

## EDITORIAL

At the London Colloquium last Summer, the moot which took place illustrated approaches that might be taken by different tribunals in resolving the same dispute. That theme was enlarged at the Annual Conference in September last when Professor Ian Scott spoke on alternative dispute resolution, a subject which bears on a number of topics under discussion in the present climate of change in legal practice. His paper reflecting the contents of that talk is printed in this edition along with papers from speakers on other topics at the Annual Conference.

Those who attended the London Colloquium in July last should by now have received the substantial volume of post-Colloquium papers. Anyone who has not received them may wish to contact the new BILA Secretariat. The Secretary, Dick Hanson-James, resigned in the Autumn because of work commitments. This proved to be the catalyst for a more substantial change. Maurice England, Treasurer, agreed also to take on the role of Secretary. It was felt that the administrative aspects of secretarial and treasury functions warranted a permanent secretariat, which our conference organisers, ARA Conference Services, have agreed to provide.

This new arrangement has helped to concentrate attention on current membership and subscriptions. There are a noticeable number of outstanding corporate and individual subscriptions: it would be a great help if those of you who are not certain that you are up to date with subscription payments could check and send to the Secretariat by the end of February any subscriptions owing. It is planned that in future the Association's mailing list will reflect those who are current paid-up subscribers; so please, to ensure that you continue to receive the Journal and other circulars sent out in the course of each year, settle any overdue subscriptions now.

You may wish to put some dates in your diaries:

**Tuesday 5th June 1990 Chairman's Luncheon**

(At the CII: Gordon Cornish's guest speaker will be Dr David Bland,  
Director-General of the Chartered Insurance Institute and a member of BILA)

18-22 June 1990 AIDA World Congress (in Copenhagen)

Tuesday, 18 September 1990 Fifth Annual Conference and AGM  
(at University College, London)

Last but by no means least our thanks are due to Derek Cole who, as editor for the last

three years, has set a clear course for the Journal. I am particularly pleased to assume the role of editor in the wake of his achievement.

Jonathan Foster

## **The 4th Annual Conference and 1989 AGM held at University College, London, on Tuesday, 19 September, 1989.**

### **Main Paper**

**THE COURTS AND ALTERNATIVE DISPUTE RESOLUTION**  
**Professor I.R. Scott, Dean of the Faculty of Law,**  
**University of Birmingham.**

#### **A. Introduction**

At the fourth of BILA's annual conferences I spoke on the topic "The Courts and Alternative Dispute Resolution". I did so with some misgivings as I am no expert on this subject. However, as I explained on that occasion, the topic encapsulates several issues that have been troubling me for some time, both during the years I served on the Lord Chancellor's Civil Justice Review Body and afterwards. In doing a little work on them over the years I have encountered some mental blocks. I thought that if I had to gear myself up to talk to about them at the conference I might be able to clear my mind.

Those who were at the conference will remember that I did not really give a lecture. Rather, in the space of over an hour, I rambled through twelve overheads expertly flashed up on the screen by Gordon Cornish. Some of the overheads contained, or at least hinted at, a great deal of information. After the event, I realised that I would not be able to reduce to readable form the territory I covered in my own, inexpert way. The overheads and the notes I used lie in a badly disorganised file at the back of a drawer. I rather hoped that the successive requests I received for an account of my lecture would disappear if I ignored them for long enough. However, that was not to be and eventually my conscience got the better of me. I realised I had to produce something that could be read at leisure.

What follows is not the transcript of a lecture and it is not a law article in the traditional