS Inc

TO COMMEMORATE

INTERNATIONAL CONFLICT RESOLUTION DAY

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BARBADOS

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I start my address this evening with a story of an old lawyer who had a huge file he used to work on for a very important and wealthy client. The lawyer laboured on this file for years and years. Over that time he had sent his children to school and then to university. His son studied law and eventually joined him in Chambers. The old lawyer was a happy man, a proud man. One day he solemnly entrusted the son with the file, which by then was actually a bundle of thick folders. He asked his son to continue the work on the file.

The son was humbled by the confidence reposed in him. Determined not to disappoint his father, he worked assiduously on the file. Within a month, he approached his father, beaming. Dad, he said, Guess what? That file you had for all those years, I've been working on it really hard and after a series of meetings with the parties and the lawyer on the other side, we recorded a settlement earlier this morning. You can mark that filed closed, Dad. What did you say, asked the old man, puzzled and concerned. The son repeated himself. The father's face fell. He shook his head in despair. Son, you don't understand. That file sent your sister to dental school. That file put you through law school and now here you are smiling having closed the file. Son, I'm afraid you have no idea what practising law is about.

Well, as I said, that's a story, a joke really. I told it so that we could all lighten up a little. But, it is a tale that reflects a certain perception of the approach of lawyers to their work. And that perception is relevant to the matter of lawyers and their stake in

alternative methods of dispute resolution, which is something I wish to address this evening. But before I get there permit me to tell you, not one but two other stories. Only, this time, I promise you, these stories are true; they are actual experiences of mine.

The first occurred a long time ago. I think some time in the 80s. I was a practising lawyer in SVG at the time and I was being led in a breach of contract case by Mr Henry Forde (he had not yet been knighted). The parties in the case were all French nationals living in St Vincent and the Grenadines. We represented an old man (who played little role in the litigation) and his adult daughter. The two had brought suit against this other Frenchman, the defendant. Our client, the daughter, was a serious, intense young lady who was terribly passionate about the case. During the trial we would have these long conferences with her in the evenings after the day's hearing. Well into the third or fourth day of the trial, it was Mr Forde's turn to cross-examine the defendant. To cut a long story short, let's just say that he made minced meat out of him. That

evening our client arrived at our conference all smiles. In her French accent, she announced that she was perfectly happy; she profusely thanked Mr Forde for tearing to shreds the evidence given by the defendant; she felt vindicated; she no longer cared about the further progress of the case; she was content that now, everyone knew how terrible a man the defendant was. Her complete satisfaction with just the cross-examination of the defendant is something that has always stayed with me and I readily recalled it when I became involved in alternative methods of dispute resolution because it reinforced the notion that not all litigants really want or need to resolve their disputes in a court of law.

The other story I wish to tell you occurred a few months ago at the CCJ in Port of Spain. In a more direct way, this story has to do with the idea of mediation. We had a case from Barbados. It was a civil case; a dispute between vendor and purchaser. The case was filed in 1998. It was before us in the CCJ for final determination in 2011. It saddened me to read the file. This was a case that could and, I am

certain, would easily have been settled by mediation if the same had been available to the parties before it first went to trial. Yet, for thirteen years, the dispute wended its way through the formal justice system. I was the presiding judge when the matter came before us for a case management conference. Now, there are a few points that must be made in relation to mediation and an appeal before the CCJ. A hearing before a final court is of course not the most appropriate forum for it to be suggested or expected that parties may wish to engage in a mediated resolution of their dispute. Final courts usually address matters of law that have a legal significance that goes beyond the parties at hand. As you appreciate, litigation through the court system is like a pyramid. At the base, trial judges and magistrates deal with the raw dispute between the litigants. They hear the witnesses, sift through the evidence and apply the relevant law. One side is dissatisfied with the result and so he or she appeals. The court of Appeal does not re-hear the witnesses. The Court of Appeal reviews the first instance trial and corrects any error made during the trial process. Courts of last

resort, on the other hand, normally go beyond simply deciding the essential dispute between the particular litigants or correcting errors that are made by the trial court. Final courts engage in what one jurist calls system-wide correction. Their focus extends to protecting democracy, clarifying and unifying the law and setting overall binding precedent. And so mediation is not a particularly apt alternative when a matter is before a final court. Moreover, by the time a case reaches up to the final court it has already spent such a long time in the system that because it is now nearing a final resolution, the parties are not likely to be in the mood for the kind of compromises that are inherent in a mediated solution. Each party is more or less confident that they can deliver a knockout blow to the other.

Of course, I understood full well all of these points. But at the outset of that case management conference, given the essential nature of the dispute, I felt impelled to ask the lawyers whether they had considered mediation and, if they had not, whether they would be

prepared to do so. I was not optimistic that they would accept this offer but I deliberately went out of my way to make the suggestion to them because I wanted to send out a clear message: That mediation is a valid option; that ADR is not only a valid option but, in a case like that one, certainly in 1998, it was the superior option; and that, notwithstanding what I have said about final courts, it was an option that, in the context of a dispute between two individuals, could yet be embraced at any step of the way.

The legislative background to facilitate mediation

I believe the lawyers in the case were completely taken aback by my suggestion. But they should not have been. As some of you would appreciate, the Rules that govern the conduct of civil litigation in Barbados make specific reference to mediation as an appropriate method of dispute resolution. Part 1 of the Civil Procedure Rules states that *the overriding objective* of those rules is to enable the court to deal with cases justly. Part 1 goes on to indicate that, among other things, dealing with a case justly means saving expense and

ensuring that the case is dealt with expeditiously and fairly. Another part of those same rules, Part 25, states that the court must *encourage* (note the verb!) the parties to engage in mediation, if the court considers that appropriate.

There is therefore in Barbados a solid legislative basis for mediation and a duty is placed on the courts to facilitate the process. What is required now is for us to dispel existing prejudices, foster an enabling culture and create the necessary infrastructure to get the ball rolling. This is precisely what was done throughout the OECS almost 10 years ago.

The need for a new culture

Mediation is often resisted by the uninformed; by those who tend to oppose change generally and by some in the legal and judicial establishment. It doesn't help when, as sometimes occurs, all three of these tendencies coalesce in the same individual. The truth of the matter is that the justice sector is traditionally conservative. For

reasons that are understandable, many of those who work in this sector are not particularly fond of anything that they may regard as tinkering with the justice system. They rightly view the administration of justice as sacrosanct. And so, they prefer the tried and tested path. Our very system of law, the common law, is based on precedent so that decisions that are made today are often premised on reasoning that was applied to cases decided yesterday. Judicial decision-making tends thus to look to the past for clear answers to the future. As Sir Shridath Ramphal observed recently in Port of Spain, too often we see ourselves as custodians rather than developers of the law. This backward looking approach (and I say this not in a derisory but in a factual sense), this approach is good for maintaining stability in the law. It helps with predictability. It allows lawyers to be able to offer advice to their clients on what the chances of success are likely to be in any particular case that may arise in the future. But equally, in a rapidly evolving world, to be guided by the past while oblivious of the needs of the present and the future promotes a reluctance to embrace new ideas and

methods. Court processes become frozen in time with the result that, as everything around us rapidly changes, court users begin to see the courts and the administration of justice as inefficient, obsolete, antiquated. In other words the court begins to lose its legitimacy.

The new Civil Procedure Rules promulgated by Chief Justice Sir David Simmons provide a solid platform for making progress in dispelling any such notion. Those rules are designed to introduce a fresh, forward looking culture of dispute resolution. The court no longer meekly waits on lawyers to advance a case by moving the court if and when and how the lawyers please. Instead, the court is called upon, in relation to each individual case, to be pro-active; to be interventionist; to engage with the lawyers *and the litigants* at an early stage and to select the most appropriate method of resolving each case. So, you now have case management conferences being convened shortly after a claim and the defence to the claim have been filed. The litigants are encouraged to attend these management conferences in person because the judge is entitled to make all sorts

of court orders to propel the case to final resolution. Moving a case along doesn't necessarily mean preparing it for a trial because at an early stage it should become apparent that most disputes can and should be settled expeditiously in a manner other than through the trial process.

Commercial disputes in particular – like our vendor and purchaser dispute that spent a dozen years in the system - should be settled quickly. Businessmen appreciate, perhaps better than the rest of us, that time is money. When a commercial dispute stretches on for umpteen years before it is finally resolved by the courts, no one wins. Not the eventual victor, who cannot be compensated for the lost opportunities, the uncertainty and the emotional and psychological stress she has endured over the years; not the losing litigant who could be ruined financially by having to pay enormous legal fees in addition to the judgment ultimately given against him; not the reputation and credibility of the civil justice system which

suffer immeasurably when there is such delay; and not least of all the economy which loses out on investment and business activity.

One of the most critical matters a businessman takes into account in determining whether to invest in a foreign country is the level of efficiency and effectiveness of that country's justice system. It is true that, as Sir Edwin Carrington told judicial officers of the region recently, Barbados is regarded as being the most competitive of all the CARICOM States. I believe that is a great testament to the strength and vitality of this country's democratic institutions which are superior to those that exist in most if not all other CARICOM States. But just pause and consider for a moment how much more investor friendly, how much more competitive Barbados would be if the wheels of its civil justice system were better oiled!

In preparing myself for this lecture I sought out some statistics from the High Court Registry of Barbados. My information is that in 2010 some 1,760 civil matters were filed in the High Court of

Barbados. That figure does not take account of 462 divorce matters and 1,071 probate matters that were also filed. My further information is that there are eleven High Court or trial Judges of Barbados. It is of course impossible for those eleven trial judges to try the 3,000 odd matters that are filed in any given year. To compound matter, lawyers who now have easy access to almost infinite sources of information on the internet, place before courts these days far more paperwork than they used to ten or fifteen years ago, making the life of even a diligent judge a living nightmare. In all these circumstances, there must perforce be backlog. And without innovative solutions there inevitably will ensue backlog built upon past backlog.

The way out of this dilemma is not to recruit more judges. That may help a little. But it can never solve the problem. For starters, it is an extremely expensive solution. More judges means more judicial infrastructure; more courtrooms; more secretarial staff; more

administrative staff; more judicial assistance; increased security and the list goes on and on.

The solution to the problems of backlog, delays and congested case flow lies in innovation. We need to devise systems that would allow for a quick assessment to be made of each individual case as it is filed and asses at an early stage the most appropriate method of resolving that case. The court needs to intervene in an aggressive manner to ensure that each case is accorded appropriate treatment. And we need to develop a culture of - respect for fixed trial dates and intolerance of requests for adjournment. Granting adjournments on demand undermines the entire justice system and weakens public confidence in the administration of justice.

I have no doubt that in the huge backlog of files awaiting trial, among those 3,000 odd cases filed annually, each of which represents some fractured human relationship, there are elaborately dressed up disputes which, when you strip them bare, are really

instances where the defendant simply wishes to be given a reasonable payment schedule to discharge an undoubted debt; there are cases where an aggrieved party just requires an outlet for his dissatisfaction; cases where, like our French lady, a litigant merely seeks a neutral forum to expose the failings of a party who has hitherto stubbornly refused to admit that they have done her wrong. Among the 3,000 cases there are many disputes which, with good will on both sides can be settled quickly and relatively amicably. Why then do we allow these cases to clog the court system? It is a question that has an even greater poignancy when we consider this: Courts are naturally inefficient at mending fractured relationships. Such repair work can hardly be accomplished by ordering the deployment of the coercive power of the State or by constraining the mending process by procedural rules that are often poorly understood.

Compare this with mediation! Mediation has a restorative, cathartic quality to it. Mediation can actually heal the fracture because it

provides greater flexibility in fashioning a resolution of the dispute. A mediated settlement can be tailored to suit the peculiar needs of the parties as compared with the strictly defined and unyielding forms of resolution which must be adopted by a court. A mediated outcome is capable of shifting the spotlight away from rights and instead the mediator and the parties can concentrate on satisfying interests. Consider this rather trite hypothetical: Here is a man rearing pigs and a woman selling juice. They have a dispute over the ownership of a bag of oranges. Each wants the oranges for their respective business. A court must determine who has a right to the bag of oranges. A mediator can say, Look guys, you can settle this easily. Why doesn't the man peel the oranges and go off with the orange peel that he wants for his pigs and then the woman can get the oranges for her juice business. That is what you call a win-win result. Each side is fully satisfied.

There is another consideration. The enforceability of decisions or judgments arrived at through mediation is always less problematic

than the enforcement of judgments given by a court. The lawyers in this room would agree with me that winning a court case is one thing. Recovering the fruits of your judgment is quite another. The losing side after a trial often refuses to comply with the judgment, thus forcing the successful party to go back to court to seek enforcement orders. On the contrary, the consent orders arrived at through mediation are invariably complied with in a relatively prompt manner because the paying party has been involved in the process and the obligation incurred is one that has been entered into voluntarily by him.

The point I wish to make is this: Mediation enhances the efficiency and effectiveness of the justice system by expediting case flow. It takes out of the system those cases that can be resolved extra judicially thus leaving judges and court staff with more time to concentrate on those matters that absolutely require judicial input. Even beyond the benefit to the parties themselves, mediation has an

intrinsic value which should impel the State, the administration of justice, the business sector and the legal profession to invest heavily in it.

The introduction of Mediation in the Eastern Caribbean

I count myself as being extremely fortunate to have been involved directly in the establishment of court-connected mediation in Saint Lucia and by extension, the Eastern Caribbean. We started literally from scratch. First, we engaged in several rounds of public awareness. We used the media and in particular radio and television programmes to disseminate information on this alternative method of dispute resolution. We organized programs designed to educate the judicial officers, some of whom were initially skeptical, of the benefits of mediation. This educational work among the judiciary was important because ultimately, it was the judges who were required to refer parties to mediation. They therefore needed to be knowledgeable about the mediation process. What exactly is mediation? How is it relevant to the administration of justice? What

has been the experience of other countries that have adopted court connected mediation? What is the role of counsel in a mediation? If referral to mediation lies at the judge's discretion, under what circumstances should a judge refer or not refer a matter to mediation? How does a mediator's role differ from the role of a judge in court?

Some enterprising judges were initially somewhat dismissive of structured mediation. They felt that it yielded no added value because, as they were proud to state, already they practised mediation at case management conferences. They felt, therefore, that if they could not get parties to settle, a professional mediator, who may well have no legal training, didn't stand a chance of doing so either. We had to explain patiently to such judges that in our system a sitting judicial officer does not and cannot properly *mediate* a dispute; that fundamentally, a mediator's role is different from that of a judge; that you cannot properly equate or compare the two roles. A judge in court or at case management might use

some **mediation techniques to encourage a settlement, and that is fine, but mediation is a whole lot more than the employment of such techniques. A judge, for example, cannot caucus with one side of the dispute behind the back of the other side. The point is that a judge should never presume that, in court, she is or can ever be as effective as a professional mediator in producing a settlement.**

Barbados is today more fortunate than we were in Saint Lucia then. We had no ADR Association in Saint Lucia at the time. Unlike Barbados today, we did not have a corps of trained mediators ready and willing to mediate court matters. Our Judicial Education Institute had to train all our mediators. For the first cohort we selected a complement of 30 persons for training including several lawyers both from the private and public Bar; a few Justices of the Peace; one or two persons from the Chamber of Commerce, from the Church, from the trade union movement; and some from the office of the Ombudsman.

When we were rolling out the mediation project to St Vincent and the Grenadines a distinguished gentleman from Barbados discussed with me whether it would be possible for us to include him among those who were to be trained in Kingstown. We were absolutely delighted to oblige. And so it was that on February 24, 2005, having undergone our 40 hour intensive programme, I duly certified Mr Justice Errol Chase as a trained mediator.

We also established a mediation supervisory committee; a broad-based Committee that included the Senior Magistrate and representatives from the Ministry of Justice, the Bar Association, the Chamber of Commerce, the Council of Churches and the Trade Unions. This Committee was responsible for dealing with complaints and monitoring and assessing the effectiveness of the mediation pilot project.

The system, which was commenced in November 2002, worked like this: When a civil matter came before a judge for case management,

the judge would determine whether the matter should be referred to mediation. If the judge decided to refer the case to mediation that decision became an order of the court which the litigants were obliged to obey. The lawyers in the case were given ten days to select their preferred mediator from the court approved roster. If they couldn't agree the court selected a mediator for them. As a trial judge, when I conducted case management conferences I would have with me the roster of mediators and as I made a referral order I would encourage the parties to choose the mediator right there and then. I did my Case Management Conferences with a laptop and printer on my desk and so, after the parties selected a mediator, I would insert that mediator's name and all the case details on a template I had already prepared, print 4 copies of the order, and immediately initial them as approved drafts. Each litigant received an approved draft, one copy went on the court file and the fourth copy was transmitted by the court to the Mediation Coordinator who then started her file on that matter.

Each litigant was obliged to pay a mediation fee of $250 per three hour mediation session because we felt that litigants would take the process more seriously if they literally invested in it. Besides, the mediators had to be paid something.

At the outset of course, some litigants were wary of a dispute resolution mechanism that was not conducted in the hallowed chambers of a courtroom and presided over by a serious faced judge dressed in a long black robe. And this is another reason why it was so important that the judges had the knowledge and self confidence to explain fully to the parties why it was in their own interests to mediate. Sometimes litigants needed a little time to digest what we were telling them.

We tended to refer cases that we thought were eminently suitable for mediation and only those matters where each side was willing to mediate. We referred for example, Landlord and tenant disputes. Motor vehicle accidents where there was no counterclaim, disputes

between common law spouses over property allegedly jointly acquired, defamation actions, claims for debt and actions for damages for personal injuries.

When we evaluated the project several months after it had commenced we noticed, inter alia, that of the completed mediations held, over 70% of them had resulted in a full settlement of the dispute. That's a very high proportion. It was that high because of the overly cautious approach we had adopted in referring cases. We decided that we needed to be bolder. After all, if the prime benefit of mediation is expedited case flow then, if over a three month span 100 cases are referred and a settlement rate of 70% is achieved (i.e. 70 cases are settled), less cases are actually being disposed of than if 200 cases were referred over the same period and the settlement rate was only 50% (in which case 100 matters would be disposed of).

A few months into our pilot we therefore began to urge the Judges to be more aggressive in making mediation referral orders. The

consent of the parties was to be regarded only as *a factor* to be taken into account but the judge should not consider it to be the sole or even the determining factor. We also amended the rules to allow referrals to be made at the earliest possible opportunity so that it was not necessary to wait until after the filing of a Defence before a referral order could be made. Where a referral order was made over the objections of a party, the party was required to attend at the mediation center but was free to say to the mediator that he or she did not wish to participate in the process. I know of at least one occasion when this occurred and the mediator, through patient counseling, skill and perseverance, was able not only to persuade the litigant to participate meaningfully in the process but also to conclude a settlement on all the issues in dispute. When a settlement was recorded the mediator drew up the Agreement in a formal document and the parties signed off on the same. This document was sent back to the court and the judge would enter it as a consent judgment carrying the same force as any consent order made by a judge in court.

It was not long before the demand for mediation outstripped our provision of the service and so we were forced to open a second center right next to the first one. From the start, our mediation consultant, Mrs. Mendez-Bowen, insisted that these centers had to function at a high level of efficiency. It was no use replacing the inefficient trial system with an equally inefficient mediation process. The mediation centres were therefore equipped with appropriate computer technology. Every effort was made to ensure that the cases were accurately entered into the computer system, properly tracked, the settlements or partial settlements duly noted and made available to the referring judge so that the judge could enter the appropriate consent order when there was a settlement. If there was no settlement, the court placed the matter back on the case management list for directions for trial. The Mediation Centre had to prepare quarterly reports that were scrutinized by the Supervisory Committee and these reports had to highlight any flaws or weaknesses that were creeping in and suggestions as to how they

should be corrected. Mediation has been making such a difference that the last time I checked, for example, almost 20% of the cases disposed of in Grenada were settled by mediation.

The attitude of the legal profession

I wish to turn now to the attitude of the legal profession to court connected mediation. If lawyers are ignorant of and hence distrust the mediation process; if lawyers convince themselves that mediation is not in their interests because they consider that it poses a significant threat to their incomes, if lawyers do not support mediation, they can undermine the success of this important adjunct to court trials. In the Eastern Caribbean Court connected mediation has been in operation for almost ten years. What do the lawyers there think of it? Last month I took the trouble to solicit the views of four senior lawyers. In my email request to them I told them I was doing a survey and I asked them for their frank responses to two questions, namely:

a)Has it been your experience that court connected mediation has reduced your actual or potential income as a legal practititoner?

b)If you had the power to do so would you end court connected mediation?

The first lawyer responded in this fashion:

"… the answer to both issues you raised is 'No': Mediation has neither reduced actual or potential income nor would I terminate court-connected mediation if given the power to do so. Court-connected mediation has enhanced the process - in fact I wonder how we use to make it before that system. It has saved the day! What we need is more mediation, not less. The regular court system is just not equipped to deal with the high volume of traffic these days. Our office alone has done well over 110 mediations of which over 65% were settled. Yet we still have problems securing trial dates for the remaining

matters i.e. those that have not gone to mediation or have not been settled at mediation."

The second lawyer responded:

"The short answer to question (a) is that although court-sponsored mediation has, in individual cases, reduced the fee that I stood to make, overall my annual earnings have not been adversely affected by mediation because when one matter is settled it allows me the opportunity to quickly devote my time to another new one, even though I have never charged an extra fee for mediation. I suppose that if I did not have a packed to-do list, things might have been different. I can well appreciate that a less busy lawyer might experience a subconscious urge to "nurse" a case along when he is not sure where the next one might be coming from. Luckily I am not yet in that position. If a matter is resolved at mediation I would only receive 55% of the fee that I would have charged, had the matter proceeded all the way to trial. But, in most of my

matters, especially those in tort and contract, I look forward to successful mediations in order to clear my calendar. I am sure that from what I have said already you would have guessed that I am highly in favour of court-sponsored mediation and would very much like it to continue."

The third lawyer responded:

"Mediation has the potential of reducing income. However for my part and indeed my firm, we are more interested in getting the client's case resolved, which gives us the satisfaction of achievement irrespective of the outcome, so we are not focused on the income. That said, we still bill for the mediation as a court appearance fee. So essentially, yes income may be curtailed but no different to a case that ends at case management or indeed a matter that ends after the defendant receives a letter from a lawyer. I think the younger lawyers, that is 15 years of call and below, have a greater appreciation for Alternative dispute resolution and as such are more

amenable to mediation. I would not terminate mediation as I think it is a faster avenue to resolve less complex matters which tend to choke the system with court dates. It also de-mystifies the legal matter or process, as the clients are involved in resolving their matter and they do not blame the lawyer if it is not resolved in their favour or not what they expected. Being involved [in such a hands-on manner] gives the clients a greater appreciation of what is involved and why the given outcome came to be what it is."

The fourth lawyer responded:

"With respect to your enquiry, I am one of those lawyers who encourage and promote mediation, perhaps because I am a businessman first, and then a lawyer. It is my view that, the quicker one can resolve a legal issue, earn one's fees and close a file, the quicker one can move onto the next file. Some lawyers take years, sometimes decades, to resolve an issue. They get

bored and lose interest in a matter, particularly, if they cannot get a refresher. In the end, the client suffers. By then I would have settled hundreds of files, and collected my fees, albeit reduced, and move on to the next file. It is more than likely that the actual or potential legal fees earned, or to be earned, will be reduced if parties settle at mediation, on a file by file basis. However, one can earn more cumulatively. Further, since the introduction of the [the new CPR], lawyers usually have to prepare their cases well in advance of filing and / or the court connected mediation process. Therefore, they may wish to request from their clients, a greater retainer sum. They may even wish to prepare opinions prior to filing a claim or a defence for which they would be entitled to fees."

What I think is common among these responses is that, fundamentally, unlike the story I told in the beginning of the old man who wanted to milk a single case for years and years, the truth is that lawyers want satisfied clients and they want turnover. An

efficient and effective justice system is just as much in their interests as it is in everyone else's.

Conclusion

The reality is that court-connected mediation is an idea whose time is long overdue. We don't need to re-invent the wheel to implement it. Right here in the region (if not in Barbados itself) there exists the experience and the expertise to implement an appropriate court connected mediation scheme. Investing in court connected mediation will yield such handsome returns that frankly, and yes, I dare to say it, no reasonable policy maker. legislator or bureaucrat can fairly put forward the view that funds are too scarce to be employed in establishing such a scheme.

Courts are an independent co-equal branch of government and because of this there is often minimal external pressure on them to reform and modernise their internal processes. Whenever, therefore, there is a need for innovation in the courts pressure must

be generated from within; which is why the attitude of the Chief Justice is absolutely critical. What is great is that, just as you had in Chief Justice Simmons, you currently have in Chief Justice Gibson a solid supporter of mediation who comes out of a tradition in the United States that understands and values highly the benefits of ADR. I know for a fact (because he told me so himself) that he is very keen on introducing court-connected mediation in this country. Indeed, some of you may recall that in his speech on 5 September last at the Opening of the Law Term, he stated that ADR was one of the planks in his plan to get the civil cases moving here in Barbados. And so, I really am very optimistic about the future of court-connected mediation in Barbados.

Of course, this body, the ADR Association has an important role to play as well and having this week of activities and sponsoring this lecture this evening fit squarely into a small part of that role of keeping the matter of the establishment of court-connected mediation on the front-burner. I fully applaud your efforts. As

compared with some other CARICOM States Barbados may be a little behind in getting off the mark but it is in a much better position than we were in the Eastern Caribbean when we started out and it is therefore well placed to benefit from the experience of its neighbours.

It has been a great privilege and a pleasure for me to address you this evening and I wish to thank Mr Hathiramani and the ADR Association for the splendid arrangements made to facilitate my visit. I have concentrated in this lecture on court connected mediation in the civil justice system. But of course, as the members of the ADR Association full well know, mediation goes a lot further and we must not stop at court-connected mediation. One could speak for example of community mediation; of family mediation or of mediation at the work place. And what about teaching conflict resolution techniques to our school children? Won't that contribute to reducing anti-social behavior and violent crime? But talk of all these possibilities is for another occasion. In any event, I have no

doubt that your activities this week will help to promote the benefits of mediation generally and I wish you every success in all your endeavours.