

Community Justice Centres



Year in Review 2010-2011

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What we do

Community Justice Centres (CJC) helps people resolve their disputes by providing free mediation and conflict management services throughout NSW.

CJC is part of the NSW Department of Attorney General and Justice, and is fully funded by the NSW State Government.

CJC was first established in 1980 as part of a pilot program. It was made permanent in 1983 with the commencement of the *Community Justice Centres Act 1983* (NSW).

Mediation is the most common Alternative Dispute Resolution (ADR) service that we offer, in which the disputants, with the assistance of mediators, identify the issues in dispute, develop options, consider alternatives, and endeavour to reach their own agreement.

Mediators have no advisory or determinative role in regard to the content of the dispute, or the outcome of the mediation. CJC generally uses a co-mediation model, which means that two trained, professional mediators are allocated to each case.

Resolving disputes through CJC is proven to be effective for many dispute types, with a high settlement rate of 79 percent. The agreements that the parties reach often involve a broader range of solutions than a court is able to provide.

Importantly, CJC services continue to be provided to the community free of charge, and mediation sessions can be organised in a short timeframe across NSW, at a location convenient to the parties.



Our people

In 2010/11, CJC used a panel of 172 highly skilled and trained sessional mediators of various backgrounds. All CJC mediators are nationally accredited under the National Mediator Accreditation System (NMAS).

Mediators are located throughout NSW, to ensure service accessibility and economy.

Mediators are selected primarily for their mediation skills, and do not give advice or make recommendations to the parties, regardless of their qualifications, knowledge, or particular field of expertise.

A list of all our mediators on our panel in 2010/11 can be found at Appendix A.

In addition, CJC employs up to 25 staff that manage, administer, and support the CJC service through our three offices – Parramatta, Campbelltown and Newcastle.

Most of these staff are mediation advisors who provide advice and assistance to members of the public on resolving disputes; assess whether cases are suitable for mediation at intake; and then make arrangements for mediation.

CJC's organisational structure can be found in Figure 1 on the following page.

Testimonial by Meera Khan, CJC mediator

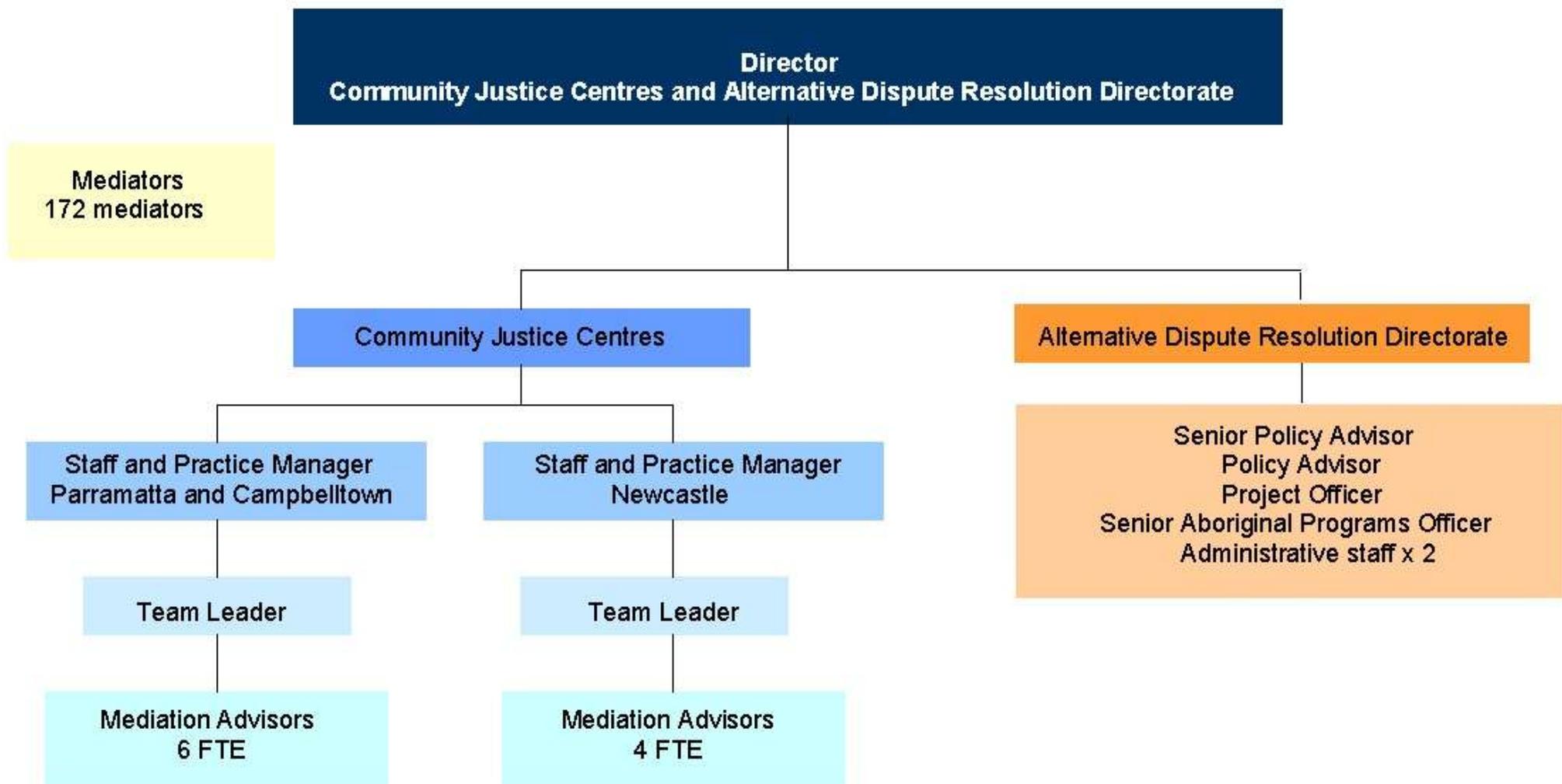
I have had the privilege of being a mediator with CJC since 2001.

Being a mediator gives me tremendous job satisfaction, and I am humbled by the trust that clients display as they disclose painful and private information about themselves.

Mediation is about teamwork, both with my co-mediator and the clients. It is also about continuous improvement through critical self-analysis and feedback and education; patience; discipline; and the respect for people and for self-determination.

Being a mediator has, on a personal level, taught me how to deal with conflict in my own life.

Figure 1 CJC and ADR Directorate organisation chart



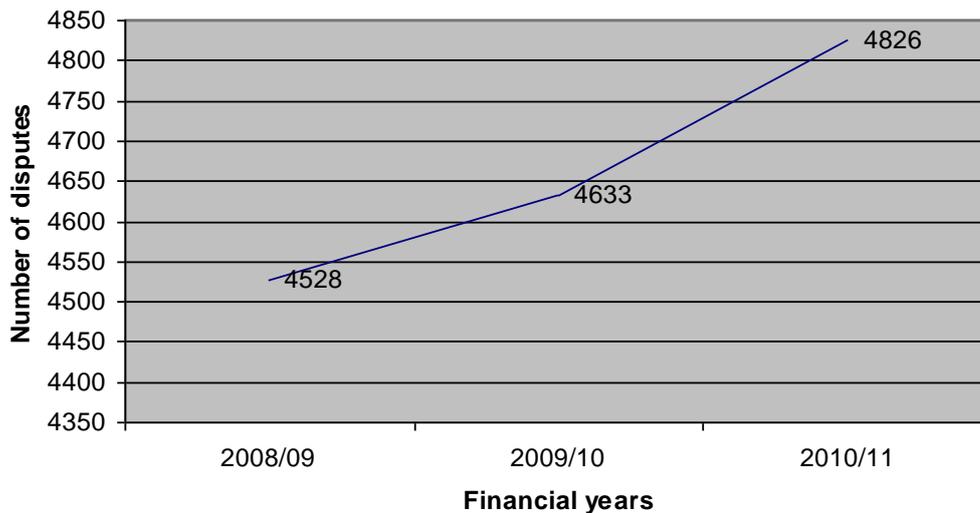
Caseload

Assisting the public

CJC has experienced steady growth over recent years in relation to the number of disputes that we are involved in.

This growth is demonstrated in Figure 2 below.

Figure 2 files opened by CJC in a line graph



CJC will open a file for a party where they specifically request to initiate the mediation process. In 2010/11, CJC opened files in relation to 4826 disputes, representing an increase of 193 files from the previous year.

CJC receives tens of thousands of calls each year from members of the public with queries about their particular dispute, and mediation in general.

Many people would like to find out more about the mediation process, and will not immediately request to set up a mediation session. They may call back at a later stage to do so.

In some instances, mediation is not appropriate and CJC will refer the person to other suitable services such as those providing legal information or counselling.

In all of these instances, CJC is assisting people to resolve their disputes without necessarily resorting to formal judicial processes.

Mediation sessions arranged

The mediation process is initiated where a party requests mediation with a particular person, organisation or group.

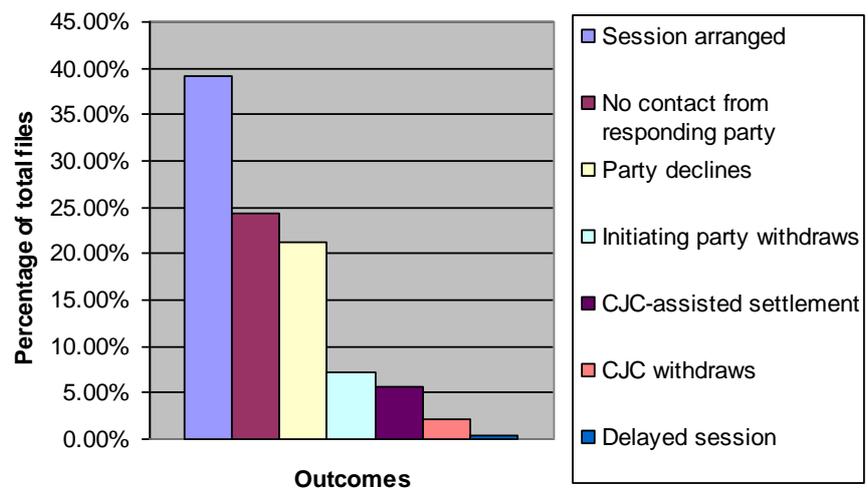
CJC will then contact the other person/s to invite them to participate in a mediation session, usually through a letter. If contact cannot be made on the initial attempt, CJC will attempt to contact the person on two additional separate occasions.

Of the 4826 files opened in 2010/11, mediation sessions were arranged in 1889 files.

The primary reasons why mediation could not be arranged in the remaining 2937 files is because CJC was unable to contact, or had no response from the other party (717 files); or because the other party has declined to attend mediation (617 files).

A breakdown of the outcomes of these 4826 files opened is provided in Figure 3 below.

Figure 3 outcomes of all files opened 2010/11 represented in a column graph.



DEFINITIONS

Session arranged means the parties have agreed to attend mediation (1889 files or 39 percent).

No contact from responding party means the responding party has not contacted CJC in response to letters inviting them to mediation (1178 files or 24 percent).

Party declines means a party declines to attend mediation (1022 files or 21 percent).

Initiating party withdraws means the initiating party withdraws from the process (348 files or 7 percent).

CJC-assisted settlement means the parties have resolved their dispute without mediation, but due to CJC initiating the mediation process (270 files or 6 percent).

CJC withdraws means CJC has deemed the matter unsuitable for mediation, for example because a party has concerns for their safety (102 files or 2 percent).

Delayed session means both parties have agreed to mediation, but the parties' circumstances prevent the mediation from occurring within a three to six month period (17 files or 0.4 percent).

Dispute types

CJC aims to be as accessible as possible in terms of the types of disputes we provide mediation services in.

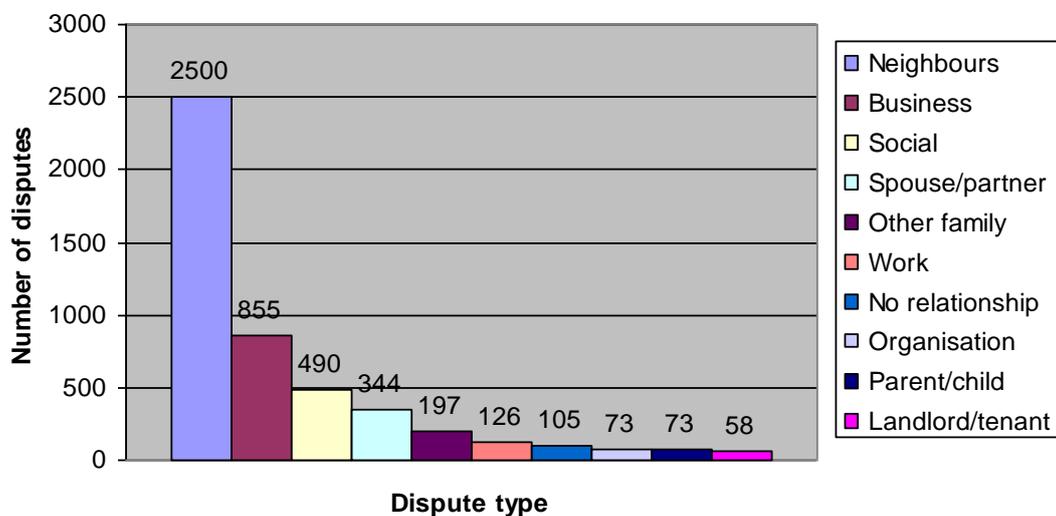
We typically mediate in disputes where there is an ongoing relationship between the parties – for example neighbours, family members, friends, colleagues, and members of community organisations.

Neighbour disputes continue to represent the most frequent type of dispute in 2010/11. Of the 4826 files opened, 2500 of these (52 percent) were disputes between neighbours. This is an increase of 188 since the previous reporting period.

The majority of neighbour disputes are referred from the Local Court where one or both neighbours have taken out an Apprehended Personal Violence Order (APVO).

There are some restrictions to the types of disputes that we provide mediation in. We do not mediate in criminal law matters or large commercial disputes. If violence is present between the parties, we assess the suitability of the matter on a case-by-case basis and in accordance with our policies.

Figure 4 types of disputes that CJC provided mediation in 2010/11, represented in a column graph.



Many of our matters involve numerous issue types – for example, a neighbour dispute may involve “noise”, “animal” and “fence” issues in the one matter.

The breakdown of the issue types that we received in 2010/11 is included in Table 1 below.

Table 1 types of issues featured in files opened 2010/11.

Complaint type	2010/11	2009/10	Difference
Money / debt	1305	1128	+177
Fence / Retaining Wall	809	609	+200
Invasion of Privacy	770	657	+113
Family, Parenting, Property	769	683	+86

Complaint type	2010/11	2009/10	Difference
Plants, Trees, Shrubs	734	494	+240
Goods and Services	695	575	+120
Threats of Violence	459	339	+120
Noise	424	443	-19
Animals	402	394	+8
Children - Other peoples Behaviour, nuisance	288	Data not available	N/A
Work	275	193	+82
Motor Vehicle	225	191	+34
Cultural	96	112	-16

The types of issues that CJC mediated in during this reporting period are fairly consistent with the previous financial year.

The most significant changes have been an increase in disputes involving plants, trees and shrubs, and an increase in disputes involving fences and retaining walls.

This is consistent with the fact that CJC has experienced a growth in the number of neighbourhood disputes that were referred to us in this reporting period.

Case study

Anna rented the flat below Lizzie. Anna often had parties or went out with friends on Friday and Saturday nights. Recently, Anna brought a friend home in the early hours of Saturday morning to play music and sing karaoke loudly. Lizzie complained about this, but the noise continued.

Lizzie then started writing notes and slipping them under Anna's door. One night, Lizzie went down and knocked on Anna's door to complain. This resulted in a physical fight between Anna and Beryl. The police were called and Beryl and Anna both made applications in the local court for Apprehended Personal Violence Orders against each other. When the matter went to court, the Magistrate referred Anna and Beryl to mediation.

At mediation, Lizzie was able to express how she felt about the noise and Anna realised how her actions had affected Lizzie. Anna agreed to make as little noise as possible between 10pm and 6am and keep noise levels reasonable at other times. Anna apologised to Lizzie and Lizzie accepted. Anna was also able to explain that Lizzie's notes intimidated her and Lizzie agreed to stop writing them. Lizzie and Anna also agreed to withdraw their legal proceedings and write to the strata manager if there were any more problems in future.

Referral source

CJC accepts referrals from multiple sources.

As a community mediation service, CJC encourages members of the public to self-refer for mediation. This is done through our website, promotional material, presentations and stalls at various events.

In addition, CJC works in partnership with Government and non-Government organisations to encourage referrals from service providers. To this end, CJC strives to maintain close working relationships with our stakeholders.

The largest source of referrals for CJC continues to be from Courts, with other key sources being self-referral and Local Government.

A breakdown of referral sources is included in Table 2 below.

Table 2 referral sources for CJC 2010/11

Referrer	Number of referrals	Percentage of total referrals received
Courts	2009	41.6%
Self-referral	779	16.4%
Local Government	672	13.9%
Previous clients	430	8.9%
Law Access	207	4.2%
Police	166	3.4%
State Government	164	3.4%
Solicitors	143	3%
Other	127	2.6%
Legal Aid/ legal centres	105	2.1%
Federal Government	24	0.5%

Figure 7 below shows a comparison of referral sources between this reporting period, and the previous.

Table 3 comparison of referral sources for CJC between 2009/10 and 2010/11.

Referrer	No of referrals in 2010/11	No of referrals in 2009/10	Difference
Courts	2009	2183	-174
Self-referral	779	410	+369
Local Government	672	581	+91
Previous clients	430	247	+183
Law Access	207	190	+17
Police	166	136	+30
State Government	164	Data not available	N/A
Solicitors	143	120	+23
Other	127	514	-387
Legal Aid/ legal centres	105	65	+40
Federal	24	Data not	N/A

Referrer	No of referrals in 2010/11	No of referrals in 2009/10	Difference
Government		available	

The biggest change between this reporting period and the previous is the substantial increase in self-referrals. This can largely be attributed to the additional promotional work in the community that CJC undertook.

In particular, there has been a significant increase in the amount of self-referrals through the internet. In 2010/11, CJC opened 400 files due to parties finding out about CJC's services through the internet, representing an increase of 161 referrals from the previous year. This highlights the importance of the internet as an effective tool to promote our service.

It is anticipated that this figure will continue to rise in the next financial year, with the launch of a new CJC website due in November 2011.

The figures also indicate that CJC has experienced a drop in referrals from Courts, although Courts continues to be our highest referrer. CJC will target Courts as a key stakeholder in the 2011/12 financial year.

Of the 2009 Court referrals received in 2010/11, 912 of these were involving an Apprehended Violence Order (AVO). This represents a drop in 153 AVO matters from the previous year.

Outcomes

The primary purpose of mediation is to enable the parties to reach an agreement between themselves on the issues in dispute.

If the parties are unable to reach an agreement on all the issues, they may be able to narrow the issues in dispute, and discuss ways of resolving the outstanding areas of disagreement between them.

If the parties are unable to reach an agreement on any of the issues in dispute, they have at least had a chance to talk in a safe and supportive environment, and hopefully gain a better understanding of the other party's interests.

Of the 1731 mediations held in 2010/11, the parties reached an agreement in 1363 matters. This represents a very high settlement rate of 79 percent.

This rate is consistent with the previous reporting period.

Interestingly, although the amount of AVO matters being referred to CJC has dropped over the past four years, CJC has a very high settlement rate of 84 percent for matters involving an AVO.

CJC also has a very high settlement rate of 87 percent for mediations involving an Aboriginal party.

Case study

Jeff and Emily worked for a small charitable organisation. Jeff was laid back and easygoing whereas Emily was very precise, and preferred to plan things out in detail. Although they had different roles, there was some overlap in their tasks and their different approaches caused more and more friction.

With the help of the mediators, Jeff and Emily each described their concerns. Through the mediation process, both came to see that they each worked hard and cared a lot about the organisation, even though they had different ways of doing things. It also emerged that they both had problems with their supervisor. They felt he had not sufficiently addressed the situation and their roles were not clearly defined. The supervisor agreed to attend a second mediation session with Jeff and Emily.

At the second session, the supervisor came to realise he had not paid enough attention to the problem. All three came to an agreement that defined Jeff and Emily's duties and responsibilities more precisely, and stated that the supervisor would monitor the situation more closely and meet with both Jeff and Emily on a weekly basis.

Service delivery

CJC aims to deliver prompt and efficient services to the community.

There are no waiting lists, and mediation can be organised at a time and location convenient to the parties. CJC's timeliness is evidenced by the fact that in 2010/11, 70 percent of our files were finalised within 30 days, and 90 percent were finalised within 60 days.

These timelines are consistent with the previous reporting period.

We continually monitor client feedback to ensure that our services are tailored to individuals.

In May 2011, CJC introduced a new feedback system for people who have attended a mediation session. A comprehensive and user-friendly feedback form was developed, and is now routinely handed out to all participants at the end of the mediation.

This new system has proved successful, with 100 forms returned in May and June 2011 alone.

Feedback indicates that clients have found CJC's services to be extremely helpful in resolving their dispute. Ninety-five percent of clients found the CJC staff that they dealt with prior to the mediation to be either "very helpful" or "helpful", and 79 percent of people reported that they felt that they had enough information about mediation prior to attending the session.

Ninety-six percent of people found the mediators to either be "very helpful" or "helpful" during the mediation session, and 95 percent felt that they had a chance to have their say during mediation.

Ninety percent of people were satisfied with the outcome of the mediation, and 79 percent of people would recommend CJC to other people.

These results demonstrate that clients find the entire process, from their initial point of contact with the service through to the end result of the mediation, to be helpful and empowering.

In addition to these findings, CJC also recognises the importance of allowing clients who do not progress to mediation the opportunity to provide feedback on our services. Clients who have had some contact with our service but have not participated in a session are able to provide feedback through either our website, or by contacting us directly.

Service promotion

CJC concentrated on increasing its profile within the broader community in 2010/11.

This promotion has been very effective, with an increase in 369 self-referrals since the last reporting period.

CJC staff and mediators regularly attend events in the local community to promote our services. These events are varied, ranging from Legal Aid information sessions and Government tradeshows to local fetes.

CJC will continue to work on increasing our profile in the local community in 2011/12.

A snapshot of the events that CJC has attended to promote our service in 2010/11 include:

- Law Week (in Sydney, Parramatta and Newcastle).
- Aboriginal Community Information and Assistance Days.
- Attendance at metropolitan and regional court user meetings to promote CJC.
- Community Legal Service Delivery (CLSD) monthly meetings.
- Presentations to police at metropolitan Local Area Commands.
- Law Access information sessions for call centre staff.
- Presentation at “Neighbours and the Law” workshops in Parramatta and Sydney, hosted by Legal Aid NSW.
- Presentations to Housing NSW staff about CJC services.
- Information session for Family Relationships Centres and Interrelate on CJC services.
- Neighbour Day.

Spotlight on Neighbour Day

CJC marked Neighbour Day in March 2011 by holding a stall at the Parramatta Farmers’ Market. Neighbour Day is a national event, held on the last Sunday in March each year to encourage people to reach out to those who live near them, with the aim of bringing local communities together.

The stall was run by CJC staff and mediators, and proved to be extremely popular, with more than 700 showbags and 1400 pamphlets distributed on the day. Many people showed an interest in the service, and could easily think of situations in their own lives in which mediation would be useful.

Services to people with a disability

Mediation advisors routinely ask all clients whether there are any measures that can be put in place to better support them during the mediation process, such as the presence of a support person or having additional breaks during the session.

CJC is also selective in its choice of venues to hold mediations in, aiming to always choose venues that are wheelchair accessible.

We also regularly receive calls through the TTY service, and publicise this number on our promotional material.

Services to people from a Culturally and Linguistically Diverse background

CJC offers translations of its promotional material in a variety of community languages, with this information clearly accessible on our website.

We also regularly arrange for interpreters to either speak with clients over the phone during the intake process, or to assist a client during the mediation process. This is done at no cost to the client.

CJC records the number of mediation sessions held where the initiating party was born outside of Australia. Our target is 20 percent, with CJC exceeding this during the reporting period with 23 percent of all sessions involving an initiating party born outside of Australia.

This figure is slightly down from last year, in which 25 percent of all sessions held involved an initiating party born outside of Australia.

CJC will work with the Diversity Services Division of the Department in 2011/12 to further promote our services to different communities, and ensure that our services are culturally appropriate.

Aboriginal and Torres Strait Islander mediation program

CJC has strengthened its Aboriginal and Torres Strait Islander Program in 2010/11 with the appointment of a Senior Aboriginal Programs Officer (SAPO), Melissa Stubbings, in August 2010.

The Aboriginal and Torres Strait Islander Program aims to increase awareness of mediation with CJC to Aboriginal services, communities and people across NSW, and to support Aboriginal and Torres Strait Islander mediators within CJC.

In 2010/11, five percent of clients accessing our services identified as either Aboriginal or Torres Strait Islander. This is consistent with last year's reporting period.

There are currently two Aboriginal-identified positions within CJC - the SAPO and an Aboriginal Mediation Advisor, based in the Newcastle office.

CJC aims to provide parties with an Aboriginal mediator where requested, and has nine Aboriginal mediators from across NSW. We would like to increase this number in the new reporting period, and are currently looking at ways to assist Aboriginal and Torres Strait Islander people to train as mediators.

During this reporting period, CJC has focused on building awareness in Aboriginal communities about CJC – in particular the services offered and how to access those services.

CJC has promotional material that is targeted to Aboriginal and Torres Strait Islander people, and a separate page within our website that is devoted to the Aboriginal and Torres Strait Islander mediation program.

In addition to this material, CJC focuses on meeting face-to-face with stakeholders wherever possible, to promote our services.

A significant event in particular that CJC attended was the 40th Annual Aboriginal Rugby League Knockout at Woy Woy. The Knockout is the largest gathering of Aboriginal and Torres Strait Islander people in NSW, with an estimated 20,000 people attending. It is held on the long weekend in October each year, in the winning team from the previous year's location.

CJC partnered with the Department's Aboriginal Services Division to sponsor the event and set up a stall to distribute information and to talk to community members and other agencies about our services.

The event was a huge success, with two CJC staff and one mediator attending. CJC was able to effectively promote our work, and was visible to many Aboriginal and Torres Strait Islander people at the one time.

In addition to the Knockout, CJC Aboriginal staff and mediators carry the message of mediation to all parts of NSW.

Aboriginal staff and mediators have presented at various events and meetings to promote CJC's services throughout 2010/11. A snapshot of these events include:

- Aboriginal Community Information and Assistance Days.
- Aboriginal Client Service Specialist Conference.
- Ellen Goinda Program – Kempsey.
- Bundaleer Community Offender Support Program - South Windsor.
- Lake Macquarie Area Command.
- Education Centre Against Violence.
- Closing the Gap – Campbelltown.
- Family Fun Day – Richmond.
- Eurobadalla Koori Employees Network – Mogo.
- South West Sydney Koori Interagency.
- Western Sydney Koori Interagency.
- NAIDOC – Lismore.
- Greater Western Sydney Family Law Pathways.
- Aboriginal Community Day – Hornsby.

Aboriginal Community Information and Assistance Days (commonly referred to as "roadshows") involve numerous local Government and non-Government services coming together to promote, advertise, and offer practical assistance to Aboriginal and Torres Strait Islander community members.

CJC has been actively involved in these roadshows throughout NSW, with staff visiting the following communities:

- Kurri Kurri
- Singleton
- Muswellbrook
- Toronto
- Windale
- Forster
- Karuah
- Maitland
- Raymond Terrace
- Kempsey
- Mt Druitt
- Campbelltown
- Eden
- Bega
- Wallaga Lake
- Narooma
- Moruya
- Batemans Bay
- Lismore
- Tweed Heads
- Katoomba
- Liverpool

The SAPO undertakes the majority of the travelling, building on networks in each location and improving CJC's visibility to the community and service providers. For example, during a recent trip to Wagga Wagga for a mediation, the SAPO made an impromptu visit to the local Aboriginal Legal Service office. This in turn led to two matters being referred to mediation with CJC.

In addition to providing mediation, the CJC Aboriginal and Torres Strait Islander mediation program also provides dispute resolution services. This is

particularly the case where broader community issues are involved, usually having caused conflict in a community for a long time.

Mediators are able to work with communities to try and change long-standing behaviours through talking to the different factions within the community. Whilst not all communities necessarily choose to participate in mediation, each faction is given ideas on how to react differently to future conflict, which in turn has benefit for the entire community.

Case study

CJC was approached at an Aboriginal Community Information and Assistance Day to assist in a local community where there had been violence and abuse occurring for a while.

A number of agencies were brought together to discuss the situation, including Police, the Department of Aboriginal Affairs, the NSW Ombudsman and CJC.

It was agreed at the meeting that CJC would attempt mediation. Two mediators were appointed to meet individually with each group involved in the conflict. This is called a “pre-mediation” session. Numerous community members attended each pre-mediation and discussed their concerns with the mediators. The mediators discussed how mediation could help, and the role of mediation in resolving conflicts.

Most of the members on each side were agreeable to mediation, however some members did not agree. Mediation with CJC was voluntary in this instance, and so could not proceed.

It was reported that even though the mediation did not go ahead, the abuse and violence has been reduced since the pre-mediation took place.



Appendix A – List of CJC mediators

Please note that this list includes all mediators who were on the 2010 and/or 2011 CJC panel.

Renica Adam	Frank Edwards
Salahuddin Ahmed	Gwen Edwards
Tony Amatto	Glen Eggleton
Karen Apps	Alana Maria Eslick
Anne Ardagh	Irene Esteves
Barbara Armitage OAM	Renee Estrella
Linda Attard	Ron Favelle
Lise Barry	Helen Ferry
Peter Bates	Vicki Findlay
Margaret Beard	Leonie Fleming
Margaret Beveridge	Mark Fleming
Ken Blackall	Keryn Foley
Geoffrey Blackert	Jim Foran
Katherine Blewitt	Jeanne Francis
Pam Bonfield	Suzanne Freed
Melissa Bordogna	Dick Frost
Carmel Boyko	Ian Fulford
Gwen Bradley	Marilyn Fulford
Phillip Britten	Gargi Ganguly
Cherie Buchert	John Gaston
Joseph Bufalo	Michael Gillespie
Yvonne Burgess	Leone Gotzy
Donald Dennis Burgin	Wendy Gover
Jan Campbell	Peter Gurney
Don Campey	Melinda Halloran
Denys Cato	Dianne Hamer
Maria Cencigh	Peter Hanson
Danny Chard	Richard Harvey
Robyn Claremont	Maryann Hausia
Alun Clark	Lawry Herron
Jennifer Cook	Carol Ann Hibberson
Derek Cooke	Mary Hinchey
John Courcier	Vic Huggins
Christine Courcier-Jones	Stan Hurley
David Colin Coutts	Chris Irons
Leoni Cowling	Graham Johnson
Robert Dailey	Felix Jones
Nihal Danis	Judy Jones
Mary Day	Spase Karoski
Peter Day	Edith Amy Kearns
Micheline Dewdney	Catherine Kelly
Stephen John Dick	Dr Lorretta Kelly
Ralph Dixon	Jennifer Kendrick
Alan Doak	Meera Khan
Anna Durant	Louise Kinsky
Susan-Ann Edmonds	Veronika Korchma

Clyde Lee
Man-Chung Lee
Malcolm Lemaire
Paul Lewis
Teik Hock Lim
Rosemary Mackenzie
Brenda Mahar
Robyn McClung
Helen McConkey
Phillip McConkey
Thomas McDermott
Alan McDonald
Robert Michie
Aishad Mohammed
Yvonne Monaghan
Ray Moore
Connie Morris
Jovanka Naumoska
Peter F Neilson
Linh Nguyen
Peter Nicola
Wayne Nugent
Denis A O'Neill
Georgia Papaleontiou
Laurence Pettiford
Janice Pinter
Ted Powell
Kathryn Price
Patricia Price-Jones
Ashley Prideaux
Jenni Prince
Abraham Quadan
Darryl Quigley
Josie Quigley
Dolores Reseigh
Josephine Reyes
Barbara Richards
Pamela Richards
Caroline Rimmer
Ray Robinson
David Rollinson
Lynette Rolls
Elinor Salter
James Samphier
Natalie Sauer
Doreen Schafferius
Melissa Scott
Russell Sear
Gayle Sheridan
George Simpson
Ronald Simpson
Christine Margaret Smith

Lorraine Smith
Frances Smyth
Katrina Spyrides
Kerrie Stewart
Melissa Stubbings
Helen Margot Sullivan
Max Sulman
Nicholas Summers
Nefley Takacs
Faye Taylor
Judi Teesdale
Verlyn Thompson
Jane Thompson-Powter
Ewan Tolhurst
Lesley Torpey
John Tunncliffe
Theo Van Der Veen
Barry Walker
Brenden Walters
Sue Waterhouse
Vicki Weller
Rex Wendt
John Westbury
Alexandra Whitney
Peter Wick
Ken Wicklund
Janice Williams
Peter Wolfe
Tosca Woodward
Leanne Wynne