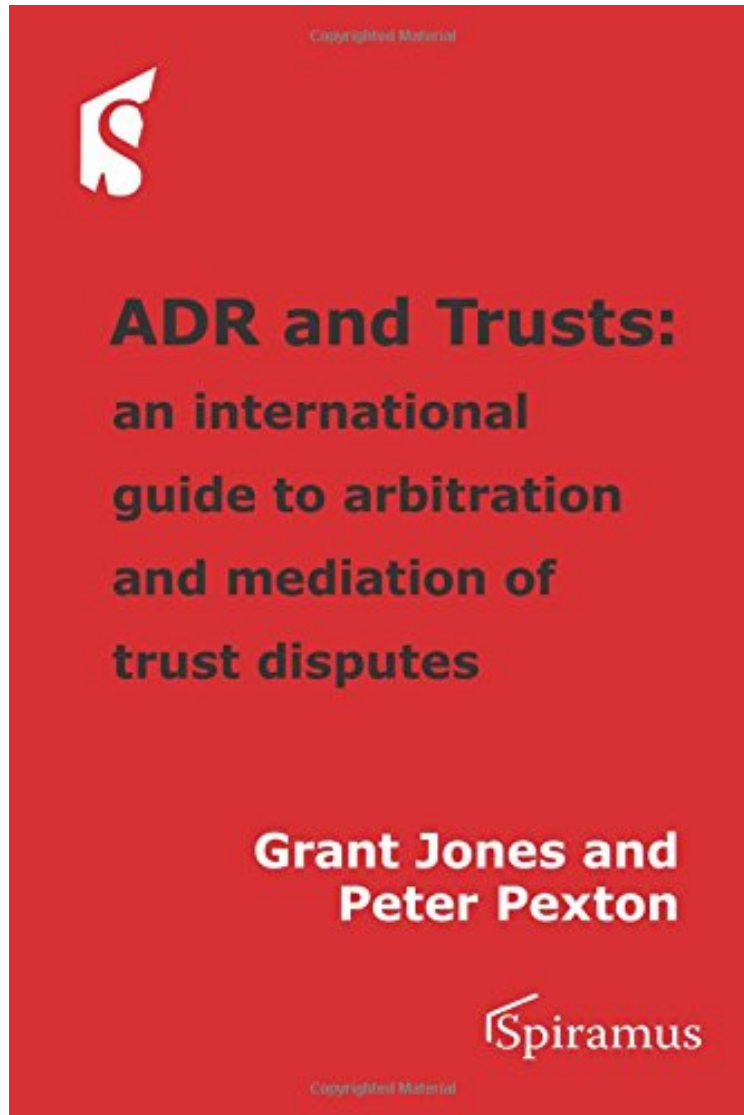


(Download pdf) ADR and Trusts: An international guide to arbitration and mediation of trust disputes

# ADR and Trusts: An international guide to arbitration and mediation of trust disputes

Grant Jones, Peter Pexton

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**Grant Jones, Peter Pexton : ADR and Trusts: An international guide to arbitration and mediation of trust disputes** before purchasing it in order to gage whether or not it would be worth my time, and all praised ADR and Trusts: An international guide to arbitration and mediation of trust disputes:

0 of 0 people found the following review helpful. A first class guideBy Phillip Taylor MBEA FIRST CLASS GUIDE TO SETTLING TRUST DISPUTES WITHOUT LITIGATIONAn appreciation by Phillip Taylor MBE and Elizabeth

Taylor of Richmond Green Chambers Spiramus Press have come up trumps again with this important new work on settling trust disputes without having to go to court. In just under 400 pages, Grant Jones and Peter Pexton have produced a helpful guide to assist professional advisers who want to assist their clients without resort to litigation. The title emerged from the Jones Pexton mediation courses run for the Society of Trust and Estate Practitioners. In his Foreword, Geoffrey Shindler writes that with all the uncertainties in the present world, two matters are certain: there will be more and more disputes over trusts as the older generation who created the trusts in the latter part of the last century die and sibling rivalry and grievance come to the surface and secondly the cost of conducting those disputes will increase exponentially. How right Shindler is! He concludes that the book is both deep and wide and he recommends it, heartily to all those involved in this possibly distasteful part of trusteeship adding that it is but equally an increasingly common part of it. The reality of trusteeship and ADR will always be difficult when the beneficiaries may be minors, contingent or even unborn persons, but as Shindler points out, the way the courts have developed a method of tackling disputes without recourse to the court is to be desired and encouraged. We are certainly now in the age of ADR and we feel this book has a much wider appeal than to just the professional adviser. Spiramus continue to provide both practical and professional titles covering tax, accountancy, finance and business law and this international guide to the arbitration and mediation of trust disputes is an easy-to-read book which has the detail both advisers and clients will need when disputes arise. There are two parts to the book. Part A has twelve chapters followed by four excellent practical appendices. It looks at the various forms of ADR, and examines the differences between arbitration and mediation of trust and fiduciary disputes. Also included are some useful suggestions about how to avoid disputes with a clear statement on the role of professional advisors and the mediation techniques used which have been developed from the courses the authors have presented. The second part covers jurisdictions from page 135 onwards, it runs to 27 chapters covering the main countries involved including how trust law and ADR operates in each of them. The content for each country covered includes arbitration law and practice, trust law itself, the mandatory requirements for mediation, and finally enforcement. For those readers relatively new to ADR, it is a good idea to read the main introduction first. Many advisers and lawyers have now done some additional training on dispute resolution although it can appear a trifle confusing until one understands the way the system operates. The authors, who are natural born mediators themselves, say that conflict is ever-present in our daily lives, but from the earliest times different methods have been employed to bring about peaceful solutions. And that is really where we are today! We have found with clients that there is some confusion and wariness over ADR. This book goes a long way to alleviate the many worries and concerns which have been raised in recent years and it is a prime guide for the trust specialist as civil justice continues to be re-shaped in the next few years.

Settling trust disputes without litigation can save all parties legal costs and maintain confidentiality (reducing the risk of unwelcome publicity). ADR and Trusts has been written to help professional advisers who want to help their clients to avoid litigation. It is a development from the authors' accredited mediation training course for the Society of Trust and Estate Practitioners (STEP). The first section of the book introduces the different forms of dispute resolution and examines the differences between arbitration and mediation of trust and fiduciary disputes. The mediation process is explained, including the role of professional advisors, as well as the tools and techniques for mediation. The book examines the ways to avoid disputes, cross-border aspects of Alternative Dispute Resolution (ADR), the psychological factors affecting mediation, the mediator's powers to mediate and settle disputes, and ethical issues in Trust ADR. Islamic and Sharia Trust ADR is also considered, with a close study of the developing approaches in Canada and the UK. The second section examines 27 jurisdictions and how trust law and ADR operates in each. The jurisdictions covered include: Australia, Bahamas, Barbados, the British Virgin Islands, Canada, Cyprus, England/Wales, Florida, France, Gibraltar, Guernsey, Hong Kong, India, Ireland, the Isle of Man, Israel, Italy, Jersey, Liechtenstein, Malaysia, Mauritius, New Zealand, Panama, Scotland, Singapore, Switzerland, and the United Arab Emirates. Each profile addresses arbitration law and practice, trust law, the mandatory requirements for mediation, and the enforcement of ADR awards. [Subject: Alternative Dispute Resolution, Mediation, Trust and Estate Law, Comparative Law]

About the Author GRANT JONES is Professor of Management and Head of the School of Business at the Australian Catholic University in Sydney Australia. His books include Renegotiating the Environment: The Power of Politics; Social Action and Institution Building in Three Houses of the Australian Parliament; and Contemporary Issues in Management and Organisational Behaviour.