Doing Justice in ADR: is it what disputants want or a convenient rationalisation?

1. Introduction

The Research
The high density housing sector (Owners Corporations/Body Corporates) was studied (as part of an ARC grant) as a domain for the development of an alternative model of dispute management to that contained in the relevant statutory regime. This formed the basis for a simulation that empirically tested two hundred and fifty-two participants on three levels. These were their preferences, their perceptions of justice and some elements of efficiency. Each of these levels were tested in relation to three processes:

1. mediation followed by arbitration conducted by the same person (med/arb same);
2. mediation followed by arbitration conducted by a different person (med/arb diff); and
3. arbitration followed by mediation conducted by the same person (arb/med).

2. References

Dissertation References

P Condliffe, “Conflict in the Compact City: Disputing Preferences and Justice in Dispute Resolution” (Paper presented at GDN 2009: An International Meeting on Group Decision and Negotiation, Toronto, Canada, 14 - 17 June, 2009)

P Condliffe and B Abrahams, “Providing Online Decision Support for Owners Corporation Disputes” (Proceedings of the 4th IMA Conference on Analysing Conflict Transformation St. Anne’s College, University of Oxford, 28 - 30 June 2010)


B Abrahams, P Condliffe and J Zeleznikow, “An OWL Ontology and Bayesian Network to Support Legal Reasoning in the Owners Corporation Domain” (Paper presented at International Conference on Data Engineering and Internet Technology, Bali, Indonesia, 15-17 March 2011)


Other Sources

L Bingham, "Designing Justice: Legal Institutions and Other Systems for Managing Conflict" (2008-2009) 24(1) Ohio State Journal on Dispute Resolution 28


Leventhal, "The Distribution" above n 12.; Leventhal, "What Should Be Done" above n 216;