



negocio resolutions

COMMUNICATE INNOVATE COLLABORATE FACILITATE NEGOTIATE MEDIATE EDUCATE

CURRICULUM VITAE

Stephen Lancken

Mediator/Arbitrator/Conflict Management Consultant

BA LLB

**Masters of Peace & Conflict Studies (Sydney University)
Accredited Specialist Commercial Litigation and Mediation**

Visiting Scholar Sydney University

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Tertiary Education

University of New South Wales

BA LLB1981

Sydney University

MPACS (Master's Degree in Peace and Conflict Studies) 2011

Admitted as a Solicitor

9 July 1982

Practice as a mediator and educator July 1999-current**1 CAREER SUMMARY**

Since 1999 I have specialised in arbitration, mediation and negotiation. In 2011 I engaged in advanced study in Peace and Conflict Studies at Sydney University. Various appointments to arbitral and mediation panels over 16 years have allowed me to develop high level determinative and facilitative skills and attest to my integrity in conducting such processes. I am a highly experienced facilitator of processes such as conferences, mediation and group decision making with a special interest in people who have been or are in conflict situations. My practice and teaching focusses on effective communication and decision making, alternative justice and dispute resolution methods. I teach, consult and practice in all areas of conflict management and systems design. Over the last four years I have been teaching a course called Conflict in Organisations to postgraduate students at Sydney University as a Visiting Scholar. Areas of legal specialty include insurance, insolvency, major commercial disputes, medical and other professional responsibility, banking, property, legal costing, personal injury and worker's compensation.

Relevant Experience

Lawyer then Partner 1982 - 1999

Owen Hodge Lawyers

- Specialising in injury and insurance for plaintiffs and then acted for corporate defendants in insurance and banking and finance litigation
- Clients included insurers, banks and insolvency practitioners
- Senior partner 1995 to 1999
- Retired from partnership to pursue career in ADR

Costs Assessor 1994 - present

Supreme Court of NSW

Board Member then Chair

St George Community Housing Co-Op Limited 1998 - 2002

Board Member 1993 - 1998

Hurstville Board of Governors

Consultant Mediator and Arbitrator 1999 - present

Australian Principal 2002 - 2012

The Trillium Group

This organisation offers conflict consulting and skills training in mediation and other ADR processes. The company operates throughout the world

Councilor 2002

Law Society of NSW

Arbitrator and Mediator 2002 - present

Workers Compensation Commission

Adjunct Lecturer in Conflict Management 2003 - present

AGSM and University of NSW and Program Director Executive Programs

Board Member 2005 - 2008

Cumberland Housing Co-Operative Limited

Councillor 2008 - 2013

National ADR Advisory Council

Appointed by the Attorney General of Australia

Visiting Scholar, MPACS 2011 - present

Sydney University

ADR and Conflict in Organisations

Volunteer 2011 - present

Indigenous Community Volunteers

Managing Director 2012 - present

Negocio Resolutions

Volunteer 2013 – present

Mediators Beyond Borders

Voluntas 2015–present

Volunteer Mediation in the volunteer sector

2 QUALIFICATIONS, ACCREDITATIONS, APPOINTMENTS, ASSOCIATIONS

Qualifications

Bachelor of Laws and Bachelor of Arts 1981
University of NSW

Master Peace and Conflict Studies 2011
University of Sydney 2011

Accredited Specialist: Mediation & Commercial Litigation
Law Society of NSW

Accreditations

Arbitrator and Accredited Mediator
NMAS

Accredited Mediator
ACDC/LEADR/Retail Tenancy Unit/Workers Compensation Commission/RICS/ArtsLaw

Accredited Farm Debt Mediator

Accredited Mediator
Hong Kong International Arbitration Centre

Mediator
Law Society of New South Wales

Appointments

Arbitrator 1984 - 2005
District Court of NSW & Local Court of NSW

Mediator
*Supreme Court, Land and Environment Court, District Court and Local Court (NSW),
Supreme Court (ACT)*

Costs Assessor 1994 - present
Supreme Court of NSW

Arbitrator and Mediator
Workers Compensation Commission of NSW

Mediator
Retail Tenancy Unit (NSW)

Chair Settlement Week Steering Committee
Law Society of NSW

Adjunct Lecturer
Australian Graduate School of Management

Conciliator

Health Care Complaints Commission NSW

Chair Independent Property Impact Assessment Panel

Cross City Tunnel and Lane Cove Tunnel

Member Experts Working Group Commercial Arbitration Act

Councillor

2008-2013

NADRAC

ACDC Panel of Mediators

2013

ACICA Panel of Mediators

2013

Associations (Past & Present)

Member

- Australian and New Zealand Sports Law Association (ANZSLA)
- Corporate Lawyers Association
- Insolvency Practitioners Association of Australia
- Law Society of NSW and St George and Sutherland Law Society
- Litigation Law and Practice Committee, Law Society of NSW
- Dispute Resolution Committee, Law Society of NSW (2000 to 2005)
- Mediation Group, Hong Kong International Arbitration Centre

Associate Member

- Institute of Arbitrators and Mediators Australia
- Chartered Institute of Arbitrators

Fellow

- Australian Institute of Company Directors
- Resolution Institute

3 PROFESSIONAL EDUCATION & DEVELOPMENT

Specialist Accreditation Mediation and Commercial Litigation

1994

Mediation Workshop

1994

Harvard University Law School

Advanced Arbitration Course <i>Institute of Arbitrators Australia</i>	1994
Intensive Mediation Course <i>Australian Commercial Disputes Centre</i>	1990
ADR Workshops Levels 1 & 2 <i>The Trillium Group, Sydney 2000</i>	2000
Australian Institute of Company Directors Course	1997

4 SPECIFIC EXPERIENCE & PRACTICE AREAS

Dispute Resolution Training

- Over the last 15 years I have delivered skills based training throughout the world. I have trained professionals, managers, executives and team leaders in negotiation, conflict management, mediation and having difficult conversations in Australia, North America, Africa, the Middle East and Asia.
- Clients include, Westpac, GPT Limited, fire brigades, Departments such as Family and Community Services and Environmental Protection Agencies.
- I teach negotiation and conflict resolution at universities such as Sydney University, AGSM and University of Technology.
- I have worked with Australia's leading banks including Westpac, Commonwealth, Rabobank and St George.

Workplace/Interpersonal Dispute Resolution

- Mediation and arbitration of numerous disputes over work grievances, discrimination, wrongful dismissal and workplace abuse (in corporate, school, hospital, club & government agency environments).
- Facilitated claims of historical abuse for a number of religious and other organisations including as a facilitator of restorative engagement for DART
- Mediated and investigated numerous disputes relating to workplace bullying and harassment in the private and public sector.
- Conciliation of doctor/patient disputes for the Health Care Complaints Commission of NSW.

- Conciliation and arbitration for a large number of Workers Compensation matters.
- Negotiation of Enterprise Bargaining Agreements.
- Appointment as Deputy Chair of Claims Review Committee in relation to Total and Permanent Impairment claims.

Commercial Experience

- Mediation and arbitration in numerous commercial, professional, partnership, lease and property disputes (including a multi-million-dollar dispute in family businesses).
- Served on Boards of Directors St George Community Housing, Law Society of NSW and Affordable Community Housing
- Senior and managing partner of regional law firm
- Conducted a wide variety of commercial litigation including such cases as *Amann Aviation v Commonwealth* to the High Court, lengthy and complex commercial litigation in all jurisdictions including District, Supreme and Federal Court.
- Appeared as an advocate in the Local, District and Supreme Court and the Court of Appeal.
- Mediation of land issues between Native Title claimants, pastoral lease holders and a state government.
- Mediated disputes between landholding partners in major development projects.
- Conduct of litigation and mediation for such clients as St George Bank, GIO, Catholic Church Insurance and Primary Industry Bank of Australia including claims relating to financial products, fraud and property disputes
- Mediated family business and estate disputes in relation to significant estates and companies.
- Mediation and arbitration of numerous matters for claimants and defendants in personal injury and insurance law (including multi-million-dollar personal injury disputes, medical negligence, Lawcover, product liability and occupier's liability cases).

- Advocacy, mediation and arbitration in building, construction and general commercial matters (including a multi-million dollar building claim heard over 15 days and a major power station construction).
- Sports Law (including Tribunal Chair, hearing an appeal against a failed Olympic Games selection; mediation of a dispute between a national sports body and a sponsorship partner; and mediation of a dispute concerning the trainer's fee for a thoroughbred racehorse).
- Mediation between a state owned resource corporation and a contractor alleged to have negligently caused \$6.5 million damage to corporation assets.
- Mediation of a dispute between a telecommunications supplier and a third party vendor.
- Mediation of many debt and insolvency disputes, acting for a number of Sydney insolvency practitioners in a variety of case types (including significant bank debt recovery actions arising from rural and general commercial lending).
- Many mediations involving issues of property estates and retail leases (for example, a dispute over a will involving significant assets including real estate, bloodstock and a share portfolio).
- Mediation of cases involving financial values of in excess of \$1billion.

Government Advisory

- Advising NSW and State Government on dispute resolution systems and possible legislation as member of experts groups and NADRAC
- Facilitated dialogue and community consultation for local and state government agencies (including dispute resolution with community and special interest groups).
- Facilitation of community consultation for various infrastructure projects
- Chair of the Independent Property Impact Assessment Panel (IPIAP) for the Cross City Tunnel and Lane Cove Tunnel Projects in Sydney.
- Panel Member in the Retail Lease mediation scheme.
- Construction disputes including a \$50 million dispute relating to construction of a power station.

- Advising and consulting to agencies such as Treasury NSW, Australian Government Solicitors, ASIC, APRA, ambulance and fire services and Family and Community Services.

5 TEACHING AND TRAINING CONDUCTED

- **Conflict in Organisations**
Centre for Peace & Conflict Studies, Sydney University
- **Conflict Management (Master of Business Administration)**
Australian Graduate School of Management
- **Five-day Personal Injury Mediation Course**
Hong Kong Law Society
- **Coaching and Assessing of Mediators**
Construction Industry, Development Board of Malaysia; Hong Kong International Arbitration Centre (Mediation Group)
- **Training and Assessing of Mediators**
The Accord Group; Law Society of NSW; Institute of Mediators and Arbitrators; Global Mediation Services, The Trillium Group
- **Representing Clients in Mediation**
College of Law; Coudert Bros Lawyers
- **ADR, Advanced ADR, Applied Negotiation and Difficult Conversations Workshops**
The Trillium Group (Toronto, Vancouver, Canada, Hong Kong, Sydney, Perth, Brisbane, Canberra, Townsville & Melbourne)

6 SEMINARS CONDUCTED

College of Law

- Part 7B, Supreme Court Act 1970, Reference to Mediation
- Representing a Client in ADR
- ADR Processes for Personal Injury Cases
- ADR Processes in Commercial Litigation
- Personal Injury Revisited
- Preparation and Management of a Civil Trial: ADR Issues
- The Art of Settlement
- Negotiation Tips & Traps (Rule 42.1.6.3) Professional Skills
- Mediation Workshop

- A New Approach to Winning Negotiation Skills
- CLP3 Dispute Resolution Processes

Law Society of NSW

- ‘Compulsory’ Alternative Dispute Resolution Young Lawyers Is Litigation the Answer? Specialist Accreditation Program
- Environmental ADR
- Negotiating through Conflict
- Solicitors as Executors
- Advanced Negotiation Skills
- Dealing with Difficult People
- Restorative Justice Mechanisms & Resolution of Institutional Abuse Claims
- Negotiation for Lawyers

Legalwise

- How to be Effective in Negotiations and Dispute Resolution While Managing Ethical Considerations (2014)
- Dispute Resolution in Leasing (2014)
- Building Your Business with Mediation and Collaborative Problem Solving (2014)

Law Firms

- **Winning the War without the Battle**
Sparke Helmore
- **Negotiation/Collaborative Problem Solving**
Various Law Firms
- **Effective Contract Drafting and Negotiation**
Marcus Evans 2008 to date
- **‘Ethics in relation to negotiation and mediation’**
Corrs 2013
- **Negotiation Skills Seminar**
Clinch Long Barrow 2013
- **The Ethics and Good Faith of Negotiation and Mediation**
Bartier Perry 2014
- **Alternative Dispute Resolution: The Fundamentals**
Sparke Helmore, Snedden Hall Gallop, 2014

State Legal Conference (NSW)

- **Workers Compensation**
State Legal Conference (NSW) 2001 to date

- **Negotiation for Lawyers**
State Legal Conference & College of Law 2005 to date
- **ADR and Medical Negligence**
NSW Legal Conference
- **ADR for Medical Negligence Disputes**
- **Negotiation Business and “legal” outcomes, without giving in...Breaking down positions and creating value**
State Legal 2013
- **The Bullying Session**
State Legal 2013
- **Negotiating business and "legal" outcomes**
State Legal Conference 2014, 2015
- **Workers Compensation Session**
State Legal Conference 2014

Other

- **Innovative Dispute Resolution for Corporations**
Australian Corporate Lawyers Association
- **What You Should Know About Mediation**
Master Builders Association of Malaysia
- **Mediation Demonstration and Panel Discussion**
Young Lawyers
- **Mediation Demonstration and Update**
Lighthouse Club of Kuala Lumpur
- **Improving Your Practice with ADR**
NSW Legal Conference
- **Court Ordered ADR: Does it Work?**
Hong Kong Mediation Council
- **Finding the answers to effective mediation**
Tonkins Workers Compensation Conference 2012
- **In-House Counsel Day - 'Conflict Resolution within an organisation'**
Legalwise 2013
- **The unique role of the insurer in mediation, ADR and settlement conferences**
NSW Claims 2013
- **“Dealing with difficult parties at mediation”**
CAS Conference 2013
- **Innovation, Influence or Inhibition**
Kongress LEADR 2013
- **Workplace Bullying Seminar**
2014

- **Getting Past No**

ACT Law Society, NSW Public Sector Community of Finance Professionals 2014

7 PUBLICATIONS

Law Society Journal

- **Litigation: Is refusing to mediate worth the risk?**

Law Society Journal Apr 2004

- **Mediation: What cases will a court refer to mediation over the objection of one of the parties?**

Law Society Journal Sept 2002

- **Common Ground on Access to Justice Reforms**

Law Society Journal Dec 2009

- **Courts Require Clarity from Lawyers Engaged in ADR**

Law Society Journal Sept 2009

- **Lawyers as Conservationists**

Law Society Journal Sept 2008

- **Courts Apply Old Principles to New Situations**

Law Society Journal Apr 2009

- **Pre-litigation dispute resolution – What new requirements will mean in practice**

Law Society Journal Feb 2011

- **Litigation – Court finds reasonable steps vacuum**

Law Society Journal Dec 2011

- **Good faith bargaining – how “good” is it really?**

Law Society Journal 2012

- **Fair Work Act Negotiations - Failure to Bargain may jeopardise your interests**

Law Society Journal Sept 2012

Lawyers Weekly

- **The Benefits of Mandatory Mediation**

Lawyers Weekly Aug 2001

- **Let's be Reasonable**

Lawyers Weekly Oct 2011

- **Make me an offer I can't refuse**

Lawyers Weekly Apr 2012

- **Lawyers & Mediation: What's the right direction for resolution?**
Lawyers Weekly Aug 2012
- **Mediation: Talking about a resolution**
Lawyers Weekly Sept 2012
- **Judging Mediation**
Lawyers Weekly Dec 2012
- **Clients are looking for more than a settlement**
08 August 2014 Lawyers Weekly

Other

- **AS 4608: Standard for the Prevention, Management and Resolution of Disputes**
Australasian Dispute Resolution Journal Dec 2001
- **ADR for Insolvency Practitioners**
The Insolvency Bulletin Dec 2000
- **The Preliminary Conference: Option or Necessity?**
Australasian Dispute Resolution Journal Aug 2000
- **Compulsory Mediation in Asia**
Asian Dispute Review Sept 2001
- **The responsibility of the neutral party in respect of mediation confidentiality**
ADR Bulletin July 2004
- **Reasonable, Cheaper Way to Avoid Filing**
The Australian Apr 2004
- **Reflections on 'tactics' in negotiation and conflict management**
ADR Bulletin Dec 2007
- **When Mediation Meets Medicine**
Summer 2014/15 MDA National Defence Update
- **The Value in a Good Conversation**
2014 PIAA International Conference, Amsterdam
- **Communication Skills - Dealing with "Difficult People"**
Momentum, Law Society NSW March 2015
- **When Mediation Meets Medicine**
Defenceupdate.mdanational.com.au 2015
- **Voluntas: Volunteer Conflict Management for the Volunteering Sector**
Australasian Dispute Resolution Journal Volume 28/1, 2017

8 Referees

Robert McClelland
Former Attorney General of Australia
Contact details on request.

Justice Robert Benjamin
Family Court of Australia
Former President Law Society of NSW

Justin Dowd
Former President Law Society of NSW
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Alistair Little
Former Chairman of Partners
TressCox
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Paul McGahen
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Tom Howe QC
Australian Government Solicitors
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Brian Dooley SC
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Sonya Stephen
CEO
Cathy Freeman Foundation
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Robert Mulcahy
CEO
Father Chris O’Rielly’s Kids of the Streets
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Jeremy Gormly SC
Chair NADRAC
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Ian Govey
Former CEO
Australian Government
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Tim Castle
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Sparke Helmore Lawyers

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Chair Resolution Institute
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Law Society of NSW
Ph: (02) 9926 0333

Richard Cavanagh SC
Edmund Barton Chambers
Ph: (02) 9220 6100

Jane Probert
Former Manager Costs Assessment
Supreme Court of NSW
Now Motor Accidents Authority

Audrey Lee
Former General Manager NSW
Cambridge Integrated Services
Ph: 0404 045 108

Sian Leathem
Register
Administrative Appeals
Tribunal