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SHAPING THE FUTURE OF DISPUTE RESOLUTION & IMPROVING ACCESS TO JUSTICE

THE SINGAPORE REPORT

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Preface

The Global Pound Conference (“GPC”) Series is an ambitious project that has never been attempted before. Using information technology and a range of data-collection methods ranging from multiple choice questions to open text comments and word clouds, the Series seeks to commemorate the 40th anniversary of the original Pound Conference, which took place in St. Paul, Minnesota in 1976. Entitled “*Perspectives on Justice in the Future (Proceedings of the National Conference on the Causes of Popular Dissatisfaction with the Administration of Justice,*” the original event named after Dean Roscoe Pound identified problems with US litigation in the 20th century and ways to improve access to all forms of justice in that country. It led to real and substantive changes, which many people claim opened the way to alternative forms of dispute resolution and the concept of a “multi-door” courthouse that offers a broader range of dispute resolution services. The GPC Series is an unprecedented attempt to broaden this discussion in the 21st century, focusing on commercial dispute resolution. It seeks to generate actionable and reliable data on what gaps currently appear to exist between what users of dispute resolution services want and what advice, services and incentives exist. Bringing together parties, their advisors, providers of dispute resolution services (both adjudicative and non-adjudicative) together with miscellaneous influencers, such as academics, government officials and policy advisory around the globe, the GPC Series is meant to gather and analyse causes of dissatisfaction and opportunities for improvement for all forms of dispute resolution services that exist today, ranging from litigation and arbitration to mediation, conciliation and mixed modes of dispute resolution.

When we were first commissioned by the International Mediation Institute (IMI) to set up the Series, we were operating without a clear compass. Was the goal to primarily stimulate discussion between all stakeholder groups, or to collect reliable statistics? Should our focus be on domestic or cross-border disputes, and to what extent should we focus on commercial disputes as opposed to civil disputes? Did we have any hypotheses we wanted to test, other than whether there may be gaps between what users of dispute resolution services wanted, and what was being supplied and recommended? With the help of colleagues from all disciplines and following consultations with dispute resolution professionals from around the world, we were able to design a series of 20 core multiple choice questions, broken down into four sessions: (1) what do parties need, want and expect (the “demand” side) ; (2) satisfaction with the services currently offered (the “supply” side); (3) what gaps and obstacles may exist to better align supply and demand; and (4) who can do what about making these improvements and when. Resolution Resources in Australia, and the two authors of this first GPC Series report, Emma-May Litchfield and Danielle Hutchinson, played a crucial role in helping us to design these questions and to get our bearings, as well as to expand our thinking. They enabled us to collect data about all facets of modern dispute resolution, while stimulating constructive critical discussion using a software application designed by PowerVote to gather and provide a unique database of qualitative and empirical responses, which is now available to the GPC’s Academic Committee and will soon be available to all stakeholders interested in improving dispute resolution services and access to justice around the world.

Singapore was the first of approximately 40 cities to organize a GPC event. It was the pioneer in hosting the first event in March 2016, and together with Herbert Smith Freehills fostered and

sponsored the GPC Series as a Diamond Founder Sponsor. This report provides fascinating insights into the type and quality of data that each GPC event will be able to generate. It shows not only what gaps exist locally between different stakeholder groups and how “supply” and “demand” continue to be partially unaligned, but how this can be improved. Singapore also seems to reflect international trends, given its domestic and international vision. The Singapore GPC report identifies some big gaps that exist between parties and their advisors, and what priorities can be taken into consideration when initiating a process. Should courts, arbitrators and mediators assume that parties and their counsel have a clear sense of what process they want when they initiate dispute resolution proceedings, or do they prefer in fact to obtain guidance and tailored or bespoke processes that are about designing and implementing the most appropriate process to suit each case? Singapore suggests that the latter is needed. Coining the concept of “Appropriate Dispute Resolution”, Chief Justice Menon of Singapore in the opening ceremony to the GPC Series made it clear that “ADR” is not about what is “alternative” to traditional justice, but how justice can evolve to provide whatever is most “appropriate” in each case.

The data contained in this first GPC report raises many questions about why adjudicative processes are so seldom used in combination with non-adjudicative processes (a concept all stakeholders supported), and how parties can be better assisted to adapt their processes for resolving disputes to their needs, deadlines, budgets and priorities – especially for small and medium-sized enterprises or inexperienced parties, but also for large multinationals and sophisticated disputants. The results from the Singapore event are not only a testimony to the leadership that exists in that country when it comes to shaping the future of dispute resolution and improving access to justice, but also to how there is still desire and room for improvement, which the Singapore International Dispute Resolution Academy (SIDRA) intends to share with the rest of the world. This report contains some big surprises as well as some expected gaps. It affirms the quality of the data collected at the first GPC event, and the potential of the entire GPC Series. It already contains many lessons and recommendations that can benefit not only the Singaporean dispute resolution community, but all stakeholders involved in dispute resolutions services worldwide. The conclusions of this report are a “must read” for all professionals involved in commercial dispute resolution processes today.

We are indebted to our colleagues, to our sponsors, and to our partners in making this project possible, and we are particularly grateful to the authors of this report for helping to guide us to this point and in issuing this first GPC report which gives a flavor not only of what happened during the opening event in Singapore, but also what lies ahead. We look forward to comparing the data gathered from this first event with the final report that will be published after the GPC Series has been completed. In the meantime, we hope you will enjoy reading this document as much as we have, and we renew our thanks to Emma-May, Danielle and the entire Academic Committee of the GPC for making this journey possible.

Season’s greetings and best wishes for 2017,

Michael McIlwrath
Chair of the GPC Series

Jeremy Lack
Coordinator of the GPC Series

December 19, 2016

Foreword

This Report provides an in-depth analysis of data gathered at the Singapore GPC event, which kicked off the Series that will eventually bring together data from over 30 countries in a final Report scheduled for release in the first quarter of 2018. The purpose of the Series is to stimulate conversations, at a local and also global level, about the state of access to justice in commercial disputes and how this could be improved.

The Singapore data already confirms what became evident from the data collected at the 'Shaping the Future of International Dispute Resolution' conference held at Guildhall, London in 2014 (<https://imimmediation.org/shaping-idr-convention-2014>) namely, that there are significant gaps in the expectations and needs of users and other stakeholders as far as the resolution of commercial disputes are concerned.

While all care was taken to ensure the integrity of the data gathering process and rigour in the formulation of the survey questions and the analysis in this Report, the Series is not intended to be primarily an academic project nor does the data gathering process represent a pure data collection environment. Any use of the GPC data must therefore be undertaken with these limitations in mind. It is hoped, however, that the information contained in this Report, together with the voting results from other GPC venues will trigger collective reflection by disputants, their advisors and providers of commercial dispute resolution services about the extent to which the needs of parties to such disputes are being met, not only in those jurisdictions for which becomes available, but globally as well.

Chair of Academic Committee: Prof. Dr. Barney Jordaan

Executive Summary

GPC Singapore March 17-18 2016

Purpose

The purpose of this report is to present the initial findings and recommendations drawn from an analysis of the data collected during the Global Pound Conference in Singapore (GPC Singapore).

Key Findings and Recommendations

Scope for application:

There was little significant difference between the voting patterns of the local Singaporeans and the voting patterns of the entire delegation which also included participants from Europe, Asia, Oceania, the Americas and Africa. Therefore, the findings may be used to inform both the local and broader commercial dispute resolution communities.

Current practice in commercial dispute resolution (Sessions 1&2)

All stakeholder groups¹ had slightly different perceptions about what parties want, need or expect in commercial dispute resolution. Importantly, no one sees things in the same way as parties. The biggest gap was often found between parties and advisors.

Differences between parties and other stakeholder groups were identified in the following areas:

1. The factors that influence party decision making and the importance that parties place on non-financial outcomes
2. The way that parties perceive the other stakeholder groups, including the roles parties currently want other stakeholders to take in the commercial dispute resolution process

Findings suggest that parties perceive that commercial dispute resolution currently operates within a legalistic framework. Like the other stakeholder groups, they see lawyers, whether external or in-house, as primarily responsible for advising them about their dispute resolution process options.

All stakeholder groups agree that the most successful disputes are resolved using a combination of processes. More than any other stakeholder group, adjudicative providers recognise the potential for non-adjudicative processes to restore or improve relationships. This is where the Singaporeans differ. They seem to value outcomes that were more judicial in nature.

Parties were also found to have different wants, needs or expectations depending on their level of experience in commercial dispute resolution. For example, less experienced parties often have unrealistic expectations and a fixed mindset, whereas, dispute-savvy users are often pragmatic and are keen to take an active role in the process.

Consequently, the extent to which the market meets the needs, want and expectations of parties differs depending on how dispute-savvy the party is. For example, it was found that less experienced parties need advisors and providers to help them understand all of the options available and to guide them through the dispute resolution process. This is unlikely to be sufficient

¹ Delegates belonged to the following stakeholder groups: parties, advisors, adjudicative providers, non-adjudicative providers and influencers. For more information see [Delegate Information](#).

for the dispute-savvy user. They are more likely to expect advisors and providers to work with them to design bespoke processes and/or outcomes that are flexible enough to accommodate both their financial and non-financial interests.

Recommendation: As lawyers are unanimously recognised as having the primary advisory role in commercial dispute resolution, it is recommended that their role be prioritised as the focus for moving forward. In particular, it is suggested that an emphasis be placed on helping lawyers to assist parties to access dispute processes tailored to the specific requirements of the dispute, and which draw on a combination of adjudicative and non-adjudicative process.

Challenges facing the industry and the vision for the future (Sessions 3&4)

The stakeholder groups were more closely aligned in Sessions 3 and 4. Themes identified in Sessions 1 and 2 continued into Sessions 3 and 4, specifically:

1. The importance of combining non-adjudicative and adjudicative processes and particularly the use of non-adjudicative processes before adjudicative processes wherever possible
2. The influential role that external lawyers play in commercial dispute resolution and particularly the extent to which they may affect any change process

In Sessions 3 & 4 government/ministries of justice and adjudicative providers were highlighted as playing a major role in shaping the future of dispute resolution.

Similarities between parties' and other stakeholder groups' perceptions were identified in relation to the challenges created by financial and time constraints on parties, the demand for increased efficiency, and the desire for certainty of outcomes and enforceability of settlements.

Interestingly, parties were found to perceive uncertainty resulting from unpredictable behaviour or lack of confidence in providers as a greater challenge than all other stakeholder groups.

The importance of pre-dispute mechanisms, attitudes towards conflict prevention, and the greater emphasis on collaborative over adversarial processes were also identified by all stakeholders as being central to the future of commercial dispute resolution.

Stakeholders acknowledged that some challenges would be more difficult to address than others. For example, delegates identified that overcoming the perceived lack of awareness about commercial dispute resolution processes would be easier than implementing legislative reform or changing an existing adversarial culture.

Despite these challenges, delegates remained optimistic about the future of dispute resolution. Collectively, they described a long-term vision where dispute resolution skills are culturally embedded. In the short and medium term delegates saw creating awareness and capacity building as the key. Irrespective of the innovation or reform, education is perceived as a driving force behind the evolution of commercial dispute resolution.

Recommendation: Investigate the ways in which government/ministries, adjudicative providers and external lawyers might collaborate to develop and implement a plan for the future of commercial dispute resolution that is informed by the findings from GPC Singapore 2016.

Characteristics of the delegates at GPC Singapore:

The delegate characteristics were as follows:

- There were 367 delegates representing Europe, Asia, Oceania, The Americas and Africa.
- Parties were underrepresented. This group was approximately half the size of the other stakeholder groups.
- Only 47% of participants completed delegate questions which identified jurisdiction, gender, business size, experience and typical practice. This had an impact on the analysis that used characteristics other than stakeholder group. (See [Table 1](#)).
- Despite the reduced sample size, initial testing indicates that characteristics other than stakeholder group may have a significant influence on how delegates voted. In particular, the kinds of dispute processes with which delegates were typically involved had a small but significant impact on the overall patterns of response. To a lesser extent, the number of disputes in which the delegates were involved and the size of their organisation appear to have a small but significant impact on voting patterns for particular questions. For more information refer to the [Delegate Information](#) section of this report.

Recommendation: Investigate ways to maximise delegate information data collection.

Recommendation: Investigate the extent to which delegate characteristics impact on both overall voting patterns and voting patterns for each question.

Methodology and Data Analysis

Data was collected using six Delegate Questions (DQs), 20 Multiple Choice Questions (MCQs) and four Open Text Questions (OTQs), and analysed as follows:

- MCQs were analysed using a quantitative approach to identify the areas of greatest similarity and difference. A particular emphasis was placed on:
 1. All respondents compared to local Singaporean respondents
 2. The different stakeholder groups (parties, advisors, adjudicative providers, non-adjudicative providers and influencers)
- OTQs were analysed using informed grounded theory in which responses were synthesised to form overarching principles that can be used to understand the concepts.
- The DQs were analysed using a quantitative approach to identify:
 1. The characteristics of the delegation
 2. The extent to which characteristics other than stakeholder group influenced how delegates voted

Limitations

There are several limitations to this research design, many of which are the result of an attempt to balance the competing interests of the GPC Series 2016-17. The purpose of the GPC is twofold: To 'create a conversation about what can be done to improve access to justice and the quality of justice around the world in commercial conflicts' and to collect 'actionable data'. As such, the GPC series is not a pure data collection environment and it is anticipated that 'noise' will be an inevitable consequence of the series design. Any use of the GPC data must be undertaken with these

limitations in mind. For more information about specific limitations refer to the [Limitations of this methodology](#) section of this report.

Conclusion

The findings in this report suggest that parties often have a unique perception of what they need, want and expect from commercial dispute resolution. Further, the way that the market meets these needs wants and expectations is closely linked to the extent to which advisors and providers can tailor their practice and/or processes to accommodate the level of ‘dispute-savviness’ of the given party.

In contrast, there is a shared understanding about the challenges facing commercial dispute resolution and the extent of the change required. Achievable strategies that have the potential to raise awareness of dispute resolution (DR) and promote change have been identified. These strategies include the development of education programs targeted at legal and business professionals and embedding high quality non-adjudicative processes into DR practice, together with and separate to existing adjudicative frameworks.

In the longer term, there appears to be an appetite for a shift away from the traditional adversarial approach and a move towards community or grass roots initiatives that are more party-centric and focused on improving access to justice. It is understood that this will not be without its challenges.

In conclusion, the findings from the inaugural GPC in Singapore provide an important contribution to on-going attempts to collect better data on both the processes and the players within the justice system so that ‘trouble spots’ and optimal states can be identified and progress monitored over time.² To this extent, it is hoped that this report can stimulate further discussion among the international dispute resolution community and go some small way to help shaping the future of dispute resolution & improving access to justice.

² Gossett, Segal & Smith, Foreword to *The Pound Conference: Perspectives on Justice in the Future: Proceedings of the National Conference on the Causes of Popular Dissatisfaction with the Administration of Justice / Sponsored by the American Bar Association, the Conference of Chief Justices, the Judicial Conference of the United States*; Edited by A. Leo Levin and Russell R. Wheeler (St. Paul, Minn. : West Pub. Co., 1979, 1979) at 86.

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Introduction

Overview of the Global Pound Conference Series 2016-17

- Why** The goal of the Global Pound Conference (GPC) Series is to create a modern conversation about what can be done to improve access to justice and the quality of justice around the world in commercial conflicts.
- One of the aims of the GPC Series is to consider how disputants (parties) in commercial conflicts can select and have access to processes that respond to their needs and are also proportionate in terms of costs, time, possible outcomes and their enforceability, as well as their impact on reputations, relationships, and other social or cultural issues that may be of concern. Within this context, ADR refers to ‘Appropriate Dispute Resolution’ which includes litigation, arbitration, conciliation and mediation.
- What** The GPC Series is organised by IMI with the active support of many leading international groups involved in all forms of commercial dispute resolution. The initiative consists of a series of meetings to address a common group of ‘Core Questions’, comprising of 20 multiple choice questions and four open text questions. The data are collected using conference participants’ own devices via a global information web-based technology platform (The GPC App). The data gathered at each event are intended to serve as a stimulus for on-going discussion, research and innovation in both local and international dispute resolution.
- When** The first GPC event took place in Singapore on March 17-18, 2016. The last event will take place in London in July 2017. All other GPC events will take place sometime between these dates. A complete list of events and dates is available at: www.GlobalPoundConference.org
- Where** The Inaugural GPC Singapore 2016 ‘Shaping the Future of Dispute Resolution and Improving Access to Justice’ was held in the Auditorium of the Supreme Court of Singapore.
- Who** The GPC Singapore 2016 was organised by The Law Society of Singapore, Ministry of Law, Singapore Academy of Law, Singapore Corporate Counsel Association, Singapore International Arbitration Centre, Singapore International Mediation Centre, Singapore International Mediation Institute, Singapore Mediation Centre and the State Courts of Singapore
- There were 367 registered participants from all over the world. (See [Figure 5: Respondents by jurisdiction](#) for more information about international and local participation.)

The data collection sessions were facilitated by Emma-May Litchfield and Danielle Hutchinson, executive members of both the GPC Central Organising and Academic Committees, in conjunction with teams from PowerVote and Kenes.

A highlight of the GPC Singapore 2016 was the impressive list of speakers. Of particular note were: the 'Welcome' speech presented by Judicial Commissioner See Kee Oon, Presiding Judge, State Courts of Singapore; the Opening Remarks by Michael McIlwrath, Chair of the GPC Series; the Keynote Address by The Honourable the Chief Justice Sundaresh Menon, President, Singapore Academy of Law; and the Closing Address by Indranee Rajah S.C., Senior Minister of State for Law and Finance. For more information about GPC Singapore 2016 go to: <http://singapore2016.globalpoundconference.org/>

Findings, Recommendations and Implications by Session

The following are the recommendations resulting from the analyses of the Core Questions (the multiple choice questions and the open text questions) and the Delegate Information.

GENERAL

Question	Findings	Recommendations
Overall	<ul style="list-style-type: none"> <input type="checkbox"/> There is little variation between the overall voting patterns of the two respondent categories. The lack of variation suggests that response patterns are not related to the jurisdiction within which a respondent identifies. It also suggests a lack of randomness in responses and, as such, is indicative of good reliability of the data. 	<ul style="list-style-type: none"> <input type="checkbox"/> The findings from GPC Singapore may be used to inform both the local and broader commercial dispute resolution communities.

SESSION 1: ACCESS TO JUSTICE & DISPUTE RESOLUTION SYSTEMS: WHAT DO PARTIES WANT, NEED AND EXPECTATIONS

Question	Findings	Recommendations
Q1.1	<ul style="list-style-type: none"> <input type="checkbox"/> All stakeholder groups perceive that parties most often want financial outcomes or action-focused outcomes before starting a commercial dispute resolution process. <input type="checkbox"/> Unlike other stakeholder groups, parties perceive financial and action-based outcomes as almost equally important. They also place a lower value on the importance of psychological outcomes and a greater emphasis on relationship-focused outcomes than predicted by the other stakeholder groups. 	<ul style="list-style-type: none"> <input type="checkbox"/> Investigate whether parties involved in commercial dispute resolution prioritise financial and action-focused outcomes in the same way as parties involved in non-commercial dispute resolution. <input type="checkbox"/> Investigate the gap between parties' outcome preferences and outcome preferences that advisors and providers perceive parties to have in commercial dispute resolution.
Q1.2	<ul style="list-style-type: none"> <input type="checkbox"/> Advice and efficiency are perceived as having the most influence on parties when they are choosing dispute resolution processes. <input type="checkbox"/> Advisors, providers and influencers perceive advice as more influential on party decision making than the parties themselves. This difference was most pronounced between advisors and parties. 	<ul style="list-style-type: none"> <input type="checkbox"/> Investigate the factors that have the most influence on parties when choosing dispute resolution processes, and disseminate findings to advisors, providers and influencers.

<p>Q1.3</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Parties perceive that lawyers make recommendations based on their familiarity with a process rather than the party's request for a particular type of outcome. This is in stark contrast to advisors who perceive parties' requests as having the most significant influence on lawyers. 	<ul style="list-style-type: none"> <input type="checkbox"/> Investigate the disparity between the perceptions of parties and the perceptions of advisors regarding the factors that influence lawyers' recommendations about commercial dispute resolution processes.
<p>Q1.4</p>	<ul style="list-style-type: none"> <input type="checkbox"/> There is a general perception that parties want providers to guide them towards their best options for resolving commercial disputes. <input type="checkbox"/> Conversely, parties also expressed a preference for control over the process and the outcome of commercial disputes, and this was not anticipated by the other stakeholder groups. 	<ul style="list-style-type: none"> <input type="checkbox"/> Investigate the contexts within which parties seek guidance from providers about optimal ways of resolving their disputes. Compare this to the contexts where parties desire autonomy over the process and outcomes in commercial dispute resolution.
<p>Q1.5</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Parties expressed a strong preference for working collaboratively with lawyers to navigate the dispute resolution process. All stakeholder groups overestimated the value that parties place on lawyers advocating on their behalf. This disparity was particularly pronounced for advisors. 	<ul style="list-style-type: none"> <input type="checkbox"/> Investigate the contexts within which parties want lawyers to take the role of either advocate or collaborator. <input type="checkbox"/> Investigate the factors that contribute to advisors' perceptions about the role they think parties want them to take in commercial dispute resolution.
<p>Q1.6</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Parties involved in commercial dispute resolution have different wants, needs and expectations depending on the amount of experience they have and/or the extent to which they are dispute-savvy. 	<ul style="list-style-type: none"> <input type="checkbox"/> Investigate possible applications for the Session 1 Hierarchy, such as evaluating client types, developing educational materials or training programs, anticipating or managing expectations etc.

Implications from Session 1

- Findings from Session 1 suggest the need to take into account the level of sophistication at which the parties operate when conducting further research into parties' needs, wants and expectations of commercial dispute resolution. Further, some advisors and providers may need to review their understanding of the distinct needs, wants and expectations of parties at different levels of sophistication.**

SESSION 2: HOW IS THE MARKET CURRENTLY ADDRESSING PARTIES' WANTS, NEEDS AND EXPECTATIONS?

Questions	Findings	Recommendations
Q2.1	<ul style="list-style-type: none"> □ All stakeholders perceive that providers tend to preference action-focused outcomes followed by financial outcomes. □ Parties perceive that providers prioritise judicial outcomes over relationship-focused outcomes. This view is not shared by the other stakeholder groups. 	<ul style="list-style-type: none"> □ Use the delegate information from GPC Singapore to investigate the extent to which experience with adjudicative and/or non-adjudicative processes has an influence on party perception about what providers tend to prioritise in commercial dispute resolution.
Q2.2	<ul style="list-style-type: none"> □ Parties, advisors and adjudicative providers perceive that commercial disputes are primarily determined by the rule of law. Non-adjudicative providers and influencers differ in that they identify consensus as the primary determinant. 	<ul style="list-style-type: none"> □ Use the delegate information from GPC Singapore to investigate the extent to which experience with adjudicative and/or non-adjudicative processes has an influence on party perceptions about how the outcomes of commercial disputes are primarily determined.
Q2.3	<ul style="list-style-type: none"> □ All stakeholder groups perceive that engaging with non-adjudicative processes is likely to result in reduced costs. □ Parties perceive that gaining better knowledge of the strengths/weaknesses of the case is a less likely achievement of participating in non-adjudicative processes than all other stakeholder groups. □ Advisors see improving relationships as being a less likely than any other stakeholder group. Whereas, adjudicative providers perceive improving relationships as a more likely achievement than the other stakeholder groups. □ At the local level there is a stronger perception that reduced costs will be the most likely achievement. Local respondents also perceive that it less likely relationships will be improved as a result of participating in mediation. Instead, they see gaining greater knowledge of the strengths and weaknesses of the case and/or the 	<ul style="list-style-type: none"> □ Investigate the extent to which perceptions of the stakeholder groups differ regarding what is achieved by participating in non-adjudicative processes, and the implications this may have for parties participating in commercial dispute resolution processes. □ Investigate the features of the Singaporean mediation environment to determine factors that may account for the difference observed in the local pattern of responses.

	likelihood of settlement as a more likely achievement.	
Q2.4	<input type="checkbox"/> All stakeholder groups perceive that lawyers (whether in-house or external) are primarily responsible for ensuring parties understand their process options and the possible consequences of each process.	<input type="checkbox"/> Investigate the extent to which lawyers' (whether external or in-house) advice about process options and the associated consequences align with parties' needs, wants and expectations in commercial dispute resolution. <input type="checkbox"/> Investigate the role of advice, and the mismatch between what parties think can be achieved from non-adjudicative processes and the way that lawyers give advice about the different process options.
Q2.5	<input type="checkbox"/> All stakeholder groups perceive that the most effective commercial dispute resolution processes involve combining adjudicative and non-adjudicative processes. <input type="checkbox"/> Parties, adjudicative providers and influencers also perceive that effective dispute resolution procedures include pre-dispute processes.	<input type="checkbox"/> Investigate the effectiveness of current practices in combining adjudicative and non-adjudicative processes in commercial dispute resolution.
Q2.6	<input type="checkbox"/> Practices that meet the expectations of less experienced parties will not be sufficient to meet the expectations of dispute-savvy parties. Less sophisticated parties want guidance whereas dispute-savvy parties expect flexible processes/outcomes tailored to their particular dispute.	<input type="checkbox"/> Investigate possible applications for the Session 2 Hierarchy, such as auditing current practice, informing the development of professional training programs, monitoring changes in the market over time etc.
Implications from Session 2		
<input type="checkbox"/> Session 2 highlights the desire for collaboration and the flexible combination of adjudicative and non-adjudicative processes. This is particularly so for parties operating at high levels of sophistication. This suggests a need for the market to consider the extent to which stakeholders have the capacity to tailor their current practices to accommodate the full spectrum of parties' expectations.		

SESSION 3: HOW CAN DISPUTE RESOLUTION BE IMPROVED? (OVERCOMING OBSTACLES AND CHALLENGES)

Question	Findings	Recommendations
Q3.1	<ul style="list-style-type: none"> <input type="checkbox"/> All stakeholder groups perceive financial and time constraints as the biggest obstacles for parties seeking to resolve commercial disputes. <input type="checkbox"/> Parties perceive uncertainty resulting from unpredictable behaviour or lack of confidence in providers, as a much larger obstacle than any other stakeholder group. Providers and influencers perceive that insufficient knowledge about process options is a major obstacle. 	<ul style="list-style-type: none"> <input type="checkbox"/> Investigate ways to reduce or minimise time and financial constraints for parties seeking to resolve commercial disputes. <input type="checkbox"/> Investigate the factors driving party uncertainty and develop resources to better inform parties about process options and increase confidence in the dispute resolution process.
Q3.2	<ul style="list-style-type: none"> <input type="checkbox"/> All stakeholder groups identified litigation and arbitration as the lowest priority for the improvement of commercial dispute resolution. <input type="checkbox"/> All stakeholder groups perceived pre-dispute or pre-escalation processes to prevent disputes and combining adjudicative and non-adjudicative processes as the highest priorities for the improvement commercial dispute resolution. 	<ul style="list-style-type: none"> <input type="checkbox"/> Investigate ways to embed dispute prevention mechanisms into the commercial context. <input type="checkbox"/> Investigate the most effective ways in which adjudicative and non-adjudicative process can be combined.
Q3.3	<ul style="list-style-type: none"> <input type="checkbox"/> All stakeholders identified legalisation or conventions that promote recognition and enforcement of settlements, including those reached in mediation, as a means to improve commercial dispute resolution. This was especially so for parties. <input type="checkbox"/> All parties also appear to perceive non-adjudicative processes as central to the improvement of commercial dispute resolution. 	<ul style="list-style-type: none"> <input type="checkbox"/> Investigate mechanisms for the recognition and enforcement of settlements, including those reached in mediation. <input type="checkbox"/> Investigate mechanisms to embed non-adjudicative processes as a pre-requisite to adjudicative processes in commercial dispute resolution.
Q3.4	<ul style="list-style-type: none"> <input type="checkbox"/> All stakeholder groups appear to perceive that external lawyers are likely to be the most resistant to change in commercial dispute resolution practice. 	<ul style="list-style-type: none"> <input type="checkbox"/> Investigate the factors that might encourage external lawyers to be more open to change.
Q3.5	<ul style="list-style-type: none"> <input type="checkbox"/> All stakeholder groups perceive that governments/ministries and adjudicative providers and external lawyers have the potential to be most influential in bringing about change in commercial dispute resolution practice. 	<ul style="list-style-type: none"> <input type="checkbox"/> Investigate the ways in which government/ministries, adjudicative providers and external lawyers might work together to bring about change in commercial dispute resolution practice.

Q3.6	<input type="checkbox"/> The biggest challenge facing commercial dispute resolution is the extent to which many stakeholders are invested in the current adversarial system. This manifests in many ways. It is perceived that a cultural change will be required to shift to a model of 'Appropriate Dispute Resolution'.	<input type="checkbox"/> Investigate possible applications for the Session 3 Hierarchy, such as stimulating discussion about change, identifying priorities for reform etc.
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Implication from Session 3

Session 3 highlights the consensus between stakeholder groups that mechanisms need to be developed to ensure that non-adjudicative processes are used before adjudicative processes. As it also identifies that governments/ministries of justice, adjudicative providers and external lawyers are perceived as having the most influence in bringing about change, it may be beneficial for them to work together to maximise the potential for successful reform.

SESSION 4: PROMOTING BETTER ACCESS TO JUSTICE: WHAT ACTION ITEMS SHOULD BE CONSIDERED AND BY WHOM?

Question	Findings	Recommendations
Q4.1	<input type="checkbox"/> Stakeholder groups were almost completely aligned in their perception that those who are operating within the 'traditional' justice system, i.e. governments/ministries, adjudicative providers and external lawyers have the greatest responsibility for taking action to promote better access to justice.	<input type="checkbox"/> Investigate ways for governments/ministries, adjudicative providers and lawyers might work together to promote better access to justice in commercial dispute resolution.
Q4.2	<input type="checkbox"/> Education was perceived to be the most effective way to improve parties' understanding of their options for resolving commercial disputes. There was mixed opinion regarding the remaining options.	<input type="checkbox"/> Develop educational resources to assist parties' understanding of their options for resolving commercial disputes. <input type="checkbox"/> Draw on existing research or conduct pilot programs to collect evidence to establish which alternatives other than education are the most effective ways to improve parties' understanding of their options for resolving commercial disputes.

<p>Q4.3</p>	<ul style="list-style-type: none"> □ There is mixed opinion regarding where policy makers, government and administrators should focus their attention to promote better access for those involved in commercial disputes. In contrast to the other stakeholder groups, influencers (the stakeholder group which includes policy makers, governments and administrators), perceive that they should focus their attention on the use of protocols promoting non-adjudicative processes (mediation or conciliation) before adjudicative processes. □ However, all stakeholders agree that to promote access to justice for those involved in commercial dispute, policy makers, government and administrators should not focus their attention on reducing pressures on the courts to make them more efficient and accessible. 	<ul style="list-style-type: none"> □ Investigate ways that policy makers, governments and administrators might draw on the perspectives or expertise of the all stakeholders, particularly parties, when developing initiatives to promote access to justice for those involved in commercial disputes.
<p>Q4.4</p>	<ul style="list-style-type: none"> □ All stakeholder groups perceive that demand for certainty and enforceability of outcomes, and demand for increased efficiency of dispute resolution processes (including through technology) respectively, will have the most significant impact on future policy-making in commercial dispute resolution. 	<ul style="list-style-type: none"> □ Investigate the drivers behind the demand for certainty and enforceability of outcomes, and the demand for efficiency of dispute resolution processes (including through technology) to inform future policy making.
<p>Q4.5</p>	<ul style="list-style-type: none"> □ All stakeholder groups perceive that a greater emphasis on collaborative instead of adversarial processes for resolving disputes is going to have the most significant influence on the future of commercial dispute resolution. This was most pronounced for advisors. □ With the exception of influencers, stakeholders perceive that changes in corporate attitudes to conflict prevention will also be likely to have a significant influence. 	<ul style="list-style-type: none"> □ Investigate ways to place a greater emphasis on the use of collaborative processes in preference to adversarial processes in commercial dispute resolution. □ Investigate the extent to which a greater emphasis on collaborative processes may impact on corporate attitudes to conflict prevention and/or the harmonisation of international laws and standards.

<p>Q4.6</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Delegates described a vision for the future which identified short, medium and long term goals. <input type="checkbox"/> Priorities for the short term included the promotion and dissemination of information about options and the setting of targets for the use of non-adjudicative processes. <input type="checkbox"/> In the medium term delegates described the shift from ‘alternative’ to ‘appropriate’ dispute resolution, with high quality providers and advisors working alongside lawyers and business leaders trained in dispute resolution. <input type="checkbox"/> In the long term, dispute resolution is embedded into societal norms and is often managed at a local or grass roots level. 	<ul style="list-style-type: none"> <input type="checkbox"/> Investigate possible applications for the Session 4 Hierarchy, such as developing an actionable plan, monitoring or assessing progress, stimulating multi-jurisdictional collaboration etc.
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Implications from Session 4

Session 4 highlights the consensus between stakeholder groups that education, increased use of collaborative processes and the development of mechanisms to enforce outcomes are central to the future of commercial dispute resolution. It also identifies that governments/ministries of justice, adjudicative providers and external lawyers are perceived as having the most responsibility for taking action to promote better access to justice. Therefore, it appears crucial that those identified as being in positions of responsibility consider the findings from Session 4, if the vision described by the delegates at GPC Singapore 2016 is to be achieved.

DELEGATE INFORMATION

Question	Findings	Recommendations
<p>General</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Only 47% of stakeholders completed all of the delegate characteristics. 92% identified their stakeholder group. 	<ul style="list-style-type: none"> <input type="checkbox"/> Add a function to the GPC App to ensure delegates cannot complete Core Questions until they have entered their Delegate Information. If this is not feasible, moderators must be advised of the potential for delegate information to be lost. Moderators will need to build in reminders across the event to encourage participants to complete the Delegate Information in the GPC App <input type="checkbox"/> Use preliminary indications provided by significance testing for each of the delegate categories to identify priorities for investigation.

Stakeholder category	<ul style="list-style-type: none"> <input type="checkbox"/> Parties were underrepresented. They made up only 10% of the delegation. The remaining stakeholder groups were evenly distributed. <input type="checkbox"/> The stakeholder group to which a delegate belongs has a significant impact on their patterns of response. 	<ul style="list-style-type: none"> <input type="checkbox"/> Increase efforts to attract parties to future GPC events. <input type="checkbox"/> Continue to investigate the extent to which stakeholder group impacts on the patterns of response to the multiple choice questions (MCQs).
Number of disputes	<ul style="list-style-type: none"> <input type="checkbox"/> A broad cross-section of experience was represented by those who responded. <input type="checkbox"/> Preliminary indications suggest that the number of disputes with which the delegate has been involved has a significant impact on some patterns of response. 	<ul style="list-style-type: none"> <input type="checkbox"/> Investigate the extent to which the level of experience impacts on the patterns of response to the multiple choice questions (MCQs)
Type of DR process	<ul style="list-style-type: none"> <input type="checkbox"/> Approximately 70% of the delegates who responded typically engaged with adjudicative process or both adjudicative and non-adjudicative processes equally. <input type="checkbox"/> Preliminary indications suggest that kinds of dispute processes with which the delegate typically engages has a significant impact on their patterns of response. 	<ul style="list-style-type: none"> <input type="checkbox"/> Investigate the extent to which the kinds of dispute process with which a delegate is typically involved impacts on the patterns of response to the multiple choice questions (MCQs).
Jurisdiction	<ul style="list-style-type: none"> <input type="checkbox"/> Approximately 60% of delegates who responded identified that they were local. <input type="checkbox"/> Preliminary indications suggest that jurisdiction has little impact on overall response patterns. 	<ul style="list-style-type: none"> <input type="checkbox"/> Investigate the extent to which jurisdiction impacts on the patterns of response to the multiple choice questions (MCQs).
Organisation size	<ul style="list-style-type: none"> <input type="checkbox"/> A broad cross-section of organisational size was represented by those who responded. <input type="checkbox"/> Preliminary indications suggest that kinds of dispute processes with which the delegate typically engages has a significant impact on some patterns of response. 	<ul style="list-style-type: none"> <input type="checkbox"/> Investigate the extent to which the size of the organisations within which the respondents work impacts on the patterns of response to the multiple choice questions (MCQs)
Gender	<ul style="list-style-type: none"> <input type="checkbox"/> Men and women were equally represented. <input type="checkbox"/> Preliminary indications suggest that gender has little impact on overall response patterns. 	<ul style="list-style-type: none"> <input type="checkbox"/> Investigate the extent to which gender identification impacts on the patterns of response to the multiple choice questions (MCQs).

Methodology

GPC Singapore program

GPC Singapore 2016 was held over two days. Full details of the program can be found within the [Program](#) section of the GPC Singapore website.

Data Collection

To optimise the quality of the data collected, the data collection sessions were facilitated by specialists in the selected research methods.

Data collection occurred via an online voting platform accessed by delegates using their own devices, i.e. tablet, laptop or phone. A charging station and spare tablets were available to delegates in the event of a technical failure. Delegates having trouble using the platform were advised to seek help from IT staff circulating during the event and/or other delegates more comfortable with the technology. More detail about the online voting platform can be found within the [How to Vote](#) section of the GPC Singapore website.

Prior to the commencement of voting, delegates were asked to complete a 'Delegate Profile' identifying the following information:

1. Their stakeholder category
2. The number of disputes in which they have been involved
3. The type of dispute processes in which they are typically involved
4. The jurisdiction in which they typically work as their nominated stakeholder type
5. The number of employees within their organisations
6. Their gender

Details about these characteristics and the ways in which they have been used to analyse the data can be found within the [Delegate Information](#) section of this report.

At the commencement of voting, delegates were asked to confirm the stakeholder category within which they wanted their vote counted. Delegates were provided with a 'practice question' to allow for familiarisation with the voting procedure and the functionality of the voting platform.

Data collection was carried out using a series of 20 multiple choice questions and four open text questions. In this report, the multiple-choice questions are referred to as the MCQs and the open text questions are OTQs. Participants submitted their responses to the MCQs individually. They were asked to engage in the OTQs in small groups and were advised that they could submit their open text responses as a group or individually. The MCQs and OTQs were given time limits and voting/text response windows were closed once a minimum of approximately 80% of responses were registered.

The MCQs and OTQs were organised into four themes, with five MCQs and one OTQ per theme. Each Session focused on one theme and was organised as follows:

- Session 1: Access to Justice & Dispute Resolution Systems: what do users want, need & expect?*
- Session 2: How is the market currently addressing users' wants, needs and expectations?*

- *Session 3: How can dispute resolution be improved? (Overcoming obstacles and challenges)*
- *Session 4: Promoting better access to justice: What action items should be considered and by whom?*

The MCQs and the OTQs worked together, in that the MCQs in each session served to stimulate the corresponding OTQs. Prior to completion of the OTQs, the facilitators coached the delegates on how to describe observational behaviours when answering the open text questions. This approach is consistent with methods used to develop educational measures and/or professional standards and assists analysts in generating reliable hypothetical progressions or actionable hierarchies. For more information on the role of observable behaviours in generating hypothetical progressions please refer to Griffin, P. (Eds.) (2014) [Assessment for Teaching](#). Melbourne: Cambridge University Press.

Following the completion of the OTQs, respondents were asked to submit one or two words that reflected their responses to the OTQs. These responses were then used to generate a frequency sensitive 'Word Cloud'. The details for the sessions and the full set of all Core Questions can be found at the end of this report in [Appendix 1](#).

Data Analysis

In this report the data have been analysed to provide:

1. Simple, frequency-based analyses of the MCQs, including an analysis of the impact of the delegate profile characteristics on voting patterns; and
2. Qualitative syntheses of the OTQs

1. *Analysis of the MCQs, including the impact of delegate profile characteristics on voting patterns*

This report presents the overall voting results, as well as the results shown by stakeholder group, in a similar way to the results made available during the GPC event (Live Results). Additionally, this report compares the voting patterns shown in the overall results with the results of those who identified as operating within the local Singaporean jurisdiction. It is important to distinguish between these two data sets to provide results that are more likely to be actionable at a local level.

Chi-square testing for independence (Phi and Cramer's V) was also carried out on a selected sample of the MCQs. This test is commonly used to establish the extent to which variables are associated with each other. In this report, the chi-square test was used to ascertain if any of the delegate characteristics, i.e. stakeholder group, number of disputes, kinds of disputes, organisational size or gender, had a significant impact on voting patterns. Initial chi-square findings are consistent with the visual analysis. Due to the small sample size and issues with collecting delegate information (see [Delegate Information](#) section of this report), the chi-square was only carried out for MCQs in Session 1. The findings from this analysis can be located at the end of the [Delegate Information](#) section of this report under the heading 'Chi-square Analysis'. These findings provide a useful springboard for identifying priorities for further investigation. Further, as further data is generated at each GPC event, a strategy for grouping can be devised so that data sets can be collated for the purpose of increasing sample sizes and therefore maximising the reliability of findings. Ideas for potential grouping of data sets are contained in the [Findings, Recommendations and Implications by Section](#) of this report. For more information on the chi-square test for independence, including the use of Phi and Cramer's V for nominal values, please refer to the [SPSS Chi-Square Test Tutorial](#)

or the [IBM SPSS Statistics Help Centre](#). The full details of the results from the chi-square independence tests can be made available upon request to the GPC Academic Committee.

2. Qualitative synthesis of the OTQs

The open text responses generated from the OTQs were analysed using Informed Grounded Theory. Each of the open text responses were analysed to identify emergent themes across responses. These themes were then synthesised to identify a hierarchy of behaviours or actions linked to the OTQ. To this extent, each hierarchy is an expression of the cumulative expertise of the respondents. For more information on Informed Grounded Theory please refer to Robert Thornberg, ['Informed Grounded Theory' \(2012\)](#) Scandinavian Journal of Educational Research.

Limitations of this methodology

There are several limitations to this research design, many of which are the result of an attempt to balance the competing interests of the GPC Series 2016-17. The purpose of the GPC is twofold: To 'create a conversation about what can be done to improve access to justice and the quality of justice around the world in commercial conflicts' and to collect 'actionable data'. As such, the GPC series is not a pure data collection environment and it is anticipated that 'noise' will be an inevitable consequence of the series design. Any use of the GPC data must be undertaken with these limitations in mind. Those interested in using the data or findings of this report might take note of the following:

- Participants were self-selecting conference attendees. Alternatively, some participants may have been sent on behalf of their organisation.
- The cost for conference registration for both days was approximately \$400. This cost may have been borne by organisations that sent delegates on their behalf.
- Open conference registration meant limited control over composition of the stakeholder groups.
- Limited numbers across delegate characteristic groups and certain MCQ option categories, made statistical analysis difficult and more prone to error. The failure to capture approximately 50% of the delegate information compounded the potential for error. See details in [Delegate Information](#) section of this report.
- The OTQs were completed by mixed groups and we were not able to control for delegate characteristics, including influence of non-local participants.

Interpreting the data

A 'cheat sheet' ([Figure 4](#)) is available at the end of this section

Live Results vs. Report Results

During each Global Pound Conference, 'Live Results' are displayed. The Live Results are derived from the responses to the MCQs asked in each session. The Live Results are calculated in real time at each event and their purpose is to stimulate conversation during the event, including providing a platform for panellist discussion.

The results that appear in this report are generated using the same data collected during the event. The difference between the Report Results and the Live Results is that the data used to generate these Report Results have been 'cleaned'. This means that the data have been cross-checked and verified to ensure that all votes have been properly recorded and that potential irregularities or

anomalies have been reconciled. As such, anyone wishing to cite GPC data should preference the Report Results over the Live Results wherever possible. At the completion of the GPC Series, a final report will be published that may embody the worldwide results, as well as potentially those from individual events or regions.

The Colour Scheme within the Graphs

To assist interpretation, this report maintains a similar colour scheme to the one used in the Live Results. See colours shown in Figure 1 below. An important difference between the two colour schemes is that the Report Results include an additional dark blue bar. The dark blue bar compares the local Singaporean (Local Respondents) voting patterns with the overall GPC Singapore (All Respondents) voting patterns. For further details on interpreting these graphs, please refer to the section on preferential voting below.

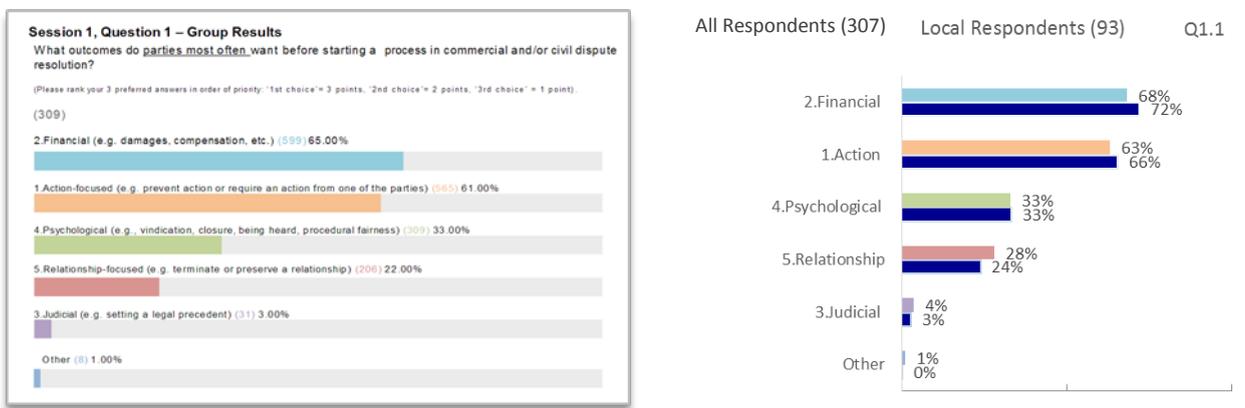


Figure 1: Colour scheme for Live Results and Report Results Q1.1 All Respondents (multi-coloured) Local respondents (dark blue)

Table 1 below provides the colour associated with each voting option within each MCQ. The pattern of association maintained throughout this report is that option 1 within any question is always represented in orange; option 2 is represented in turquoise; option 3 in purple etc.

Table 1: Multiple choice question option colour scheme

Option 1	Orange
Option 2	Turquoise
Option 3	Purple
Option 4	Light Green
Option 5	Red
Option 6	Blue
Option 7	Olive Green

Preferential voting

A preferential voting system was used to identify the top three responses to each of the 20 MCQs. Delegates were asked to rank their responses in order of preference or priority. Points were then allocated to each priority as follows:

- Priority one = 3 points
- Priority two = 2 points
- Priority three = 1 point

All of the points for each option were then aggregated to provide an overall point score for each of the options. The overall point score was converted into a percentage of the maximum possible points available to each option. To assist interpretation, the results for each question are represented in both graphical and tabular form.

The following is an example drawn from Q1.1.

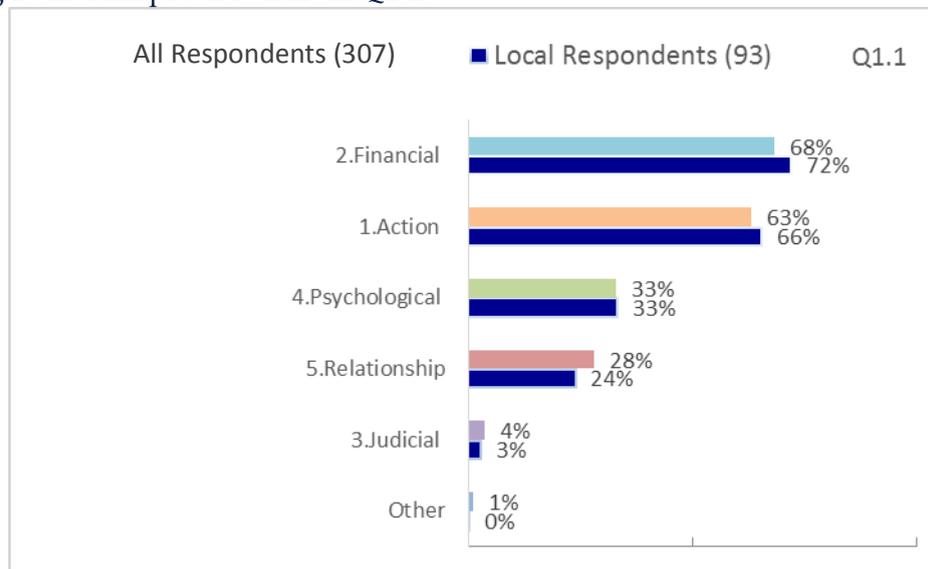


Figure 2: Report Results Q1.1 - All respondents (multi-coloured) compared to local respondents (dark blue)

Table 2: Report Results Q1.1 - All respondents and local respondents

Respondents	Option	No. points	Max points	%
All Respondents 3 points: 307 2 points: 302 1 point: 295	2.Financial	630	921	68%
	1.Action	583	921	63%
	4.Psychological	304	921	33%
	5.Relationship	259	921	28%
	3.Judicial	35	921	4%
	Other	9	921	1%

Local Respondents 3 points: 93 2 points: 92 1 point: 90	2.Financial	201	279	72%
	1.Action	183	279	66%
	4.Psychological	93	279	33%
	5.Relationship	67	279	24%
	3.Judicial	8	279	3%
	Other	1	279	0%

The graph provides a visual representation of the options as voted by the entire delegation (All Respondents) compared to the delegates who identified as operating within the local Singaporean jurisdiction (Local Respondents). It also shows the percentage of points received as a proportion of the maximum points available. Details on how this percentage is calculated are described in the paragraph below.

The table provides the following information:

- The number votes cast by respondent category, including a breakdown of the votes cast as priority one (3 points), priority two (2 points) and priority three (1 point)
- The actual number of points awarded to each option, i.e. the number of votes x priority points awarded (3,2 or 1) = number of points per option
- The maximum number of points possible based on the number of respondents who voted, i.e. the number of respondents x 3 points = maximum points possible per option
- The percentage of points received. This is calculated as the number of points as a proportion of the maximum points available represented as a percentage, i.e. number of points / maximum points x 100 = percentage of points received. This percentage is used to generate the graphs.

As such, each percentage shown in the table and graph corresponds to each individual option, and that any option could receive a proportion of 100% where the number of points awarded was equal to the maximum point available to be achieved for that option.

Within this context the percentages against each of the options should not be used to identify the proportion of points received across options. That is, it shows the relative popularity of a given option and not the proportion of the overall votes for the question.

The same methodology is used to generate the ‘results by stakeholder group’ graphs except, that calculations are grouped according to the stakeholder category nominated by the participant. The table below the graph shows the number of respondents for each stakeholder category.

Rank	Party	Advisor	Adjudicative	Non-Adjudicative	Influencer
1	1.Action 68% Points:57 out of 84	2.Financial 84% Points:163 out of 195	2.Financial 73% Points:146 out of 201	1.Action 69% Points:141 out of 204	1.Action 65% Points:141 out of 216
2	2.Financial 65% Points:55 out of 84	1.Action 59% Points:116 out of 195	1.Action 59% Points:118 out of 201	2.Financial 58% Points:118 out of 204	2.Financial 62% Points:134 out of 216
3	5.Relationship 43% Points:36 out of 84	4.Psychological 30% Points:58 out of 195	4.Psychological 31% Points:62 out of 201	4.Psychological 43% Points:87 out of 204	4.Psychological 36% Points:77 out of 216
4	4.Psychological 18% Points:15 out of 84	5.Relationship 26% Points:50 out of 195	5.Relationship 26% Points:52 out of 201	5.Relationship 23% Points:47 out of 204	5.Relationship 30% Points:65 out of 216
5	3.Judicial 2% Points:2 out of 84	3.Judicial 0% Points:0 out of 195	3.Judicial 7% Points:14 out of 201	3.Judicial 5% Points:11 out of 204	3.Judicial 2% Points:4 out of 216
6	Other 0% Points:0 out of 84	Other 0% Points:0 out of 195	Other 2% Points:5 out of 201	Other 0% Points:0 out of 204	Other 2% Points:4 out of 216
<i>Respondents Total 300</i>	28	65	67	68	72

Figure 3: Q1.1 Results by stakeholder group

GPC Cheat Sheet- How to Read the Data in the Report

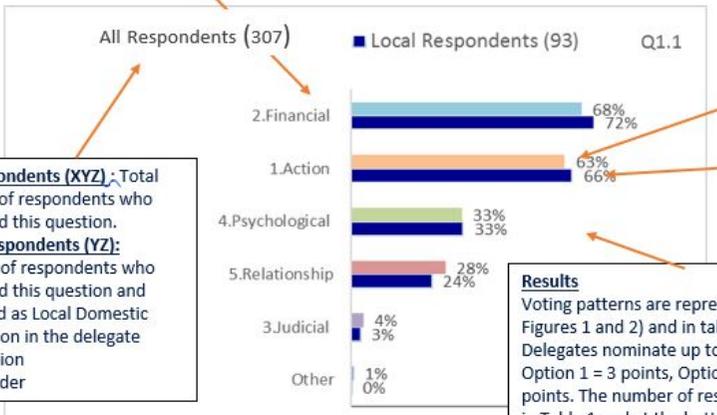
Multiple Choice Questions
The question and each of the response options is provided at the beginning of each analysis.

2. Financial: Label for one of the options found in Question 1.1

- 1.1 What outcomes do parties most often want before starting a process in commercial dispute resolution?**
1. Action-focused (e.g. prevent action or require an action from one of the parties)
 2. Financial (e.g. damages, compensation, etc.)
 3. Judicial (e.g. setting a legal precedent)
 4. Psychological (e.g., vindication, closure, being heard, procedural fairness)
 5. Relationship-focused (e.g. terminate or preserve a relationship)
 6. Other: (please specify)

Table 2: Colour Scheme

Option 1	
Option 2	
Option 3	
Option 4	
Option 5	
Option 6	
Option 7	



Colour Scheme
Response options for All Respondents and Stakeholder groups are colour coded consistently throughout. This is the same coding as that used for the live results at each event.
Response from Local Respondents are contrasted in dark blue.

All Respondents (XYZ): Total number of respondents who answered this question.
Local Respondents (YZ): Number of respondents who answered this question and identified as Local Domestic Jurisdiction in the delegate information Stakeholder

Results
Voting patterns are represented both graphically (see Figures 1 and 2) and in tabular form (see Table 1). Delegates nominate up to three options per question: Option 1 = 3 points, Option 2 = 2 points, Option 3 = 1 point. The number of responses per option is shown in Table 1 and at the bottom of Figure 2. Votes are calculated as a percentage of points achieved as a proportion of the maximum number of points possible for any option. i.e. $\text{number of points} / \text{maximum points available} \times 100$. Maximum points available is calculated as: $\text{number of responses} \times 3 \text{ points}$.

Figure 1: Q1.1 All Respondents vs. Local Respondents

Table 1 Q1.1 All Respondents vs. Local Respondents

Respondents	Option	No. points	Max points	%
All Respondents 3 points: 307 2 points: 302 1 point: 295	2.Financial	630	921	68%
	1.Action	583	921	63%
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Rank	Party	Advisor	Adjudicative	Non-Adjudicative	Influencer
1	1.Action 68%	2.Financial 84%	2.Financial 73%	1.Action 69%	1.Action 65%
	Points:57 out of 84	Points:163 out of 195	Points:146 out of 201	Points:141 out of 204	Points:141 out of 216
2	2.Financial 65%	1.Action 59%	1.Action 59%	2.Financial 58%	2.Financial 62%
	Points:55 out of 84	Points:116 out of 195	Points:118 out of 201	Points:118 out of 204	Points:134 out of 216
3	5.Relationship 43%	4.Psychological 30%	4.Psychological 31%	4.Psychological 43%	4.Psychological 36%
	Points:36 out of 84	Points:58 out of 195	Points:62 out of 201	Points:87 out of 204	Points:77 out of 216
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5	3.Judicial 2%	3.Judicial 0%	3.Judicial 7%	3.Judicial 5%	3.Judicial 2%
	Points:2 out of 84	Points:0 out of 195	Points:14 out of 201	Points:11 out of 204	Points:4 out of 216
6	Other 0%	Other 0%	Other 2%	Other 0%	Other 2%
	Points:0 out of 84	Points:0 out of 195	Points:5 out of 201	Points:0 out of 204	Points:4 out of 216

Figure 2: Q1.1 Results by stakeholder group

Unpacking preferences
Assuming all delegates provide their top three preferences, the following can be used as a rough guide to average points given to any given response options:
99% - on average the option received 3 points
66% - on average the option received 2 points
33% - on average the option received 1 points

Figure 4: Cheat Sheet- How to read the data in the report

**SESSION 1: ACCESS TO JUSTICE & DISPUTE
RESOLUTION SYSTEMS: WHAT DO PARTIES WANT,
NEED AND EXPECT?**

Question 1.1

1.1 What outcomes do parties most often want before starting a process in commercial dispute resolution?

1. Action-focused (e.g. prevent action or require an action from one of the parties)
2. Financial (e.g. damages, compensation, etc.)
3. Judicial (e.g. setting a legal precedent)
4. Psychological (e.g., vindication, closure, being heard, procedural fairness)
5. Relationship-focused (e.g. terminate or preserve a relationship)
6. Other: (please specify)

Results

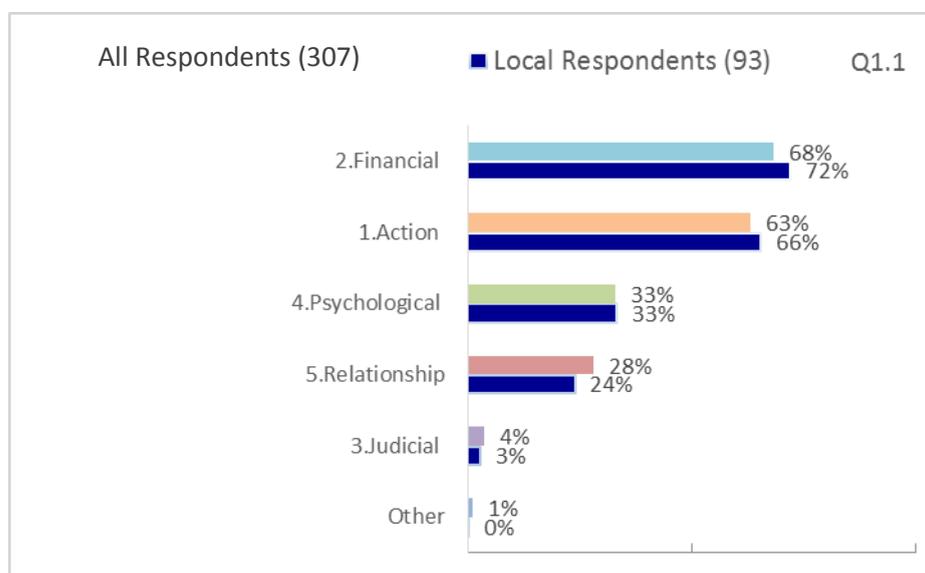


Figure 5: Q1.1 All Respondents vs. Local Respondents

Table 3: Q1.1 All Respondents vs. Local Respondents

Respondents	Option	No. points	Max points	%
All Respondents 3 points: 307 2 points: 302 1 point: 295	2.Financial	630	921	68%
	1.Action	583	921	63%
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	1.Action	183	279	66%
	4.Psychological	93	279	33%
	5.Relationship	67	279	24%
	3.Judicial	8	279	3%
	Other	1	279	0%

Analysis

This graph shows that there was little variance between the pattern of responses from All Respondents and Local Respondents. It shows that both financial and action-focused

outcomes received between approximately two thirds and three quarters of the points available for each option. While psychological and relationship outcomes have been identified as having some importance, they are not perceived as primary motivators for parties when starting a commercial dispute resolution process. Judicial and other outcomes are not perceived as important to parties when starting a commercial dispute resolution process.

This suggests a general perception from all stakeholder groups that parties most often want financial outcomes or action-focused outcomes before starting a commercial dispute resolution process. While psychological and relationship outcomes appear to have some importance, they are not perceived as a primary motivator for parties when commencing dispute resolution. Judicial and other outcomes are not perceived as important to parties when starting commercial dispute resolution.

Results by stakeholder group



Figure 6: Q1.1 Results by stakeholder group

Analysis

The cluster of responses remains true to the overall results (see [Figure 5](#)) in that action-focused and financial outcomes are perceived as being of primary importance to parties, and psychological and relationship-focused outcomes are perceived as being secondary.

In particular, parties appear to perceive financial and action-based outcomes as almost equally important. Further, parties place a lower value on the importance of psychological outcomes and a greater emphasis on relationship-focused outcomes than was predicted by the other stakeholder groups. In fact, all other stakeholder groups underestimated the importance of parties' relationship concerns. Interestingly, advisors appear to significantly over-estimate the value that parties place on financial outcomes, while non-adjudicative providers considerably over-estimate the importance parties place on psychological

outcomes. It is worth noting that none of the other stakeholder groups predicted the order of priority as described by the parties.

Recommendation: Investigate whether parties involved in commercial dispute resolution prioritise financial and action-focused outcomes in the same way as parties involved in non-commercial dispute resolution.

Recommendation: Investigate the gap between parties' outcome preferences and outcome preferences that advisors and providers perceive parties to have in commercial dispute resolution.

Question1.2

1.2 When parties involved in commercial disputes are choosing the type(s) of dispute resolution process(es) to use, which of the following has the most influence?

1. Advice (e.g. from lawyer or other advisor)
2. Confidentiality expectations
3. Efficiency (e.g. time/cost to achieve outcome)
4. Industry practices
5. Predictability of outcome
6. Relationships (e.g. preventing conflict escalation)
7. Other: (please specify)

Results

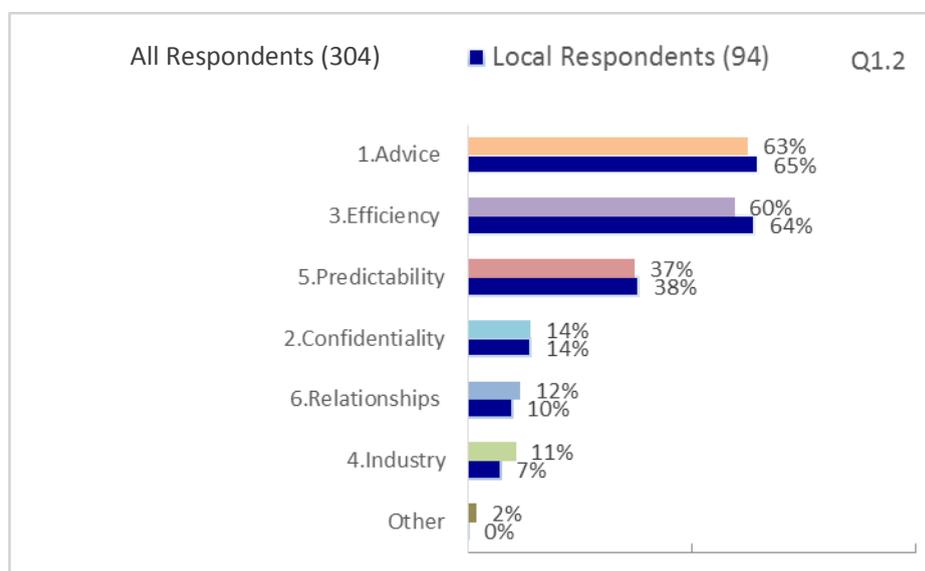


Figure 7: Q1.2 All Respondents vs. Local Respondents

Table 4: Q1.2 All Respondents vs. Local Respondents

Respondents	Option	No. points	Max points	%
All Respondents 3 points: 304 2 points: 300 1 point: 297	1. Advice	572	912	63%
	3. Efficiency	544	912	60%
	5. Predictability	341	912	37%
	2. Confidentiality	129	912	14%
	6. Relationships	108	912	12%
	4. Industry	98	912	11%
	Other	17	912	2%
	Local Respondents 3 points: 94 2 points: 94 1 point: 92	1. Advice	183	282
3. Efficiency	181	282	64%	
5. Predictability	108	282	38%	
2. Confidentiality	40	282	14%	
6. Relationships	28	282	10%	
4. Industry	21	282	7%	
Other	1	282	0%	

Analysis

This graph shows that there was little variance between the pattern of responses from All Respondents and Local Respondents. It shows that both advice and efficiency received between approximately two thirds of the points available for each option. The next most popular option was predictability which accounted for just over one third the points available. Confidentiality, relationships and industry practices were the least popular and scored between 7% -14% of the points available.

This suggests a general perception that parties are predominantly influenced by the advice they receive and also efficiency when choosing a commercial dispute resolution process. Predictability of outcome is perceived as having some influence but it does not appear to be as important. Confidentiality, relationships and industry practices are not perceived as a driving force within the decision making process.

Results by stakeholder group

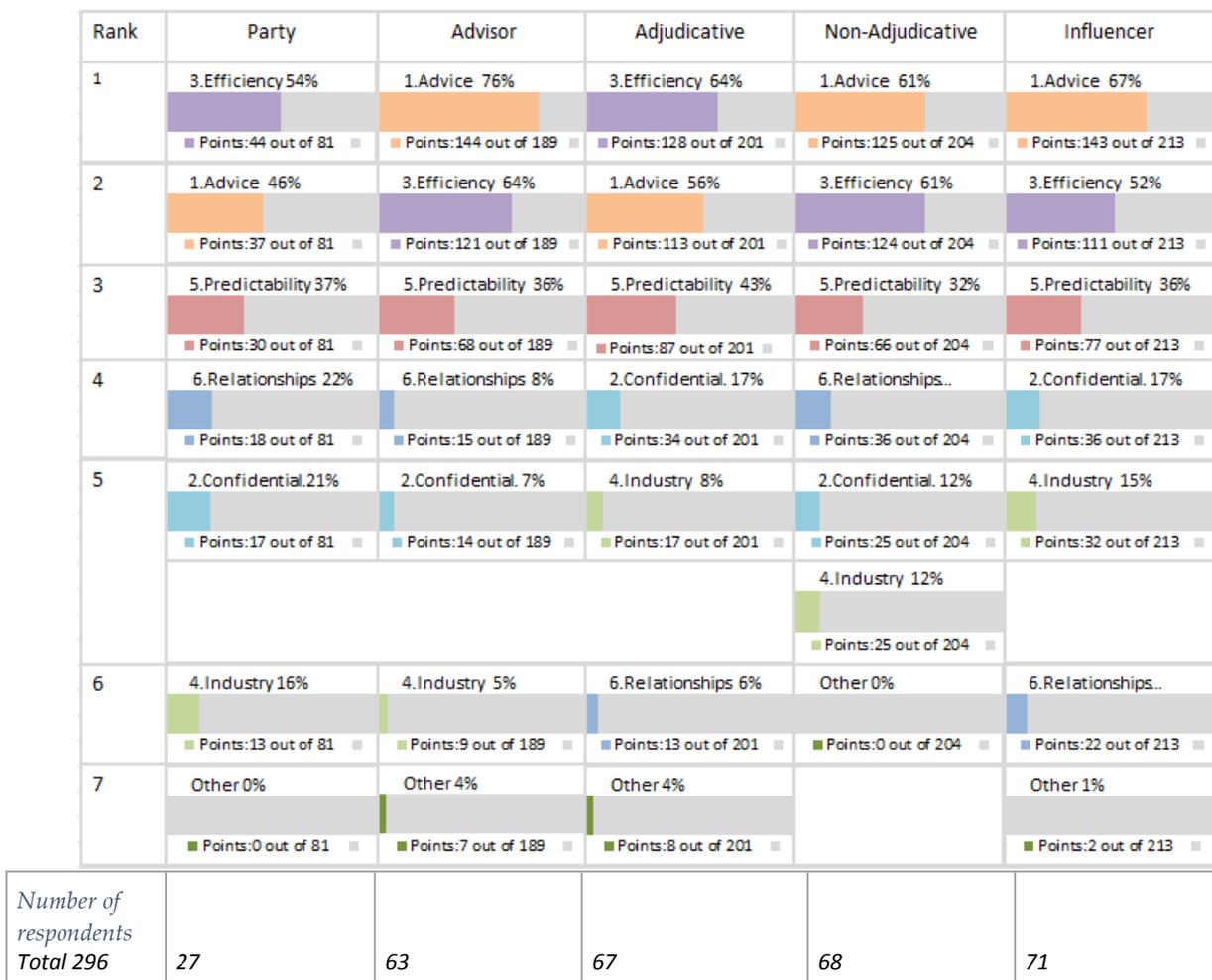


Figure 8: Q1.2 Results by stakeholder group

Analysis

The cluster of responses remains true to the overall results (see [Figure 7](#)), in that advice and efficiency are perceived as having the most influence on parties when choosing dispute resolution processes. Despite this, none of the other stakeholder groups predicted either the order of priority or the distribution of points as described by the parties.

Interestingly, all of the other stakeholder groups perceived advice as more influential on party decision making than the parties themselves. In particular, advisors perceive advice about dispute resolution processes as distinctly more influential on party decision making and allocated one third more points available than parties. Therefore, it appears that advisors see the role of advice as more influential on parties than the parties themselves.

Recommendation: Investigate the factors that have the most influence on parties when choosing dispute resolution processes, and disseminate findings to advisors, providers and influencers.

Question1.3

1.3 When lawyers (whether in-house or external) make recommendations to parties about procedural options for resolving commercial disputes, which of the following has the most influence?

1. Familiarity with a particular type of dispute resolution process
2. Industry practices
3. Impact on costs/fees the lawyer can charge
4. The party's relationships with the other party(ies) or stakeholders
5. The type of outcome requested by the party (e.g. money, an injunction, etc.)
6. Other: (please specify)

Results

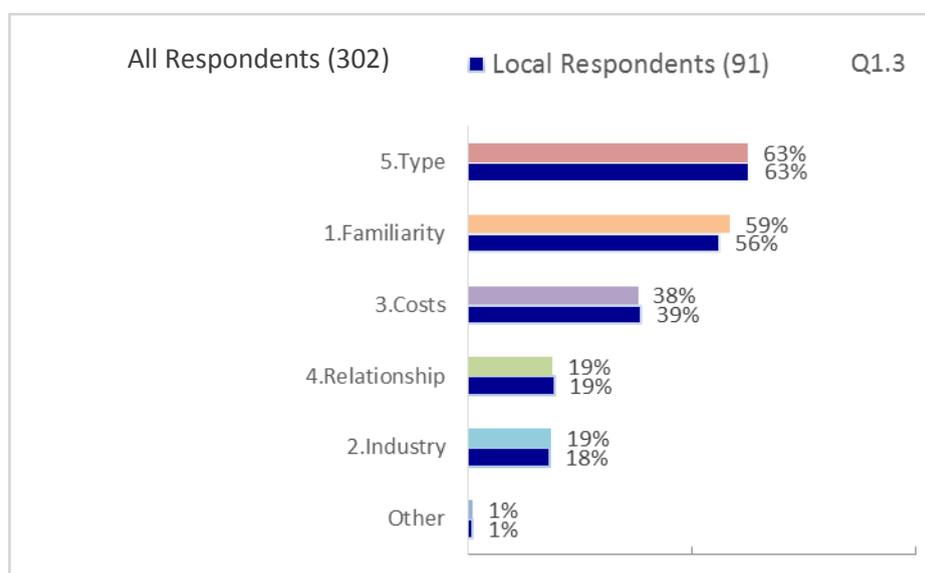


Figure 9: Q1.3 All Respondents vs. Local Respondents

Table 5: Q1.3 All Respondents vs. Local Respondents

Respondents	Option	No. points	Max points	%
All Respondents 3 points: 302 2 points: 297 1 point: 294	5.Type	567	906	63%
	1.Familiarity	531	906	59%
	3.Costs	345	906	38%
	4.Relationship	171	906	19%
	2.Industry	170	906	19%
	Other	10	906	1%
	Local Respondents 3 points: 91 2 points: 89 1 point: 87	5.Type	172	273
1.Familiarity		154	273	56%
3.Costs		106	273	39%
4.Relationship		53	273	19%
2.Industry		50	273	18%
Other		3	273	1%

Analysis

This graph shows that there was little variance between the pattern of responses from All Respondents and Local Respondents. It shows that both the type of outcome requested by the party and the lawyer's familiarity with the type of commercial dispute resolution process scored a little more than half and slightly less than two thirds of the points available to each respective option. The next most influential option was the impact on lawyers' costs or fees that they could charge, which accounted for almost 40% of the points available. The party's relationships with the opposing party and industry practices scored just under 20% of points available.

This suggests a general perception that lawyers make recommendations based on both the type of outcome requested by the party and the lawyer's familiarity with a particular process. Costs are perceived as having a significant but secondary influence on the making of recommendations. Industry practices and the relationships with the other party are perceived as having less influence on lawyers' recommendations.

Results by stakeholder group

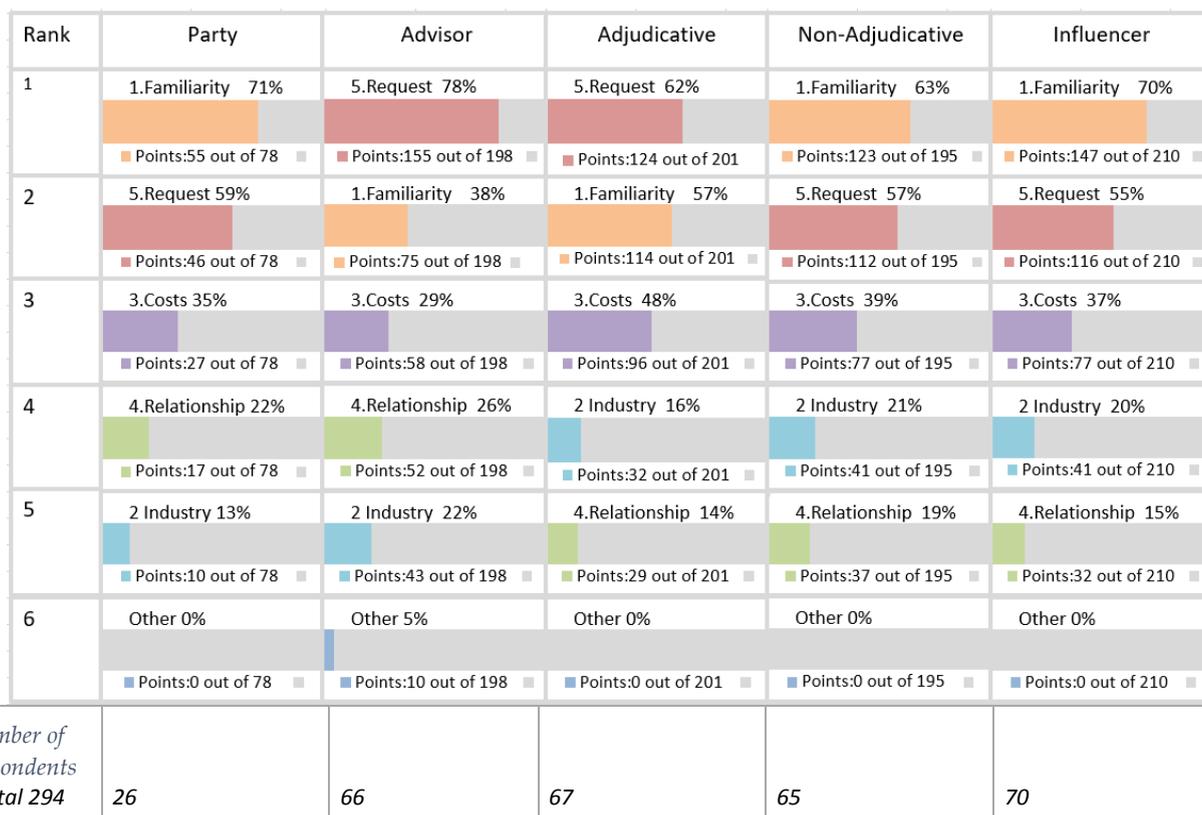


Figure 10: Q1.3 Results by stakeholder group

Analysis

The cluster of responses remains true to the overall results (see [Figure 9](#)), in that the type of outcomes requested by a party and the lawyer's familiarity with a particular process are perceived as having the most influence on lawyers. The most striking difference appears to be that parties perceive that lawyers prioritise their familiarity with a particular type of process over the party's request for a particular type of outcome. This is a perception shared by influencers and to a lesser extent, non-adjudicative providers. Importantly, advisors are alone in their perception that, for the most part, lawyers make their recommendations based on the types of outcomes requested by the parties. Specifically, there was a 40% margin between advisors' first and second most influential factors.

Recommendation: Investigate the disparity between the perceptions of parties and the perceptions of advisors regarding the factors that influence lawyers' recommendations about commercial dispute resolution processes.

Question1.4

1.4 What role do parties involved in commercial disputes want providers to take in the dispute resolution process?

1. The parties decide how the process is conducted and how the dispute is resolved (the providers just assist)
2. The providers decide on the process and the parties decide how the dispute is resolved
3. The parties decide on the process and the providers decide how the dispute is resolved
4. The providers decide on the process and how the dispute is resolved
5. The parties initially do not have a preference but seek guidance from the providers regarding optimal ways of resolving their dispute
6. Other: (please specify)

Results

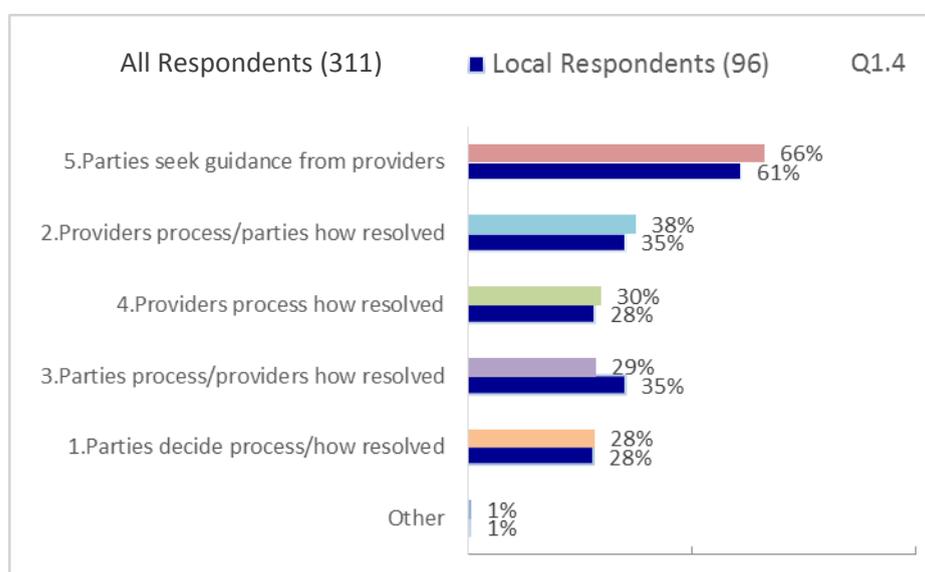


Figure 11: Q1.4 All Respondents vs. Local Respondents

Table 6: Q1.4 All Respondents vs. Local Respondents

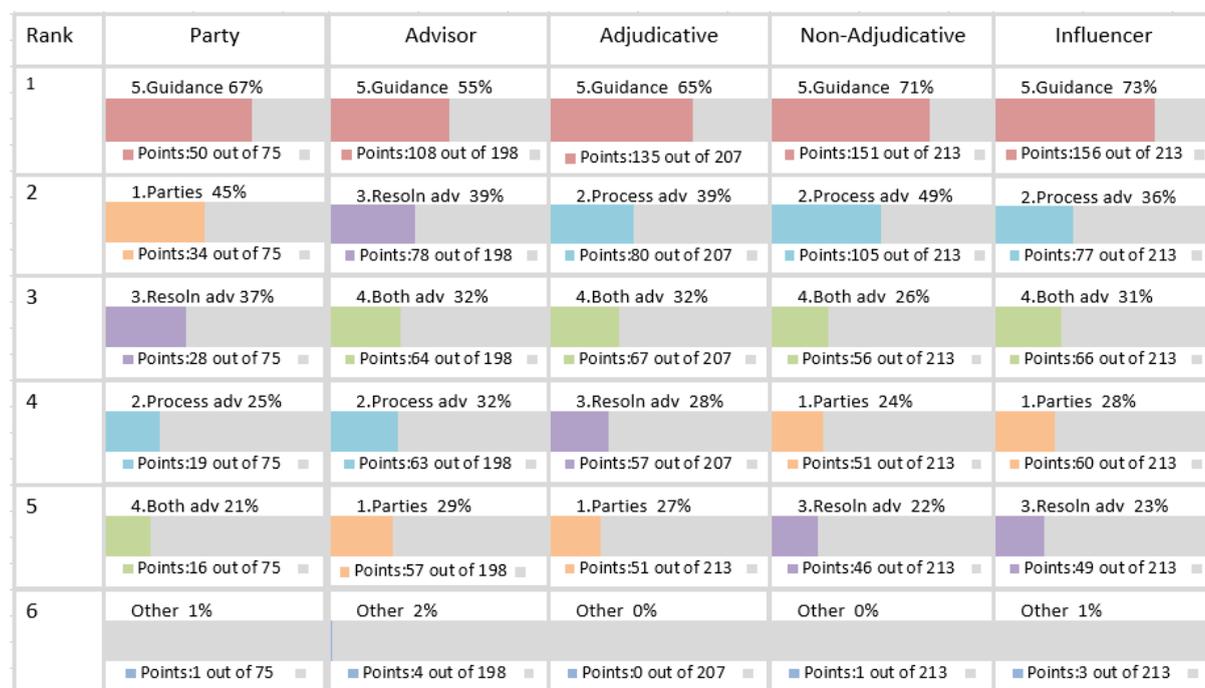
Respondents	Option	No. points	Max points	%
All Respondents 3 points: 311 2 points: 294 1 point: 271	5. Parties seek guidance from providers	619	933	66%
	2. Providers process/parties how resolved	352	933	38%
	4. Providers process how resolved	279	933	30%
	3. Parties process/providers how resolved	268	933	29%
	1. Parties decide process/how resolved	265	933	28%
	Other	9	933	1%
	Local Respondents 3 points: 96 2 points: 88 1 point: 81	5. Parties seek guidance from providers	176	288
2. Providers process/parties how resolved		102	288	35%
4. Providers process how resolved		82	288	28%
3. Parties process/providers how resolved		102	288	35%
1. Parties decide process/how resolved		81	288	28%
Other		2	288	1%

Analysis

This graph shows that there was little variance between the pattern of responses from All Respondents and Local Respondents. It shows that there was a clear preference in the allocation of points in relation to the role that parties want providers to play in commercial dispute resolution. Specifically, respondents allocated around two thirds of their points to the option 5, i.e. that parties do not have an initial preference but seek guidance from the providers regarding optimal ways of resolving their disputes. All of the other options were allocated points within a range of 28% -38%.

This suggests a general perception that parties want providers to guide them towards their best options for resolving commercial disputes. The even spread of points across the remaining options indicates there is mixed opinion about the role that parties want the provider to take.

Results by stakeholder group



<i>Number of respondents</i> Total 302	25	66	69	71	71
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Figure 12: Q1.4 Results by stakeholder group

Analysis

In keeping with the overall results (see [Figure 11](#)), all stakeholder groups prioritised the option of parties seeking guidance from providers about optimal ways to resolve their commercial disputes. Interestingly, parties' next highest option was the desire to decide how the process is conducted and how the dispute is resolved. This suggests a preference for some control over the process itself and the ultimate outcome. The margin of difference between parties and the other stakeholders is at least 16% of possible points. This suggests that parties place a higher priority on autonomy than anticipated by the other stakeholder groups.

Also, non-adjudicative providers over-estimated the importance that parties place on providers deciding the process and the parties deciding how the dispute is resolved. It is

worth noting that none of the other stakeholder groups predicted the order of priority as described by the parties.

Recommendation: Investigate the contexts within which parties seek guidance from providers about optimal ways of resolving their disputes. Compare this to the contexts where parties desire autonomy over the process and outcomes in commercial dispute resolution.

Question1.5

1.5 What role do parties involved in commercial disputes typically want lawyers (i.e., in-house or external counsel) to take in the dispute resolution process?

1. Acting as coaches, providing advice but not attending
2. Acting as advisors and accompanying parties but not interacting with other parties or providers
3. Participating in the process by offering expert opinions, not acting on behalf of parties
4. Working collaboratively with parties to navigate the process. May request actions on behalf of a party
5. Speaking for parties and/or advocating on a party's behalf
6. Parties do not normally want lawyers to be involved

Results

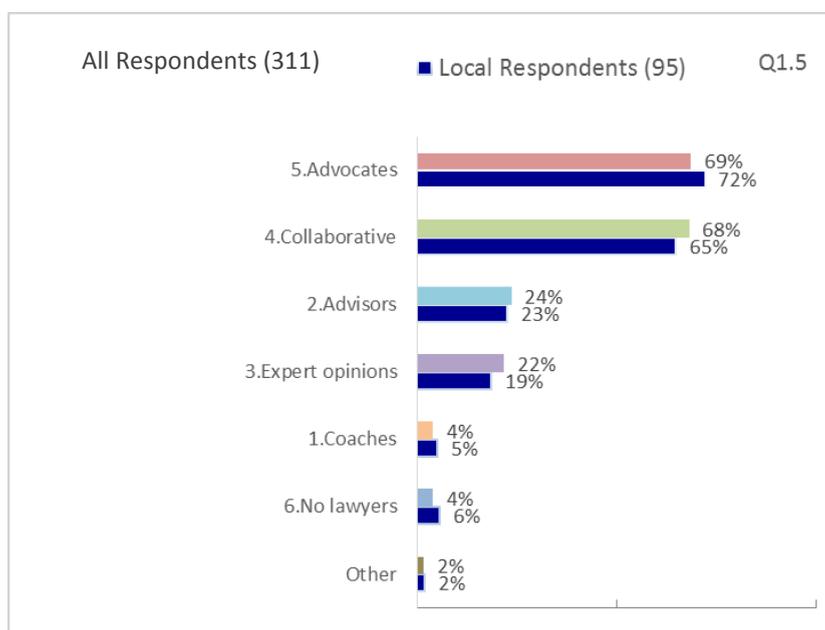


Figure 13: Q1.5 All Respondents vs. Local Respondents

Table 7: Q1.5 All Respondents vs. Local Respondents

Respondents	Option	No. points	Max points	%
All Respondents 3 points: 311 2 points: 300 1 point: 261	5. Advocates	641	933	69%
	4. Collaborative	637	933	68%
	2. Advisors	221	933	24%
	3. Expert opinions	203	933	22%
	1. Coaches	38	933	4%
	6. No lawyers	37	933	4%
	Other	17	933	2%
Local Respondents 3 points: 95 2 points: 89 1 point: 83	5. Advocates	206	285	72%
	4. Collaborative	185	285	65%
	2. Advisors	65	285	23%
	3. Expert opinions	53	285	19%
	1. Coaches	15	285	5%
	6. No lawyers	16	285	6%
	Other	6	285	2%

Analysis

This graph shows that there was little variance between the pattern of responses from All Respondents and Local Respondents. It shows that the preference to have lawyers as advocates and lawyers as collaborators received between approximately two thirds and three quarters of the points available to each respective option. The next most popular options were lawyers as advisors and lawyers as experts. The two options each accounted for approximately 20%-25% of points possible. Neither the option for lawyers as coaches nor the option of no involvement of lawyers scored a significant amount of points.

This suggests a general perception that parties most often want lawyers to advocate on their behalf or work collaboratively with them to navigate the process. Specifically, there is a perception that parties want lawyers to take an active role in the commercial dispute resolution process. In contrast, the third and fourth preferences indicate that there are some who perceive that parties want lawyers to take a less prominent role in terms of interactions with the other party.

Results by stakeholder group

Rank	Party	Advisor	Adjudicative	Non-Adjudicative	Influencer
1	4.Collaborative 74% Points:62 out of 84	5.Advocates 81% Points:167 out of 207	4.Collaborative 69% Points:139 out of 201	4.Collaborative 69% Points:138 out of 201	4.Collaborative 69% Points:147 out of 213
2	5.Advocates 55% Points:46 out of 84	4.Collaborative 65% Points:135 out of 207	5.Advocates 66% Points:132 out of 201	5.Advocates 65% Points:130 out of 201	5.Advocates 69% Points:146 out of 213
3	2.Advisors 29% Points:24 out of 84	2.Advisors 23% Points:47 out of 207	2.Advisors 26% Points:52 out of 201	3.Experts 25% Points:51 out of 201	3.Experts 24% Points:52 out of 213
4	3.Experts 23% Points:19 out of 84	3.Experts 15% Points:32 out of 207	3.Experts 19% Points:39 out of 201	2.Advisors 23% Points:46 out of 201	2.Advisors 21% Points:44 out of 213
5	1.Coaches 4% Points:3 out of 84	1.Coaches 2% Points:5 out of 207	6.No lawyers 8% Points:16 out of 201	1.Coaches 7% Points:15 out of 201	6.No lawyers 4% Points:9 out of 213
6	6.No lawyers 0% Points:0 out of 84	Other 2% Points:4 out of 207	1.Coaches 4% Points:9 out of 201	6.No lawyers 5% Points:11 out of 201	1.Coaches 3% Points:6 out of 213
7	Other 0% Points:0 out of 81	6.No lawyers 0% Points:1 out of 207	Other 3% Points:7 out of 201	Other 1% Points:2 out of 201	Other 1% Points:3 out of 213

<i>Number of respondents</i>					
<i>Total</i> 302	28	69	67	67	71

Figure 14: Q1.5 Results by stakeholder group

Analysis

The cluster of responses remains true to the overall results (see [Figure 13](#)), in that lawyers as advocates and lawyers as collaborators are perceived as being of primary importance to parties, and that lawyers as advisors and lawyers as experts are seen as less of a priority. In particular, parties appear to perceive collaboration with lawyers to navigate the process as the preferred role. This may also include lawyers requesting actions on their behalf. Further, parties place a significantly lower value on lawyers advocating on their behalf than do lawyers. The margin between the first and second preferences was around 20% of points available.

To some extent, all stakeholder groups overestimated the value that parties place on lawyers advocating on their behalf. Significantly, advisors over-estimated the value that parties place on lawyers advocating on their behalf by over 25% of the points available.

Recommendation: Investigate the contexts within which parties want lawyers to take the role of either advocate or collaborator.

Recommendation: Investigate the factors that contribute to advisors' perceptions about the role they think parties want them to take in commercial dispute resolution.

Question1.6

1.6 The ways in which parties' wants, needs and expectations change as they become more familiar with commercial dispute resolution processes.

1. Describe what **inexperienced** parties typically want or expect from commercial dispute resolution.
2. Describe what parties typically want or expect when they become **more experienced** with commercial dispute resolution.
3. Describe what **highly experienced/sophisticated** parties typically want or expect from commercial dispute resolution.

Word Cloud: What words would you use to describe a sophisticated commercial party?

Analysis of open text responses

The hierarchy below is a synthesis of the delegate responses from Open Text Question (OTQ) 1.6 at GPC Singapore. The hierarchy is a measure that describes the behaviours of parties/users at different levels of experience or sophistication in commercial dispute resolution. For more information on the method used to develop the hierarchy, please refer to the [Methodology](#) section in this report.

When considering the OTQs and the development of the hierarchies, it is important to note that the data collection did not allow for the isolation of local responses. However, as identified in the analysis of the Multiple Choice Questions (MCQs), the patterns of response across the All and Local Respondent groups were highly consistent. As such, it seems likely that little, if any, significant variation would have emerged from the OTQs had it been possible to isolate the local responses.

Table 8: Session 1 Hierarchy

HIERARCHY OF NEEDS, WANTS AND EXPECTATIONS OF PARTIES INVOLVED IN COMMERCIAL DISPUTE RESOLUTION PROCESSES

Wants, needs and expectations of inexperienced users

At this level parties rely heavily on their lawyers to advise them of their options and drive the process. They expect the dispute resolution provider to make decisions about the outcome. They often seek retribution, compensation or vindication for a perceived injustice. Their thinking is often fixed and they seek to allocate blame and fault where possible. To this extent they see dispute resolution through the framework of 'winners and losers'. They are concerned with minimising costs and may expect to be financially reimbursed for costs incurred in pursuing the dispute. They may not appreciate that it is likely that they will end up with out of pocket costs irrespective of the outcome. To this extent their wants, needs and expectations may be unrealistic.

Wants, needs and expectations as parties become more experienced

At this level parties understand that resolving a dispute may involve some give and take. They are becoming more involved in choosing the process that may best suit their situation and see that they may have a role in deciding the outcome. Their perspective on negotiating a resolution is more likely to be tactical and is focused on making bargains that maximise their advantage over the other party. To this extent they are more willing to compromise than their less experienced peers but still may have unrealistic expectations about their prospects of 'winning'.

Wants, needs and expectations of highly experienced/sophisticated parties

At this level parties take a pragmatic approach to dispute resolution. They seek win-win outcomes where possible, are able to see the dispute from different perspectives and focus on the 'big picture'. They look for bespoke solutions which draw on a range of dispute resolution processes. They strive to maximise satisfaction of the needs, wants and expectations of parties involved in the dispute. In particular they seek outcomes that maintain their business relationships, are cost effective, timely and enforceable. They are less reliant on lawyers to drive the process and may seek to limit the legal advisors' role to legal implications of a given option or pathway to resolution.

Possible applications of the Session 1 Hierarchy

The above measure can be used by different stakeholders for a variety of purposes including, but not limited to, the following:

1. Parties/Users may use the hierarchy to:
 - a. Articulate or evaluate their own needs, wants or expectations from their advisors and/or providers.
 - b. Inform their understanding of the range of possibilities within commercial dispute resolution, e.g. scope for autonomy.
2. Advisors may use the hierarchy to:
 - a. Evaluate the types of clients with whom they are typically engaging.
 - b. Develop their understanding of what clients may want at different stages of their experience with commercial dispute resolution.
 - c. Anticipate and/or manage client expectations.
3. Adjudicative Providers/Non-adjudicative Providers may use the hierarchy to:
 - a. Develop educational materials to support their clients at different levels of sophistication or experience in commercial dispute resolution.
 - b. Evaluate service/practices to see if they meet the needs, wants and expectations at different levels of experience or sophistication.
4. Influencers may use the hierarchy to:
 - a. Collect information about the types of parties/users accessing services.
 - b. Inform the development of training programs for those likely to become users of commercial dispute resolution.
 - c. Measure the impact of education programs in terms of user/party sophistication.

The Session 1 Core Questions: The relationship between the Multiple Choice Questions (MCQs) and Open Text Questions (OTQs).

By considering the analysis from the MCQs and the analysis from the OTQs together, one can be used to inform an understanding of the other. In particular, the hierarchy can be used to make sense of the analysis of the MCQs in Session 1.

For example, emerging from the MCQs is an apparent mismatch between what parties have said they need, want or expect from commercial dispute resolution processes, and the perceptions of these needs by the other stakeholder groups. This was particularly evident within the advisor group.

The trends emerging from the MCQ responses may partly be explained by drawing on the findings emerging from the OTQs, which suggest that parties operating at different levels of sophistication have distinct needs, wants and expectations from commercial dispute resolution processes.

By interpreting the MCQs within this context, insight may be gained as to why the other stakeholder groups have different perceptions from parties about party motivations, decision making processes and desire for autonomy. For example, it may be useful for stakeholders to identify whether the 'parties' participating in the data collection in Singapore may fall into the category of sophisticated or dispute-savvy user as described in the hierarchy. Conversely, it may be that the other stakeholders have engaged predominantly with parties identified within the hierarchy as 'less experienced'. If so, this would account for the misalignment in the type of wants, needs and expectations they may have.

Implications: Findings from Session 1 suggest the need to take into account the level of sophistication at which the parties operate when conducting further research into parties' needs, wants and expectations of commercial dispute resolution. Further, some advisors and providers may need to review their understanding of the distinct needs, wants and expectations of parties at different levels of sophistication.

Word cloud

What words would you use to describe a sophisticated commercial party?

Delegates did not have the opportunity to produce a Word Cloud in Session1. The following Word Cloud was generated using the themes identified within the open text responses describing typical behaviours of sophisticated users of commercial dispute resolution.



Figure 15: Session 1 Word Cloud (drawn from delegate open text responses to Q1.6)

SESSION 2: HOW IS THE MARKET CURRENTLY ADDRESSING PARTIES' WANTS, NEEDS AND EXPECTATIONS?

Question 2.1

2.1 What outcomes do providers tend to prioritise in commercial dispute resolution?

1. Action-focused (e.g. prevent action or require an action from one of the parties)
2. Financial (e.g. damages, compensation, etc.)
3. Judicial (e.g. setting a legal precedent)
4. Psychological (e.g., vindication, closure, being heard, procedural fairness)
5. Relationship-focused (e.g. terminate or preserve a relationship)
6. Other: (please specify)

Results

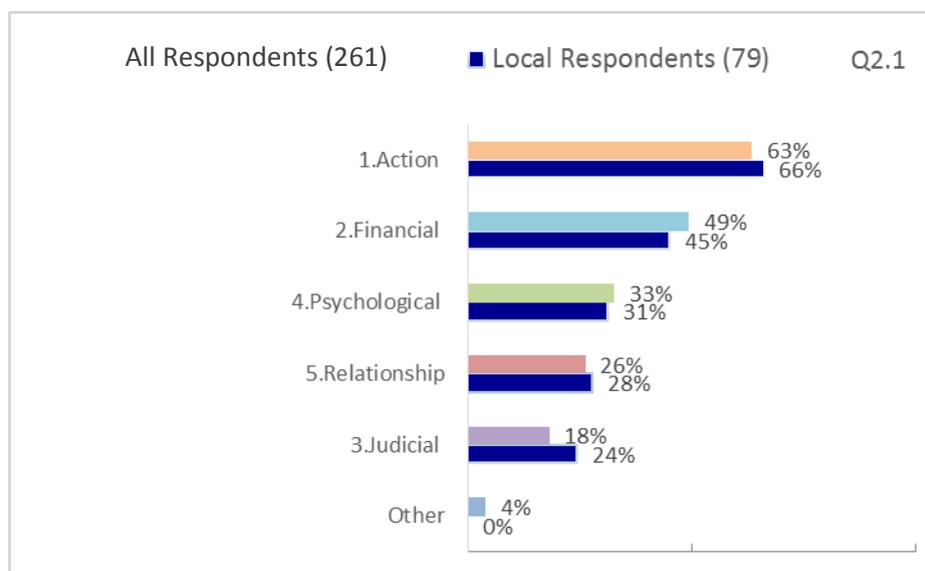


Figure 16: Q2.1 All Respondents vs. Local Respondents

Table 9: Q2.1 All Respondents vs. Local Respondents

Respondents	Option	No. points	Max points	%
All Respondents 3 points: 261 2 points: 250 1 point: 238	1.Action	497	783	63%
	2.Financial	387	783	49%
	4.Psychological	257	783	33%
	5.Relationship	206	783	26%
	3.Judicial	143	783	18%
	Other	31	783	4%
	Local Respondents 3 points: 79 2 points: 76 1 point: 73	1.Action	157	237
2.Financial		107	237	45%
4.Psychological		74	237	31%
5.Relationship		66	237	28%
3.Judicial		58	237	24%
Other		0	237	0%

Analysis

This graph shows that there was little variance between the pattern of responses from All Respondents and Local Respondents. It shows that there was a clear distribution of points in relation to the outcomes providers were perceived to prioritise in commercial dispute

resolution. Specifically, respondents allocated around two thirds of the available points to action-focused outcomes. The second most popular option was the prioritisation of financial outcomes which received close to 50% of the points available to each option. Interestingly, the spread of the final three options for the Local Respondents was narrower, with the points ranging from 31%-24%. For All Respondents the remaining options were spread such that the points allocated ranged from 33%-18%.

The data points to a general perception that providers draw upon the full range of outcomes described in Q2.1. However, it is perceived that providers tend to preference action-focused outcomes followed by financial outcomes. In terms of Local Respondents, the remaining options are perceived as being similarly prioritised by providers.

Results by stakeholder group



Figure 17: Q2.1 Results by stakeholder group

Analysis

The cluster of responses appears to be similar to the overall results (see [Figure 16](#)) in that action-focused and financial outcomes are perceived by all stakeholders as the outcomes most likely to be prioritised by providers. However, there are distinct differences between the perceptions held by stakeholder groups. For example, parties perceive action-focused outcomes and financial outcomes equally as likely to be prioritised by providers. In contrast, influencers perceive that providers prioritise action-focused outcomes to a much greater extent than the other options available. They also perceive that providers prioritise financial outcomes to a similar extent to psychological outcomes. Also, parties perceive that providers prioritise judicial outcomes over relationship-focused outcomes. This perception is not shared in the same way by the other stakeholder groups, particularly non-adjudicative providers and influencers.

If the responses to Q2.1 are considered within the context of Q1.1 (see [Figure 5](#)), it becomes apparent that there is a significant mismatch. Firstly, there is incongruence between the outcomes that parties indicate they most often want before starting a process in commercial dispute resolution and what parties perceive as the outcomes that providers tend to prioritise. Secondly, there is a mismatch between the outcomes that parties indicate they most often want and what outcomes providers indicate they tend to prioritise.

Recommendation: Use the Delegate Information from GPC Singapore to investigate the extent to which experience with adjudicative and/or non-adjudicative processes has an influence on party perception about what providers tend to prioritise in commercial dispute resolution.

Question 2.2

2.2 The outcome of a commercial dispute is determined primarily by which of the following?

1. Consensus: the parties' subjective interests
2. Culture: based cultural and/or religious norms
3. Equity: general principles of fairness
4. Rule of Law: findings of fact and law or other norms
5. Status: deferring to authority/hierarchies
6. Other: (please specify)

Results

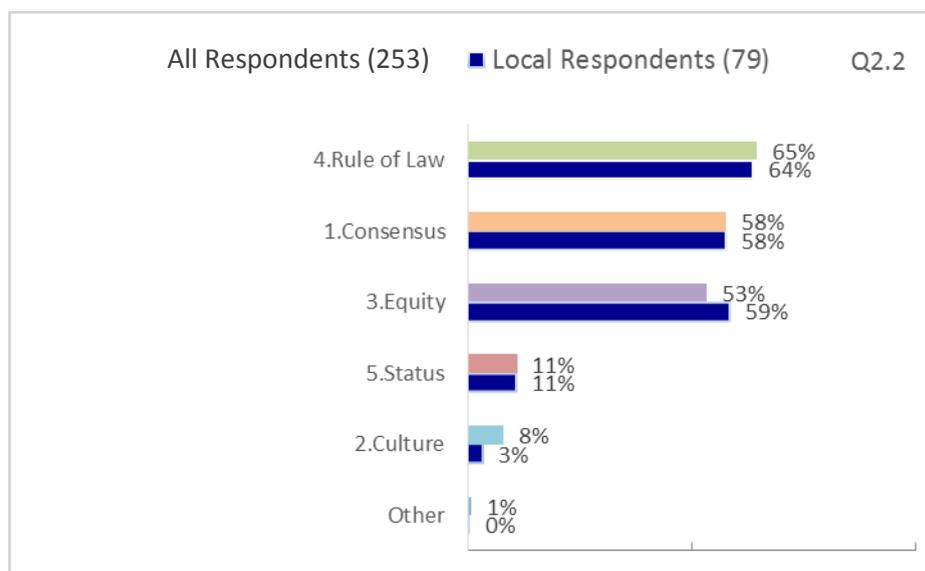


Figure 18: Q2.2 All Respondents vs. Local Respondents

Table 10: Q2.2 All Respondents vs. Local Respondents

Respondents	Option	No. points	Max points	%
All Respondents 3 points: 253 2 points: 248 1 point: 232	4.Rule of Law	491	759	65%
	1.Consensus	438	759	58%
	3.Equity	406	759	53%
	5.Status	84	759	11%
	2.Culture	61	759	8%
	Other	7	759	1%
	Local Respondents 3 points: 79 2 points: 77 1 point: 71	4.Rule of Law	151	237
1.Consensus		137	237	58%
3.Equity		139	237	59%
5.Status		26	237	11%
2.Culture		8	237	3%
Other		1	237	0%

Analysis

This graph shows that there was little variance between the pattern of responses from All Respondents and Local Respondents. It shows that rule of law, consensus and equity between them scored between one half and slightly less than two thirds of possible points.

While rule of law scored the most points, consensus and equity ran a very close second and third. Status and culture only accounted for between 3% and 11% of the points available.

This suggests a general perception that commercial disputes are primarily determined by the rule of law. However, it is also perceived that consensus and equity play an important part in the determination of commercial disputes.

Results by stakeholder group

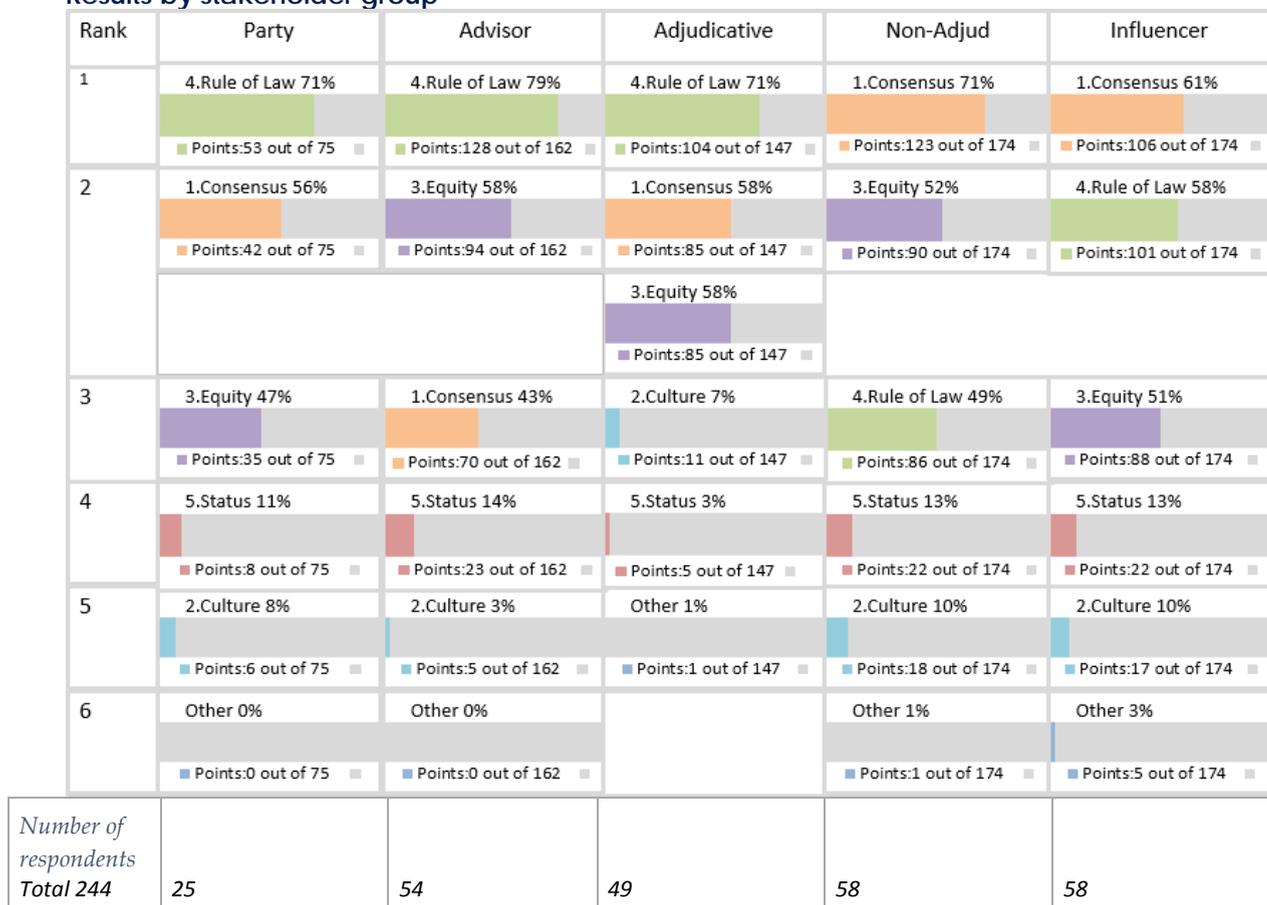


Figure 19: Q2.2 Results by stakeholder group

Analysis

The cluster of responses appears similar to the overall results (Figure 18), in that rule of law, equity and consensus are identified as the primary determinants of commercial dispute resolution. When looking at providers' perceptions about the basis upon which commercial disputes are primarily determined, it makes sense that adjudicative providers would nominate the rule of law and non-adjudicative providers would nominate consensus. This appears consistent with the nature of the processes typically associated with their stakeholder group.

Interestingly, advisors perceive the biggest distinction between the top three options. Specifically, they perceive the rule of law being more of a primary determinant and consensus as being less of a primary determinant, than any other stakeholder group. In terms of rule of law and consensus, parties are closely aligned with adjudicative providers.

Recommendation: Use the Delegate Information from GPC Singapore to investigate the extent to which experience with adjudicative and/or non-adjudicative processes has an influence on party perceptions about how the outcomes of commercial disputes are primarily determined.

Question 2.3

2.3 In commercial disputes, what is achieved by participating in a non-adjudicative process (mediation or conciliation) (whether voluntary or involuntary - e.g. court ordered)?

1. Better knowledge of the strengths/weaknesses of the case or likelihood of settlement
2. Compliance (e.g. avoiding cost sanctions, meeting contractual obligations)
3. Improving or restoring relationships
4. Reduced costs and expenses
5. Retaining control over the outcome
6. Tactical/strategic advantage (e.g. delay)
7. Other: (please specify)

Results

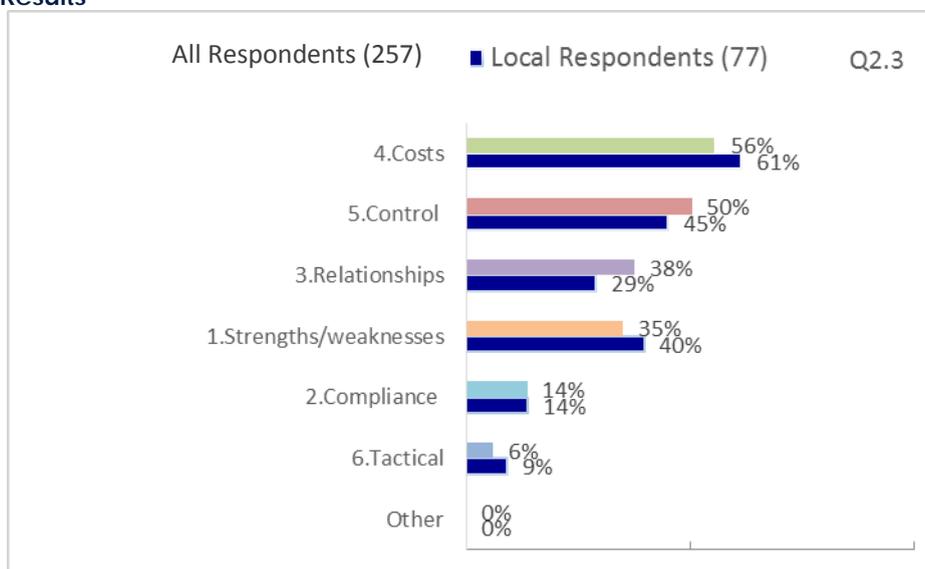


Figure 20: Q2.3 All Respondents vs. Local Respondents

Table 11: Q2.3 All Respondents vs. Local Respondents

Respondents	Option	No. points	Max points	%
All Respondents 3 points: 257 2 points: 255 1 point: 249	4.Costs	429	771	56%
	5.Control	389	771	50%
	3.Relationships	290	771	38%
	1.Strengths/weaknesses	271	771	35%
	2.Compliance	105	771	14%
	6.Tactical	46	771	6%
	Other	0	771	0%
Local Respondents 3 points: 77 2 points: 76 1 point: 75	4.Costs	142	231	61%
	5.Control	104	231	45%
	3.Relationships	67	231	29%
	1.Strengths/weaknesses	92	231	40%
	2.Compliance	32	231	14%
	6.Tactical	21	231	9%
	Other	0	231	0%

Analysis

This graph shows that respondents allocated between 56%-61% of points available to reduced costs and expenses. This was followed by retaining control with respondents allocating approximately half of the possible points to this option.

It is at this stage that the allocation of points differs between All Respondents and Local Respondents. All Respondents allocated a similar amount of points to improving relationships and understanding strengths and weaknesses, with 38%-35% respectively. In contrast, Local Respondents made a distinction between these two options, by allocating 40% of points to understanding strengths and weaknesses compared to 29% of available points to improving relationships. These results may be a reflection of nature of mediation in Singapore and further investigation is suggested to find a reason for this.

The results suggest a general perception that costs will be reduced and/or control of the outcome will be retained by participating in non-adjudicative processes. At the local level there is a stronger perception that reduced costs will be the most likely achievement. Further, local respondents perceive that it less likely relationships will be improved as a result of participating in mediation. Instead, they see gaining greater knowledge of the strengths and weaknesses of the case and/or the likelihood of settlement as a more likely achievement.

Results by stakeholder group

Rank	Party	Advisor	Adjudicative	Non-Adjudicative	Influencer
1	4.Costs 64% Points:48 out of 75	4.Costs 57% Points:94 out of 165	4.Costs 56% Points:87 out of 156	5.Control 60% Points:106 out of 177	5.Control 52% Points:91 out of 174
2	5.Control 52% Points:39 out of 75	5.Control 52% Points:85 out of 165	3.Relationships 46% Points:72 out of 156	4.Costs 59% Points:105 out of 177	4.Costs 48% Points:84 out of 174
3	3.Relationships 40% Points:30 out of 75	1.Strengths/W 45% Points:75 out of 165	1.Strengths/W 40% Points:63 out of 156	3.Relationships 36% Points:64 out of 177	3.Relationships 41% Points:72 out of 174
			5.Control 40% Points:63 out of 156		
4	2.Compliance 19% Points:14 out of 75	3.Relationships 26% Points:43 out of 165	2.Compliance 8% Points:12 out of 156	1.Strengths/W 32% Points:56 out of 177	1.Strengths/W 31% Points:54 out of 174
5	1.Strengths/W 17% Points:13 out of 75	2.Compliance 10% Points:16 out of 165	6.Tactical 7% Points:11 out of 156	2.Compliance 11% Points:19 out of 177	2.Compliance 19% Points:33 out of 174
6	6.Tactical 4% Points:3 out of 75	6.Tactical 9% Points:15 out of 165	Other 0% Points:0 out of 156	6.Tactical 2% Points:3 out of 177	6.Tactical 7% Points:12 out of 174
7	Other 0% Points:0 out of 75	Other 0% Points:0 out of 165		Other 0% Points:0 out of 177	Other 0% Points:0 out of 174
<i>Number of respondents</i> Total 249	25	55	52	59	58

Figure 21: Q2.3 Results by stakeholder group

Analysis

All stakeholder groups appear to perceive that engaging with non-adjudicative processes is likely to result in reduced costs. Following this, there are some marked differences in the patterns in Figure 21 as compared to the overall results ([Figure 20](#)).

Firstly, parties appear to perceive that gaining better knowledge of the strengths/weaknesses of the case is a less likely achievement of participating in non-adjudicative processes than all other stakeholder groups. Similarly, advisors see improving relationships as being a less likely achievement of participating in non-adjudicative processes than any other stakeholder group. Interestingly, adjudicative providers perceive improving relationships as a more likely achievement than the other stakeholder groups.

Recommendation: Investigate the extent to which perceptions of the stakeholder groups differ regarding what is achieved by participating in non-adjudicative processes, and the implications this may have for parties participating in commercial dispute resolution processes.

Recommendation: Investigate the features of the Singaporean mediation environment to determine factors that may account for the difference observed in the local pattern of responses.

Question 2.4

2.4 Who is primarily responsible for ensuring parties involved in commercial disputes understand their process options, and the possible consequences of each process before deciding which one to use?

1. Adjudicative Providers: judges and arbitrators or their organisations
2. External lawyers
3. Governments/ministries of justice
4. In-house lawyers
5. Non-Adjudicative Providers: mediators and conciliators or their organisations
6. Parties (non-legal personnel)
7. Other: (please specify)

Results

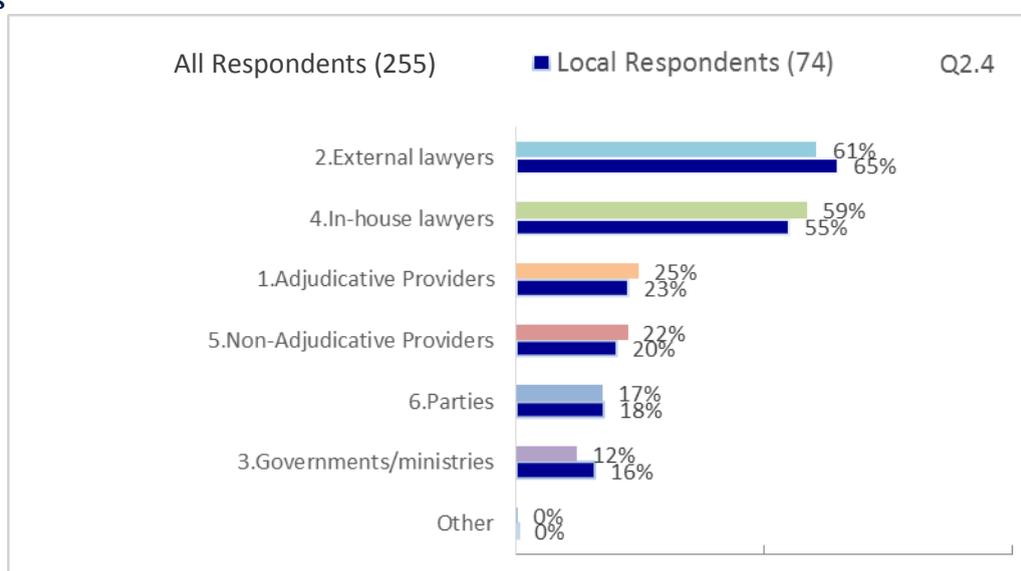


Figure 22: Q2.4 All Respondents vs. Local Respondents

Table 12: Q2.4 All Respondents vs. Local Respondents

Respondents	Option	No. points	Max points	%
All Respondents 3 points: 255 2 points: 251 1 point: 233	2.External lawyers	464	765	61%
	4.In-house lawyers	448	765	59%
	1.Adjudicative Providers	188	765	25%
	5.Non-Adjudicative Providers	172	765	22%
	6.Parties	133	765	17%
	3.Governments/ministries	93	765	12%
	Other	2	765	0%
Local Respondents 3 points: 74 2 points: 72 1 point: 70	2.External lawyers	144	222	65%
	4.In-house lawyers	122	222	55%
	1.Adjudicative Providers	50	222	23%
	5.Non-Adjudicative Providers	45	222	20%
	6.Parties	39	222	18%
	3.Governments/ministries	35	222	16%
	Other	1	222	0%

Analysis

This graph shows that there was little variance between the pattern of responses from All Respondents and Local Respondents. It shows that respondents allocated between 55%-61% of possible points to 'lawyers', whether external or in-house. All of the other options were clustered together and allocated significantly less points, ranging from 12%-25% of the points available.

This suggests a general perception that lawyers are primarily responsible for ensuring parties involved in commercial dispute resolution understand their process options and the possible consequences of each process before deciding which one to use.

Results by stakeholder group

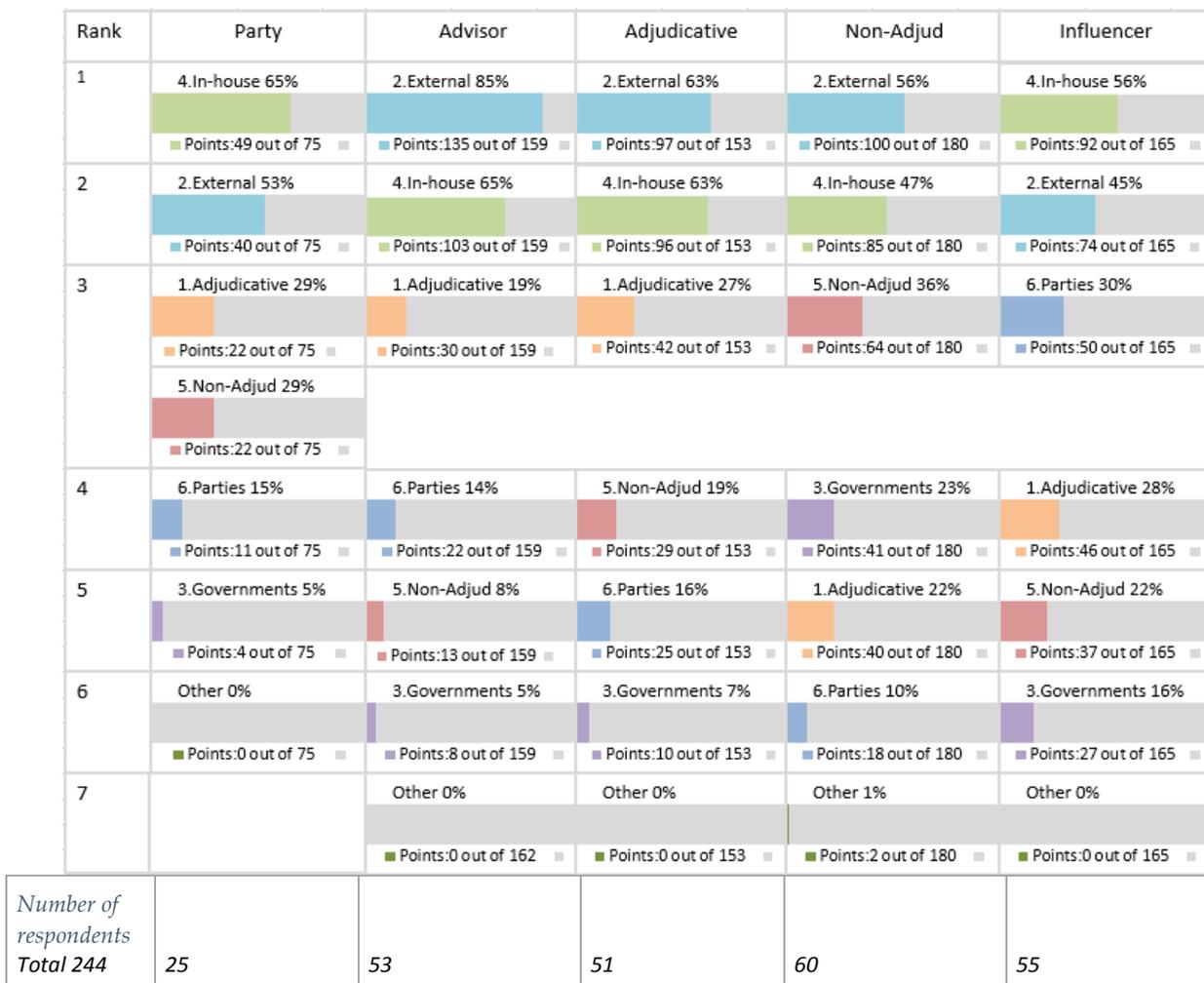


Figure 23: Q2.4 Results by stakeholder group

Analysis

The cluster of responses remains true to the overall results (Figure 22) in that it is generally perceived that lawyers, whether external or in-house, are primarily responsible for ensuring parties involved in commercial dispute resolution understand their process options, and the possible consequences of each process before deciding which one to use.

Specifically, parties and influencers perceive that in-house lawyers are primarily responsible. Advisers and providers, in turn, perceive external lawyers to be primarily responsible. Interestingly, advisors' perceptions are markedly different from that of the other

stakeholders. They appear to almost unanimous in apportioning the primary responsibility to external lawyers.

Recommendation: Investigate the extent to which lawyers' (whether external or in-house) advice about process options and the associated consequences align with parties' needs, wants and expectations in commercial dispute resolution.

Recommendation: Investigate the role of advice and the mismatch between what parties think can be achieved from non-adjudicative processes and the way that lawyers give advice about the different process options.

Question 2.5

2.5 Currently, the most effective commercial dispute resolution processes usually involve which of the following?

1. Adjudicative dispute resolution methods (litigation or arbitration)
2. Combining adjudicative and non-adjudicative processes (e.g. arbitration/litigation with mediation/conciliation)
3. Encouragement by courts, tribunals or other providers to reduce time and/or costs
4. Non-adjudicative dispute resolution methods (mediation or conciliation)
5. Pre-dispute or pre-escalation processes to prevent disputes
6. Technology to enable faster, cheaper procedures, (e.g. Online Dispute Resolution, electronic administration, remote hearings)
7. Other (please specify)

Results

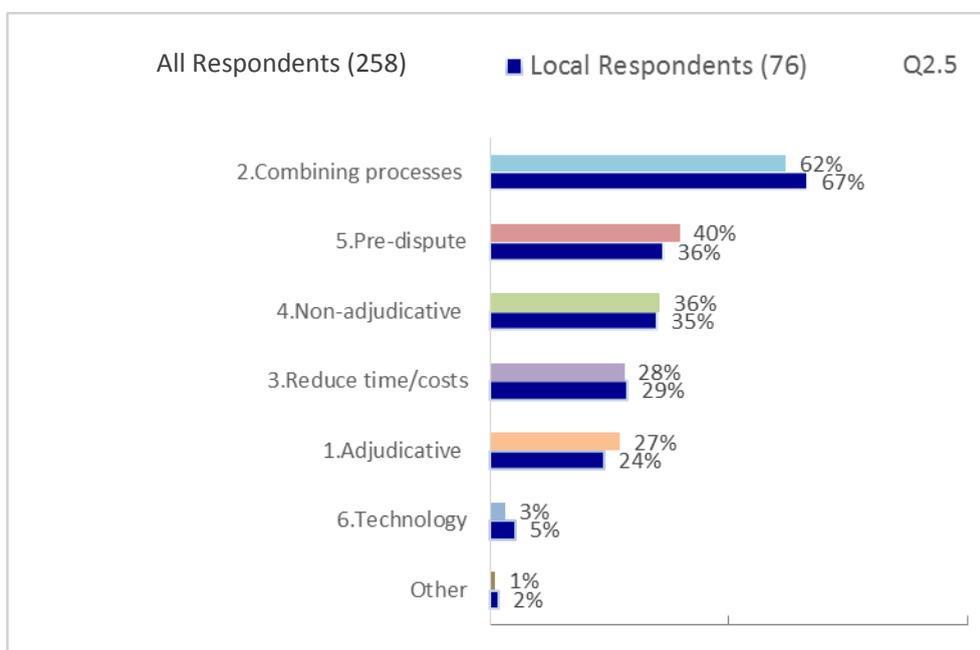


Figure 24: Q2.5 All Respondents vs. Local Respondent

Table 13: Q2.5 All Respondents vs. Local Respondents

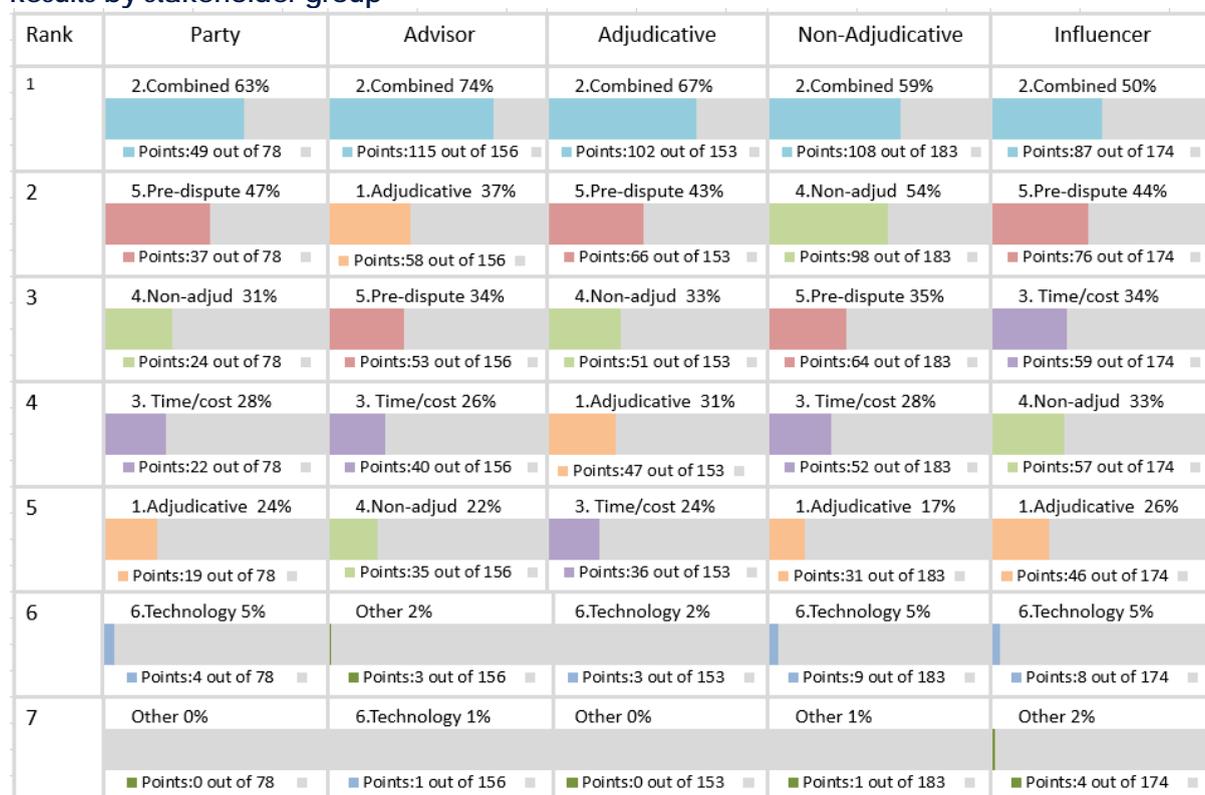
Respondents	Option	No. points	Max points	%
All Respondents 3 points: 258 2 points: 253 1 point: 245	2. Combining processes	480	774	62%
	5. Pre-dispute	308	774	40%
	4. Non-adjudicative	275	774	36%
	3. Reduce time/costs	218	774	28%
	1. Adjudicative	211	774	27%
	6. Technology	25	774	3%
	Other	8	774	1%
	Local Respondents 3 points: 76 2 points: 75 1 point: 74	2. Combining processes	152	228
5. Pre-dispute		83	228	36%
4. Non-adjudicative		80	228	35%
3. Reduce time/costs		66	228	29%
1. Adjudicative		55	228	24%
6. Technology		12	228	5%
Other		4	228	2%

Analysis

This graph shows that there was little variance between the pattern of responses from All Respondents and Local Respondents. It shows that respondents allocated between 62%-67% of possible points to combining adjudicative and non-adjudicative processes. The remaining five options scored at least 20% less than the top scoring option. The options ranged from pre-dispute processes at 40% of points available to adjudicative methods at 24% of points available.

This suggests a general perception that the most effective commercial dispute resolution processes usually involve the combination of adjudicative and non-adjudicative processes. Following this, there appears to be mixed opinion about the practices that may be evident within effective dispute resolution processes.

Results by stakeholder group



Number of respondents Total 248	26	52	51	61	58
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Figure 25: Q2.5 Results by stakeholder group

Analysis

The top response remains the same as the overall results (Figure 24) in that it is generally perceived across all stakeholder categories that the most effective commercial dispute resolution processes involve combining adjudicative and non-adjudicative processes. This is particularly so for advisors and adjudicative providers.

Non-adjudicative providers appear to rate the use of non-adjudicative processes significantly higher than any other stakeholder category. The contrast is even more marked between non-adjudicative providers and advisors. Further, parties, adjudicative providers and influencers perceive that effective dispute resolution procedures include pre-dispute

processes. With this said it appears that across the stakeholder groups there are a variety of perceptions about which of the options are currently involved in effective commercial dispute resolution.

Recommendation: Investigate the effectiveness of current practices in combining adjudicative and non-adjudicative processes in commercial dispute resolution.

Question 2.6

2.6 The relationship between parties' expectations and current practices in commercial dispute resolution processes

1. Describe the current commercial dispute resolution practices that fall **below** party expectations.
2. Describe the current commercial dispute resolution practices **that meet** party expectations.
3. Describe the current commercial dispute resolution practices that **exceed** party expectations.

Word Cloud: What words would you use to describe what can be done to **exceed** parties' expectations in commercial dispute resolution?

Analysis of open text response

The hierarchy below is a synthesis of the delegate responses from the Open Text Question (OTQ) 2.6 at GPC Singapore. The hierarchy is a measure that describes the relationship between parties' expectations and current practices in commercial dispute resolution. For more information on the method used to develop the hierarchy, please refer [Methodology](#) section of this report.

When considering the OTQs and the development of the hierarchies, it is important to note that the data collection did not allow for the isolation of local responses. However, as identified in the analysis of the Multiple Choice Questions (MCQs), the patterns of response across the All and Local Respondent groups were highly consistent. As such, it seems likely that little, if any, significant variation would have emerged from the OTQs had it been possible to isolate the local responses.

Table 14: Session 2 Hierarchy

HIERARCHY OF THE RELATIONSHIP BETWEEN PARTIES' EXPECTATIONS AND CURRENT PRACTICES IN COMMERCIAL DISPUTE RESOLUTION

Current practices that fall below party expectations.

At this level there is a mismatch between parties' expectations and current practices in dispute resolution. Sometimes this will be a result of a party's unrealistic expectations about its prospects for success or the cost of pursuing a resolution. At other times it will be because advisors or providers may fail to provide accurate and accessible information about costs, length of process, or the strengths and weaknesses of each party's case. In particular, inexperienced users may have an expectation that the process towards which they are being guided is the only or best option for seeking a resolution for their particular situation. To this extent advisors or providers may be failing to advise parties of all their available options and the costs or benefits associated with each. Parties may feel locked out of the process and are often actively encouraged not to participate. They lose a sense of ownership over their dispute and they become swept up in the broader, mostly adversarial process.

Current practices that meet the expectations of the less experienced party

At this level there is an alignment between the expectations of the less experienced party and current practices. Advisors and providers typically display high levels of expertise within their preferred dispute resolution process. They ensure that parties are made aware of a range of dispute resolution process options; however advisors or providers are more likely to make recommendations aligned with their expertise. Within this context, advisors and providers act as a shepherd or advocate and work to guide parties through the nominated dispute resolution process.

Current practices that exceed the expectations of the less experienced party and meet the expectations of the sophisticated party

At this level the very same behaviours that exceed the expectations of a less experienced party will merely meet the expectations of a sophisticated party. At this level, parties, advisors and providers typically work together to identify the most appropriate dispute resolution process or combination of processes for the particular dispute. Wherever possible, advisors and providers encourage parties to take ownership of their selected process. Alternatively, they provide explicit guidance to parties about their options and the cost and benefits associated with each. To this extent, the relationship between the parties, advisors and providers is responsive and is characterised by transparency and open communication. Advisors and providers assist parties to identify their interests and may be involved in helping them generate realistic and mutually agreeable solutions. Parties feel the process is cost effective and flexible enough to accommodate both their financial and non-financial interests.

Possible applications of the Session 2 Hierarchy

The measure above can be used by different stakeholder groups for a variety of purposes including, but not limited to, the following:

1. Parties/Users may use the hierarchy to:
 - a. Articulate or evaluate the extent to which their expectations were met and/or managed
 - b. Inform their understanding of the scope of current practice in commercial dispute resolution
2. Advisors may use the hierarchy to:
 - a. Audit current practice
 - b. Tailor services to match their clients' level of experience or sophistication in commercial dispute resolution
3. Adjudicative providers/Non-adjudicative providers may use the hierarchy to:
 - a. Match educational/support materials to each client's level of sophistication or experience in commercial dispute resolution, e.g. orientation to dispute resolution for inexperienced users
 - b. Development specialist skills for working with clients at different levels of sophistication
4. Influencers may use the hierarchy to:
 - a. Measure the alignment of current practice with the expectations of users
 - b. Monitor changes in the market over time
 - c. Inform the development of training programs for those who will be advisors or providers

The Session 2 Core Questions: The relationship between the MCQs and OTQs.

When considered as a whole, the hierarchy and the analysis from the MCQs form a picture of the ways in which the market is currently addressing parties' wants, needs and expectations in commercial dispute resolution.

In light of this, it may prove valuable for advisors, providers and influencers to draw on these findings in order to ensure that their practice is aligned with parties' wants, needs and expectations.

For example, it may be useful for providers to be aware that parties have a different perception about the types of outcomes that providers prioritise in commercial dispute resolution. Unlike the other stakeholder groups, parties perceive that judicial outcomes are favoured over their psychological or relationship-focused needs, wants or expectations.

Alternatively, the findings in the MCQs also identify that all stakeholder groups share the perception that effective dispute resolution includes a combination of adjudicative and non-adjudicative processes. To draw on these findings, stakeholder groups can draw on the hierarchy to provide a stimulus for thinking about how the combination of processes may be adapted to meet the specific needs of a given dispute.

The results of Q2.4 identified the unanimous perception that lawyers, whether in-house or external, have the primary responsibility for advising parties about their process options and the consequences for each. On this basis, it may be wise for lawyers to draw on the findings from both the hierarchy and MCQs when formulating their advice. In particular, the hierarchy can be used to identify specific wants, needs and expectations of parties operating at different levels of sophistication.

For example, when working with inexperienced parties, lawyers may want to ensure that their advice focuses on managing expectations around costs and the prospects of a favourable outcome within the context of different dispute resolution processes.

Alternatively, when giving advice, lawyers may want to consider the extent to which parties want control over the process. The type of control that parties want may vary depending on the level of sophistication at which they are operating and lawyers may wish to tailor their advice to accommodate this variation.

Implications: Session 2 highlights the desire for collaboration and the flexible combination of adjudicative and non-adjudicative processes. This is particularly so for parties operating at high levels of sophistication. This suggests a need for the market to consider the extent to which stakeholders have the capacity to tailor their current practices to accommodate the full spectrum of parties' expectations.

SESSION 3: HOW CAN DISPUTE RESOLUTION BE IMPROVED? (OVERCOMING OBSTACLES AND CHALLENGES)

Question 3.1

3.1 What are the main obstacles or challenges parties face when seeking to resolve commercial disputes?

1. Emotional, social, or cultural constraints
2. Financial or time constraints
3. Inadequate range of options available to resolve disputes
4. Insufficient knowledge of options available to resolve disputes
5. Uncertainty (e.g. unpredictable behaviour or lack of confidence in providers)
6. Other: (please specify)

Results

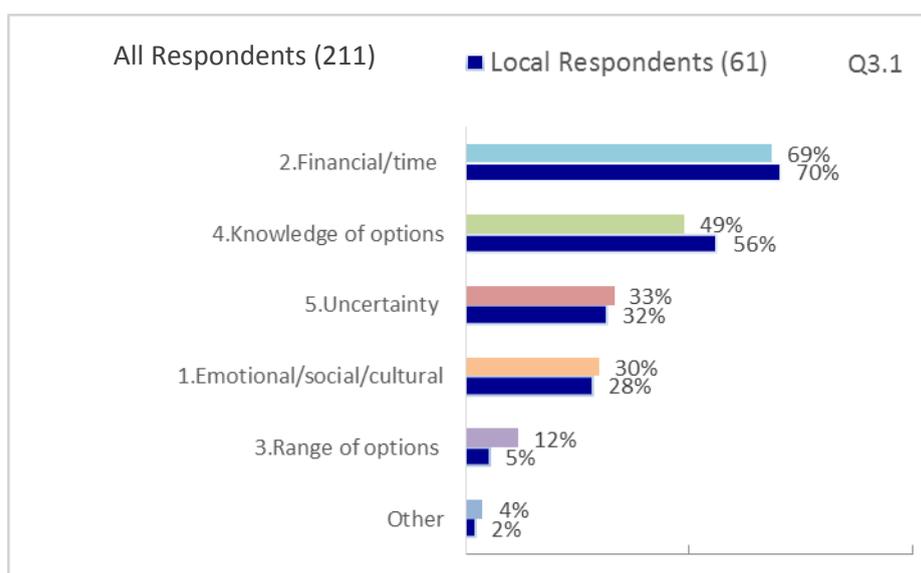


Figure 27: Q3.1 All Respondents vs. Local Respondents

Table 15: Q3.1 All Respondents vs. Local Respondents

Respondents	Option	No. points	Max points	%
All Respondents 3 points: 211 2 points: 207 1 point: 193	2. Financial/time	434	633	69%
	4. Knowledge of options	309	633	49%
	5. Uncertainty	210	633	33%
	1. Emotional/social/cultural	189	633	30%
	3. Range of options	74	633	12%
	Other	24	633	4%
Local Respondents 3 points: 61 2 points: 59 1 point: 55	2. Financial/time	129	183	70%
	4. Knowledge of options	103	183	56%
	5. Uncertainty	58	183	32%
	1. Emotional/social/cultural	52	183	28%
	3. Range of options	10	183	5%
	Other	4	183	2%

Analysis

This graph shows respondents allocated approximately 70% of points available to financial or time constraints. This was followed by knowledge of options with respondents allocating around half of the possible points. The next two most popular options, uncertainty and emotions/social/ cultural constraints were clustered together within the range of 33%-28% of possible points. 'Range of options' received between 5%-12%.

The results suggest time and financial constraints are perceived as the biggest impediments to parties seeking to resolve commercial disputes. Respondents also perceive that there is an adequate range of options available to resolve disputes, but insufficient knowledge regarding these options. This is particularly so with local respondents.

Results by stakeholder group

Rank	Party	Advisor	Adjudicative	Non-Adjudicative	Influencer
1	2.Financial .. 69% Points:35 out of 51	2.Financial .. 76% Points:102 out of 135	2.Financial .. 76% Points:105 out of 138	2.Financial .. 64% Points:88 out of 138	2.Financial .. 62% Points:91 out of 147
2	5.Uncertainty 55% Points:28 out of 51	5.Uncertainty 36% Points:49 out of 135	4.Knowledge 51% Points:70 out of 138	4.Knowledge 57% Points:79 out of 138	4.Knowledge 61% Points:90 out of 147
3	4.Knowledge 29% Points:15 out of 51	4.Knowledge 36% Points:48 out of 135	5.Uncertainty 29% Points:40 out of 138	1.Emotional .. 36% Points:50 out of 138	5.Uncertainty 35% Points:52 out of 147
4	3.Range .. 20% Points:10 out of 51	1.Emotional .. 33% Points:44 out of 135	1.Emotional .. 25% Points:35 out of 138	5.Uncertainty 23% Points:32 out of 138	1.Emotional .. 28% Points:41 out of 147
5	1.Emotional .. 18% Points:9 out of 51	Other 8% Points:11 out of 135	3.Range .. 12% Points:17 out of 138	3.Range .. 14% Points:20 out of 138	3.Range .. 8% Points:12 out of 147
6	Other 6% Points:3 out of 51	3.Range .. 7% Points:9 out of 135	Other 2% Points:3 out of 138	Other 1% Points:2 out of 138	Other 3% Points:5 out of 147

<i>Number of respondents</i>					
<i>Total 203</i>	17	45	46	46	49

Figure 28: Q3.1 Results by stakeholder group

Analysis

The first response remains true to the overall results (see [Figure 27](#)) in that financial and time constraints are perceived as the main obstacles for parties seeking to resolve commercial disputes. Parties perceive uncertainty resulting from unpredictable behaviour or lack of confidence in providers, as a much larger obstacle than any other stakeholder group. In contrast, providers and influencers perceive that insufficient knowledge about process options is a major obstacle. This may also account for parties' perception that an inadequate range of options is a greater obstacle than other stakeholder groups.

Recommendation: Investigate ways to reduce or minimise time and financial constraints for parties seeking to resolve commercial disputes.

Recommendation: Investigate the factors driving party uncertainty and develop resources to better inform parties about process options and increase confidence in the dispute resolution process.

Question 3.2

3.2 To improve the future of commercial dispute resolution, which of the following processes and tools should be prioritised?

1. Adjudicative dispute resolution methods (litigation or arbitration)
2. Combining adjudicative and non-adjudicative processes (e.g. arbitration/litigation with mediation/conciliation)
3. Encouragement by courts, tribunals or other providers to reduce time and/or costs
4. Non-adjudicative dispute resolution methods (mediation or conciliation)
5. Pre-dispute or pre-escalation processes to prevent disputes
6. Technology to enable faster, cheaper procedures, (e.g. Online Dispute Resolution, electronic administration, remote hearings)
7. Other: (please specify)

Results

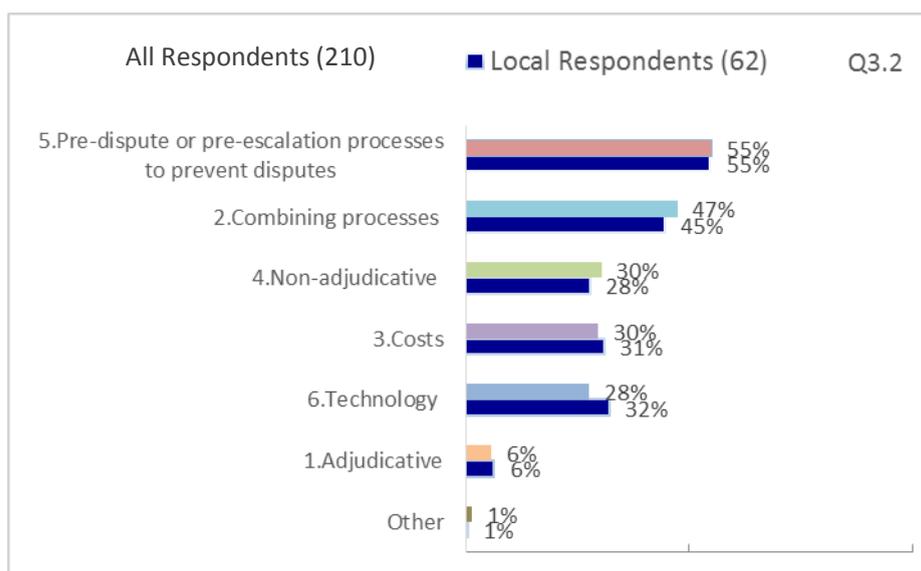


Figure 29: Q3.2 All Respondents vs. Local Respondents

Table 16: Q3.2 All Respondents vs. Local

Respondents

Respondents	Option	No. points	Max points	%
All Respondents 3 points: 210 2 points: 206 1 point: 198	5. Pre-dispute or pre-escalation	347	630	55%
	2. Combining processes	298	630	47%
	4. Non-adjudicative	191	630	30%
	3. Costs	186	630	30%
	6. Technology	174	630	28%
	1. Adjudicative	35	630	6%
	Other	9	630	1%
Local Respondents 3 points: 62 2 points: 62 1 point: 58	5. Pre-dispute or pre-escalation	102	186	55%
	2. Combining processes	83	186	45%
	4. Non-adjudicative	52	186	28%
	3. Costs	58	186	31%
	6. Technology	60	186	32%
	1. Adjudicative	12	186	6%
	Other	1	186	1%

Analysis

This graph shows that there was little variance between the pattern of responses from All Respondents and Local Respondents. It shows that pre-dispute or pre-escalation received a little over half of the possible points available. This was closely followed by combining processes which received between 47%- 45%. The next three most popular options were clustered together and ranged between 32%-28%. Adjudicative processes received 6% of the points possible.

This suggests that there is an overwhelming perception that adjudicative processes should not be the priority for the improvement of commercial dispute resolution. Instead, respondents think that in the future, pre-dispute or pre-escalation processes to prevent disputes and combining processes should be prioritised. Stakeholders appear to have mixed opinion about the remaining options.

Results by stakeholder group

Rank	Party	Advisor	Adjudicative	Non-Adjudicative	Influencer
1	2.Combined 50% Points:27 out of 54	5.Pre-dispute 54% Points:79 out of 147	5.Pre-dispute 61% Points:80 out of 132	5.Pre-dispute 57% Points:78 out of 138	5.Pre-dispute 53% Points:75 out of 141
	5.Pre-dispute 50% Points:27 out of 54				
2	3.Costs 37% Points:20 out of 54	2.Combined 50% Points:74 out of 147	2.Combined 52% Points:68 out of 132	4.Non-adjud 42% Points:58 out of 138	2.Combined 44% Points:62 out of 141
3	4.Non-adjud 30% Points:16 out of 54	3.Costs 36% Points:53 out of 147	4.Non-adjud 27% Points:35 out of 132	2.Combined 41% Points:56 out of 138	4.Non-adjud 32% Points:45 out of 141
			6.Technology 27% Points:35 out of 132		
4	6.Technology 26% Points:14 out of 54	6.Technology 29% Points:42 out of 147	3.Costs 26% Points:34 out of 132	3.Costs 30% Points:42 out of 138	6.Technology 33% Points:46 out of 141
5	1.Adjudicative 7% Points:4 out of 54	4.Non-adjud 20% Points:30 out of 147	1.Adjudicative 8% Points:10 out of 132	6.Technology 24% Points:33 out of 138	3.Costs 24% Points:34 out of 141
6	Other 0% Points:0 out of 54	1.Adjudicative 7% Points:10 out of 147	Other 1% Points:1 out of 132	1.Adjudicative 1% Points:1 out of 138	1.Adjudicative 7% Points:10 out of 141
7		Other 1% Points:2 out of 147		Other 0% Points:0 out of 138	Other 4% Points:6 out of 141
<i>Number of respondents</i> Total 204	18	49	44	46	47

Figure 30: Q3.2 Results by stakeholder group

Analysis

The cluster of responses remains true to the overall results (see [Figure 29](#)) in all stakeholder groups identified litigation and arbitration as the lowest priority, and pre-dispute or pre-escalation processes to prevent disputes as the highest priority, for the improvement

commercial dispute resolution. Unlike the other stakeholder groups, non-adjudicative providers perceived non-adjudicative dispute resolutions methods as an equally high priority as combining adjudicative and non-adjudicative processes.

Recommendation: Investigate ways to embed dispute prevention mechanisms into the commercial context.

Recommendation: Investigate the most effective ways in which adjudicative and non-adjudicative process can be combined.

Question 3.3

3.3 Which of the following areas would most improve commercial dispute resolution?

1. Accreditation or certification systems for dispute resolution providers
2. Cost sanctions against parties for failing to try non-adjudicative processes (e.g. mediation or conciliation) before litigation/arbitration.
3. Legislation or conventions that promote recognition and enforcement of settlements, including those reached in mediation
4. Quality control and complaint mechanisms applicable to dispute resolution providers
5. Use of protocols promoting non-adjudicative processes before adjudicative processes (e.g. opt-out)
6. Rules governing third party funding
7. Other: (please specify)

Results

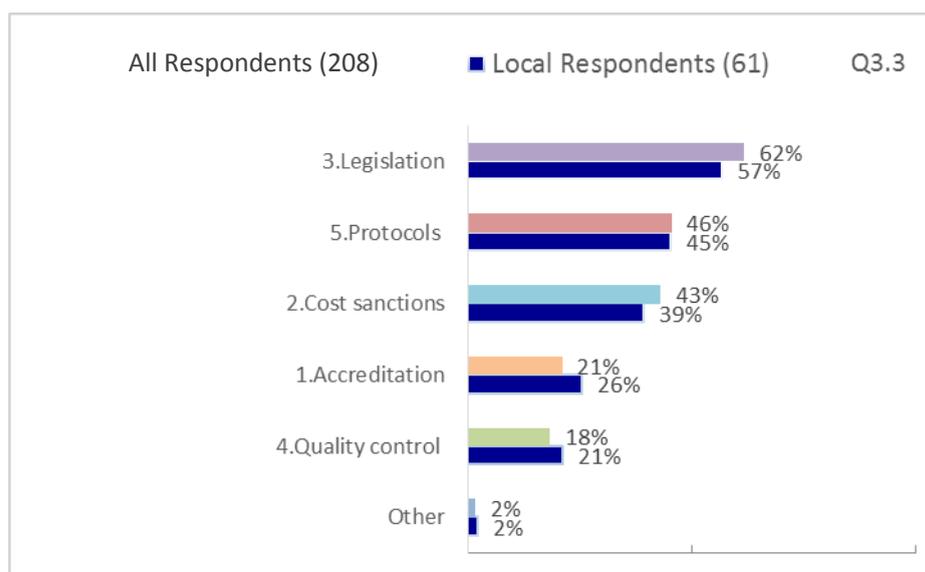


Figure 31: Q3.3 All Respondents vs. Local Respondents

Table 17: Q3.3 All Respondents vs. Local Respondents

Respondents	Option	No. points	Max points	%
All Respondents 3 points: 208 2 points: 198 1 point: 176	3. Legislation	386	624	62%
	5. Protocols	284	624	46%
	2. Cost sanctions	269	624	43%
	1. Accreditation	132	624	21%
	4. Quality control	115	624	18%
	Other	10	624	2%
Local Respondents 3 points: 61 2 points: 57 1 point: 52	3. Legislation	104	183	57%
	5. Protocols	83	183	45%
	2. Cost sanctions	72	183	39%
	1. Accreditation	47	183	26%
	4. Quality control	39	183	21%
	Other	4	183	2%

Analysis

This graph shows that there was little variation between the pattern of responses from All Respondents and Local Respondents. It shows that legislation received between 62%-57% of possible points available. The next most popular options were protocols and cost sanctions. These accounted for between 46%-39% of possible points. Accreditation and quality control received approximately one quarter to one fifth of points available for these options. There were no votes for the third party funding option.

This suggests a general perception that legislation or conventions that promote recognition and enforcement of settlements, including those reached in mediation as the most important option for improving commercial dispute resolution. Further, the use of protocols promoting non- adjudicative processes before adjudicative processes and the use of cost sanctions for parties failing to try non-adjudicative processes before adjudicative process are also perceived as having an important role in improving commercial dispute resolution.

When considered together, it suggests that the use of non-adjudicative processes is seen as central to the improvement of commercial dispute resolution.

Results by stakeholder group

Rank	Party	Advisor	Adjudicative	Non-Adjudicative	Influencer
1	3.Legislation 78% Points:42 out of 54	3.Legislation 57% Points:86 out of 150	3.Legislation 59% Points:80 out of 135	3.Legislation 68% Points:90 out of 132	3.Legislation 60% Points:78 out of 129
2	5.Protocols 44% Points:24 out of 54	5.Protocols 47% Points:71 out of 150	2.Cost sanction 55% Points:74 out of 135	5.Protocols 45% Points:59 out of 132	5.Protocols 42% Points:54 out of 129
3	2.Cost sanction 31% Points:17 out of 54	2.Cost sanction 39% Points:58 out of 150	5.Protocols 50% Points:68 out of 135	2.Cost sanction 43% Points:57 out of 132	2.Cost sanction 38% Points:49 out of 129
4	1.Accreditation 19% Points:10 out of 54	4.Quality 31% Points:47 out of 150	1.Accreditation 17% Points:23 out of 135	1.Accreditation 28% Points:37 out of 132	1.Accreditation 28% Points:36 out of 129
5	4.Quality 13% Points:7 out of 54	1.Accreditation 15% Points:22 out of 150	4.Quality 11% Points:15 out of 135	4.Quality 10% Points:13 out of 132	4.Quality 21% Points:27 out of 129
6	Other 2% Points:1 out of 54	Other 2% Points:3 out of 150	Other 1% Points:0 out of 135	Other 0% Points:1 out of 132	Other 4% Points:5 out of 129
<i>Number of respondents</i> <i>Total 200</i>	18	50	45	44	43

Figure 32: Q3.3 Results by stakeholder group

Analysis

The cluster of responses remains true to the overall results (see [Figure 31](#)). Although there is strong alignment between stakeholder groups, there is an important difference. Other stakeholder groups underestimated the value parties place on legalisation or conventions that promote recognition and enforcement of settlements, including those reached in mediation, as a means to improve commercial dispute resolution.

Recommendation: Investigate mechanisms for the recognition and enforcement of settlements, including those reached in mediation.

Recommendation: Investigate mechanisms to embed non-adjudicative processes as a pre-requisite to adjudicative processes in commercial dispute resolution.

Question 3.4

3.4 Which stakeholders are likely to be most resistant to change in commercial dispute resolution practice?

1. Adjudicative Providers: judges and arbitrators or their organisations
2. External lawyers
3. Governments/ministries of justice
4. In-house lawyers
5. Non-Adjudicative Providers: mediators and conciliators or their organisations
6. Parties (non-legal personnel)
7. Other: (please specify)

Results

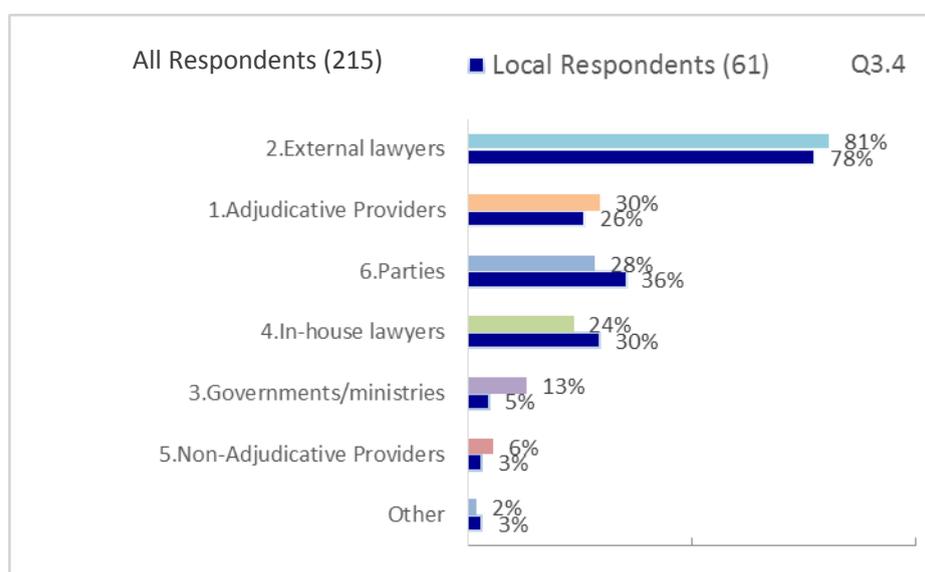


Figure 33: Q3.4 All Respondents vs. Local Respondents

Table 18: Q3.4 All Respondents vs. Local Respondents

Respondents	Option	No. points	Max points	%
All Respondents 3 points: 215 2 points: 189 1 point: 158	2.External lawyers	521	645	81%
	1.Adjudicative Providers	153	645	30%
	6.Parties	191	645	28%
	4.In-house lawyers	183	645	24%
	3.Governments/ministries	85	645	13%
	5.Non-Adjudicative Providers	36	645	6%
	Other	12	645	2%
	Local Respondents 3 points: 61 2 points: 53 1 point: 41	2.External lawyers	142	183
1.Adjudicative Providers		48	183	26%
6.Parties		65	183	36%
4.In-house lawyers		54	183	30%
3.Governments/ministries		9	183	5%
5.Non-Adjudicative Providers		6	183	3%
Other		6	183	3%

Analysis

This graph shows that external lawyers received over three quarters of the possible points. Following this, adjudicative providers, parties and in-house lawyers were equally distributed with each receiving between 36%-24% of points possible. There was slight variation between the order of preferences from Local Respondents and All Respondents. However, the range across the three options for both respondent groups was not more 10%. There was a slight variation between All Respondents and Local Respondents in the allocation of points to governments/ministries of justice. All Respondents allocated 13% whereas the Singaporeans allocated only 5% of possible points.

This suggests a unanimous perception that external lawyers are likely to be by far the most resistant to change in commercial dispute resolution. Further it suggests that all stakeholder groups perceive that non-adjudicative providers and government/ministries of justice are the least likely to be resistant to change. This is particularly pronounced for the Singaporeans.

Results by stakeholder group

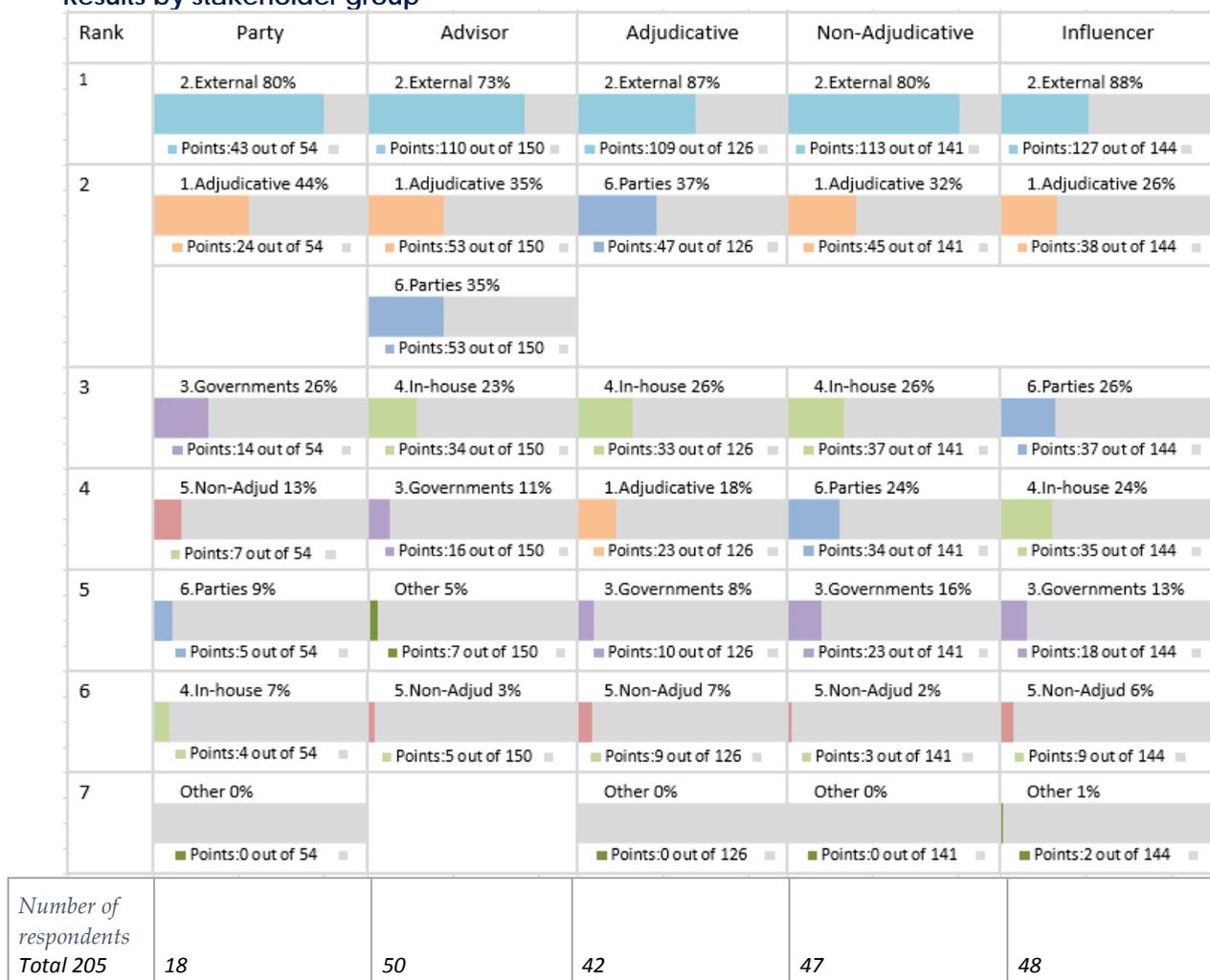


Figure 34: Q3.4 Results by stakeholder group

Analysis

All stakeholder groups appear to perceive that external lawyers are likely to be the most resistant to change in commercial dispute resolution practice, which is consistent with the combined results (see [Figure 33](#)). Unsurprisingly, each stakeholder group perceive themselves as less resistant to change than the other stakeholder groups perceive them to be.

In particular, parties also perceive providers and governments/ministries of justice as more resistant to change than is perceived by other stakeholder groups. All stakeholder groups appear to agree that non-adjudicative providers are some of the least likely to be resistant to change.

Recommendation: Investigate the factors that might encourage external lawyers to be more open to change.

Question 3.5

3.5 Which stakeholders have the potential to be most influential in bringing about change in commercial dispute resolution practice?

1. Adjudicative Providers: judges and arbitrators or their organisations
2. External lawyers
3. Governments/ministries of justice
4. In-house lawyers
5. Non-Adjudicative Providers: mediators and conciliators or their organisations
6. Parties (non-legal personnel)
7. Other: (please specify)

Results

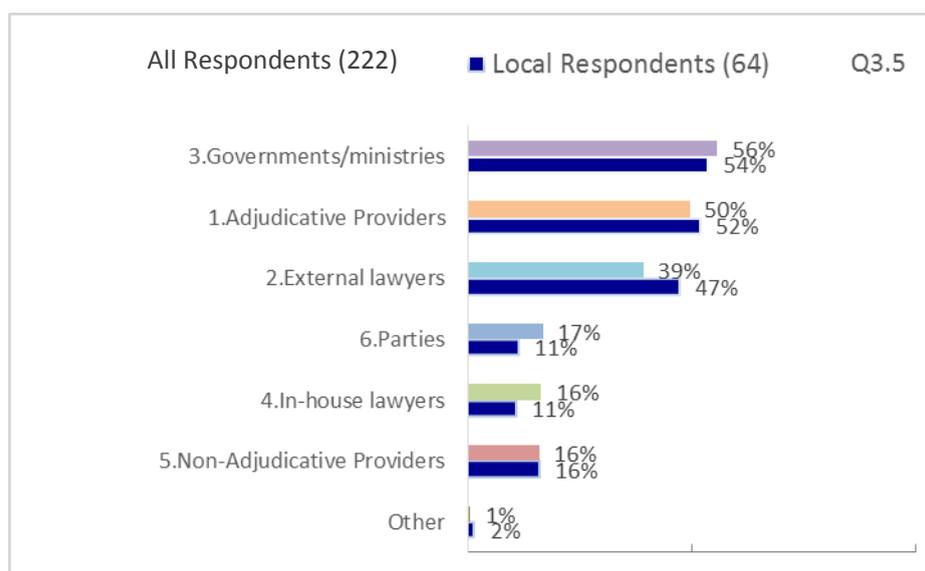


Figure 35: Q3.5 All Respondents vs. Local Respondents

Table 19: Q3.5 All Respondents vs. Local Respondents

Respondents	Option	No. points	Max points	%
All Respondents 3 points: 222 2 points: 215 1 point: 198	3.Governments/ministries	372	666	56%
	1.Adjudicative Providers	330	666	50%
	2.External lawyers	261	666	39%
	6.Parties	112	666	17%
	4.In-house lawyers	109	666	16%
	5.Non-Adjudicative Providers	106	666	16%
	Other	4	666	1%
Local Respondents 3 points: 64 2 points: 61 1 point: 57	3.Governments/ministries	103	192	54%
	1.Adjudicative Providers	100	192	52%
	2.External lawyers	91	192	47%
	6.Parties	22	192	11%
	4.In-house lawyers	21	192	11%
	5.Non-Adjudicative Providers	31	192	16%
	Other	3	192	2%

Analysis

This graph shows that there is a slight variance between the pattern of responses from All Respondents and Local Respondents. The Singaporeans allocated an approximately similar amount of points to government/ministries, adjudicative providers and external lawyers. All of which were allocated approximately half of the possible points available for each option. All Respondents allocated their points slightly differently from Local Respondents and gave more points to government/ministries and adjudicative providers than external lawyers. All other options received less than 20% from both respondent groups.

This suggests a general perception that governments/ministries of justice, adjudicative providers and external lawyers respectively, have the potential to be most influential in bringing about change in commercial dispute resolution. There is also a perception that parties (non-legal), in-house lawyers and non-adjudicative providers are much less likely to be the most influential in bringing about change.

Results by stakeholder group

Rank	Party	Advisor	Adjudicative	Non-Adjudicative	Influencer
1	3.Governments 59% Points:30 out of 51	2.External 60% Points:92 out of 153	3.Governments 62% Points:86 out of 138	3.Governments 57% Points:80 out of 141	3.Governments 60% Points:87 out of 144
2	1.Adjudicative 47% Points:24 out of 51	1.Adjudicative 46% Points:71 out of 153	1.Adjudicative 54% Points:74 out of 138	1.Adjudicative 55% Points:78 out of 141	1.Adjudicative 44% Points:63 out of 144
3	4.In-house 24% Points:12 out of 51	3.Governments 44% Points:67 out of 153	2.External 33% Points:45 out of 138	2.External 35% Points:49 out of 141	2.External 34% Points:49 out of 144
4	2.External 22% Points:11 out of 51	4.In-house 18% Points:28 out of 153	6.Parties 17% Points:24 out of 138	5.Non-Adjud 21% Points:29 out of 141	6.Parties 22% Points:31 out of 144
	5.Non-Adjud 22% Points:11 out of 51				
5	6.Parties 18% Points:9 out of 51	6.Parties 16% Points:24 out of 153	5.Non-Adjud 15% Points:21 out of 138	4.In-house 14% Points:20 out of 141	4.In-house 21% Points:30 out of 144
6	Other 0% Points:0 out of 51	5.Non-Adjud 10% Points:15 out of 153	4.In-house 11% Points:15 out of 138	6.Parties 11% Points:16 out of 141	5.Non-Adjud 17% Points:24 out of 144
7		Other 0% Points:0 out of 153	Other 2% Points:3 out of 138	Other 1% Points:1 out of 141	Other 0% Points:0 out of 144
<i>Number of respondents</i> Total 209	17	51	46	47	48

Figure 36: Q3.5 Results by stakeholder group

Analysis

The cluster of responses remains similar to the overall results (see [Figure 35](#)) in that it is generally perceived that governments/ministries and adjudicative providers respectively, have the potential to be most influential in bringing about change in commercial dispute resolution practice. The exception to this is advisors who perceived external lawyers as having the potential to be most influential. There is mixed opinion regarding the remaining options.

Recommendation: Investigate the ways in which government/ ministries, adjudicative providers and external lawyers might work together to bring about change in commercial dispute resolution practice.

Question 3.6

3.6 The types of obstacles or challenges faced in commercial disputes and the extent of change required to address them.

1. Describe the things that **don't need** to change in commercial dispute resolution
2. Describe the obstacles and challenges in commercial dispute resolution that **can be overcome easily** or with minor changes
3. Describe the obstacles and challenges in commercial dispute resolution that are **difficult to change** or would require major changes
4. Describe the obstacles and challenges in commercial dispute resolution that appear **impossible to change**

Word Cloud: What words would you use to describe the most common impediments that keep parties from resolving their commercial disputes?

Analysis of open text responses

The hierarchy below is a synthesis of the delegate responses from the Open Text Question (OTQ) 3.6 at GPC Singapore. The hierarchy is a measure that describes obstacles or challenges faced in commercial disputes and the extent of change required to address them. For more information on the method used to develop the hierarchy, please refer [Methodology](#) section of this report.

When considering the OTQs and the development of the hierarchies, it is important to note that the data collection did not allow for the isolation of local responses. However, as identified in the analysis of the Multiple Choice Questions (MCQs), the patterns of response across the All and Local Respondent groups were highly consistent. As such, it seems likely that little, if any, significant variation would have emerged from the OTQs had it been possible to isolate the local responses.

Table 20 Session 3 Hierarchy

HIERARCHY OF OBSTACLES OR CHALLENGES FACED IN COMMERCIAL DISPUTES AND THE EXTENT OF CHANGE REQUIRED TO ADDRESS THEM.

Things that do not need to change

At this level there are many things that serve as strong foundations and as such do not require change. For example, concepts such as the rule of law are perceived as integral to a properly functioning justice system and civilised society. Aside from these overarching principles, initiatives that promote and/or facilitate non-adjudicative or consensual processes are seen as important and there is support for their continued development or improvement. Processes that encourage or facilitate party autonomy are considered a high priority and it is suggested that they be maintained and/or advanced. It is also recommended that initiatives that explore or encourage flexibility and choice for parties involved in commercial disputes, continue to be a focus for advisors, providers and influencers. Finally, on-going investment in the emerging use of technology to support dispute resolution is seen as something that would ideally remain a priority.

Obstacles and challenges that can be overcome easily or with minor changes

At this level there are challenges and obstacles that can be overcome with small changes or minor adjustments to current practice. In particular, there is a perceived lack of general awareness about the benefit of attempting non-litigious processes prior to commencing court action. To overcome this, information about the range of dispute resolution processes and options could be developed and distributed to all stakeholders. There could also be steps taken to promote public awareness of 'Appropriate Dispute Resolution' and the benefits of identifying and using the process that best fits the dispute. This may extend to include targeted education programs for parties. Also perceived as a challenge or obstacle that can be overcome with minor changes is the issue of quality control. Specifically, the standardisation and accreditation of providers, particularly arbitrators and mediators. The development of high quality training and accreditation regimes is perceived as an achievable step that would support confidence in the move towards an 'Appropriate Dispute Resolution' model.

Describe the obstacles and challenges that are difficult to change or would require major changes

At this level there are challenges and obstacles that are difficult to overcome. One of the biggest issues identified is that of culture and the associated impact of vested interest in the adversarial approach to dispute resolution in commercial contexts. It is perceived that there are many who have a deep attachment to current systems, particularly those whose practice is centred around litigation. It is suggested that business/parties and their advisors too often retain a positional mindset and/or adhere to the notion that litigation is the best or only option for commercial dispute resolution. Moreover, it is believed that these parties and their advisors are unlikely to see any reason for change. Such attitudes are typically attributed to ego and self-interest. There is a perception that priority is given to familiarity and expertise with the litigation process over a commitment to just and effective outcomes. It is suggested that even though legislative reform may be difficult, one way to overcome this may be to work towards mandatorily embedding mediation into other dispute resolution processes e.g. litigation. Also identified as an issue is the relationship between wealth and access to justice. It is suggested that steps to remove economic barriers to accessing the full range of dispute resolution processes could be identified as a priority. The complexity and unpredictability of cross border disputes is also nominated as a major challenge. Issues with delay and enforceability of outcomes are highlighted as particularly problematic.

Describe the obstacles and challenges that appear impossible to change

At this level there is a split between the types of response received. While some hold true to the notion that all things can change, others identified a number of challenges or obstacles to commercial dispute resolution that appear impossible to change. For instance, from an overarching perspective, it is perceived that the inertia of tradition and mistrust of reform is a problem and is likely to be impossible to change. In particular, there are some that feel there is little room for new ideas, particularly those ideas coming from the younger generations. Within this context there are some who suggest the difficulties associated with generational change may be impossible to overcome. Structural barriers such as government policies and systems may appear to be immovable. Alternatively, some suggest that certain types of disputes simply cannot be resolved outside the court system and that the costs associated with litigation cannot be changed.

How to use the Session 3 Hierarchy

The measure above can be used by different stakeholder groups for a variety of purposes including, but not limited to, the following:

1. Parties/Users may use the hierarchy to:
 - a. Provide feedback on which of these changes would have the most impact on their experience of engaging in commercial dispute resolution
 - b. Provide an overview of the challenges within the commercial dispute resolution landscape
2. Advisors and Providers may use the hierarchy to:
 - a. Prompt thinking about possibilities for changes within their own practice or service area
3. Influencers may use the hierarchy to:
 - a. Stimulate discussion about change
 - b. Identify areas and/or priorities for reform

The Session 3 Core Questions: The relationship between the MCQs and the OTQs

When considered as a whole, the hierarchy and the analysis from the MCQs sheds light on some of the issues facing commercial dispute resolution.

It may also prove valuable for stakeholders to draw on these findings to develop a plan of action to address areas that have been identified in the MCQs and the OTQs as priorities for change.

For example, in both the MCQs and the OTQs stakeholders identified that they were keen to prioritise the development of mechanisms that routinely required the use of non-adjudicative/non-litigious processes before adjudicative options. A number of ways to achieve this were suggested, ranging from targeted education to legislative reform.

Alternatively, in Q3.1 parties identified uncertainty resulting from unpredictable behaviour or lack of confidence in providers as a significant obstacle for them when they are seeking to resolve commercial disputes. Findings from the hierarchy suggest that the standardisation and accreditation of providers may be a good first step towards improving confidence. This might be particularly useful given the emphasis on combining non-adjudicative and adjudicative processes identified in Q3.2, Q3.3 and Sessions 1 and 2.

One of the most confronting finds was the perception that external lawyers were more likely to be resistant to change than any other stakeholder group. The OTQs suggested that external lawyers may not be alone in resisting change and that other stakeholders may also be invested in the current adversarial system and see little reason for change.

Implication: Session 3 highlights the consensus between stakeholder groups that mechanisms need to be developed to ensure that non-adjudicative processes are used before adjudicative processes. As it also identifies that governments/ministries of justice, adjudicative providers and external lawyers are perceived as having the most influence in bringing about change, it may be beneficial for them to work together to maximise the potential for successful reform.

**SESSION 4: PROMOTING BETTER ACCESS TO
JUSTICE: WHAT ACTION ITEMS SHOULD BE
CONSIDERED AND BY WHOM?**

Question 4.1

4.1 *Who has the greatest responsibility for taking action to promote better access to justice in commercial dispute resolution?*

1. Adjudicative Providers: judges and arbitrators or their organisations
2. External lawyers
3. Governments/ministries of justice
4. In-house lawyers
5. Non-Adjudicative Providers: mediators and conciliators or their organisations
6. Parties (non-legal personnel)
7. Other: (please specify)

Results

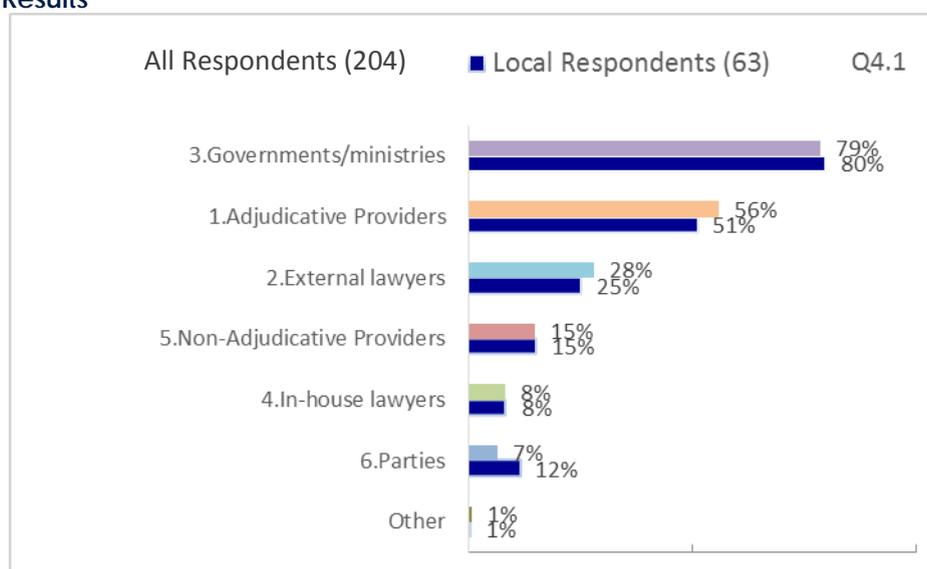


Figure 38: Q4.1 All Respondents vs. Local Respondents

Table 21: Q4.1 All Respondents vs. Local Respondents

Respondents	Option	No. points	Max points	%
All Respondents 3 points: 204 2 points: 198 1 point: 177	3.Governments/ministries	482	612	79%
	1.Adjudicative Providers	343	612	56%
	2.External lawyers	172	612	28%
	5.Non-Adjudicative Providers	92	612	15%
	4.In-house lawyers	50	612	8%
	6.Parties	41	612	7%
	Other	5	612	1%
	Local Respondents 3 points: 63 2 points: 60 1 point: 55	3.Governments/ministries	151	189
	1.Adjudicative Providers	97	189	51%
	2.External lawyers	48	189	25%
	5.Non-Adjudicative Providers	29	189	15%
	4.In-house lawyers	16	189	8%
	6.Parties	22	189	12%
	Other	1	189	1%

Analysis

This graph shows that there was little variance between the pattern of responses from All Respondents and Local Respondents. It shows delegates allocated approximately 80% of the points available to governments/ministries. This was followed by adjudicative providers with respondents allocating a little more than half of the possible points. The next most popular option was external lawyers. This option received just over one quarter of the points available. The remaining three options were clustered together and ranged between 15%-7% of the points possible.

This suggests a clear perception that governments /ministries have the greatest responsibility for taking action to promote better access to justice in commercial dispute resolution. Adjudicate providers are also perceived as having a significant responsibility for taking action. To a lesser extent, external lawyers are perceived by some as also having responsibility.

Results by stakeholder group

Rank	Party	Advisor	Adjudicative	Non-Adjudicative	Influencer
1	3.Governments 63% Points:38 out of 60	3.Governments 82% Points:111 out of 135	3.Governments 73% Points:85 out of 117	3.Governments 83% Points:114 out of 138	3.Governments 86% Points:116 out of 135
2	1.Adjudicative 50% Points:30 out of 60	1.Adjudicative 56% Points:76 out of 135	1.Adjudicative 67% Points:78 out of 117	1.Adjudicative 64% Points:89 out of 138	1.Adjudicative 41% Points:56 out of 135
3	2.External 35% Points:21 out of 60	2.External 30% Points:41 out of 135	2.External 31% Points:36 out of 117	2.External 21% Points:29 out of 138	2.External 30% Points:41 out of 135
4	4.In-house 18% Points:11 out of 60	5.Non-Adjud 15% Points:20 out of 135	5.Non-Adjud 12% Points:14 out of 117	5.Non-Adjud 14% Points:19 out of 138	5.Non-Adjud 17% Points:23 out of 135
5	5.Non-Adjud 10% Points:6 out of 60	4.In-house 5% Points:7 out of 135	4.In-house 8% Points:9 out of 117	6.Parties 7% Points:10 out of 138	6.Parties 10% Points:14 out of 135
6	6.Parties 5% Points:3 out of 60	6.Parties 5% Points:7 out of 135	6.Parties 5% Points:6 out of 117	4.In-house 4% Points:6 out of 138	4.In-house 7% Points:10 out of 135
7	Other 0% Points:0 out of 60	Other 1% Points:1 out of 135	Other 1% Points:1 out of 117	Other 1% Points:1 out of 138	Other 1% Points:2 out of 135

Number of respondents					
Total 195	20	45	39	46	45

Figure 39: Q4.1 Results by stakeholder group

Analysis

The cluster of responses remains true to the overall results (see [Figure 38](#)) in that all stakeholder groups identified governments/ministries as having the greatest responsibility in promoting access to justice in commercial dispute resolution. In fact, the stakeholder groups were almost completely aligned in their responses to this question. All stakeholder groups identified governments/ministries, adjudicative providers and external lawyers respectively as their top three options. This may indicate a perception that those who are operating within the 'traditional' justice system have the greatest responsibility for taking action to promote better access to justice.

Recommendation: Investigate ways for governments/ministries, adjudicative providers and lawyers might work together to promote better access to justice in commercial dispute resolution.

Question 4.2

4.2 What is the most effective way to improve parties' understanding of their options for resolving commercial disputes?

1. Creating collaborative dispute resolution centres or hubs to promote awareness
2. Education in business and/or law schools and the broader business community about adjudicative and non-adjudicative dispute resolution options
3. Procedural requirements for all legal personnel and parties to declare they have considered non-adjudicative dispute resolution options before initiating arbitration or litigation
4. Providing access to experts to guide parties in selecting the most appropriate dispute resolution process(es)
5. Requiring parties to attempt non-adjudicative options (i.e., mediation or conciliation) before initiating litigation or arbitration
6. Other: (please specify)

Results

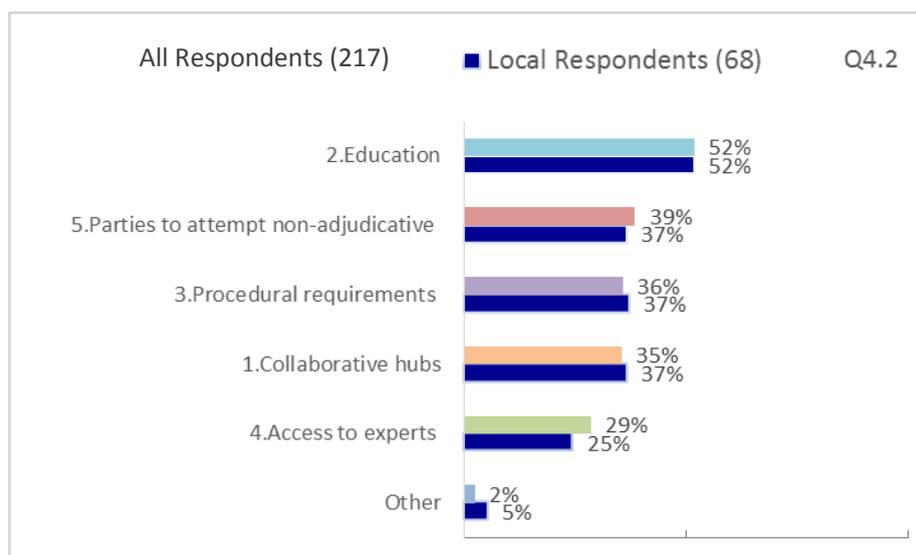


Figure 40: Q4.2 All Respondents vs. Local Respondents

Table 22: Q4.2 All Respondents vs. Local Respondents

Respondents	Option	No. points	Max points	%
All Respondents 3 points: 217 2 points: 207 1 point: 191	2. Education	338	651	52%
	5. Parties to attempt non-adjudicative	251	651	39%
	3. Procedural requirements	233	651	36%
	1. Collaborative hubs	231	651	35%
	4. Access to experts	187	651	29%
	Other	16	651	2%
	Local Respondents 3 points: 68 2 points: 64 1 point: 61	2. Education	106	204
5. Parties to attempt non-adjudicative		75	204	37%
3. Procedural requirements		76	204	37%
1. Collaborative hubs		75	204	37%
4. Access to experts		50	204	25%
Other		11	204	5%

Analysis

This graph shows that there was almost no variance between the pattern of responses from All Respondents and Local Respondents. Further, there was a comparatively small range in the allocation of points across the options. The most popular option was education which was allocated 52% of the points available. The next three options were clustered together and each was allocated between 39%-35% of possible points. The final option was allocated 29%-25% of points possible for the option.

This suggests a perception that education (business/ law schools and broader business community) regarding adjudicative and non-adjudicative dispute resolution options is considered the most effective way to improve parties' understanding of their options for resolving commercial disputes. There is mixed opinion about the remaining options.

Results by stakeholder group

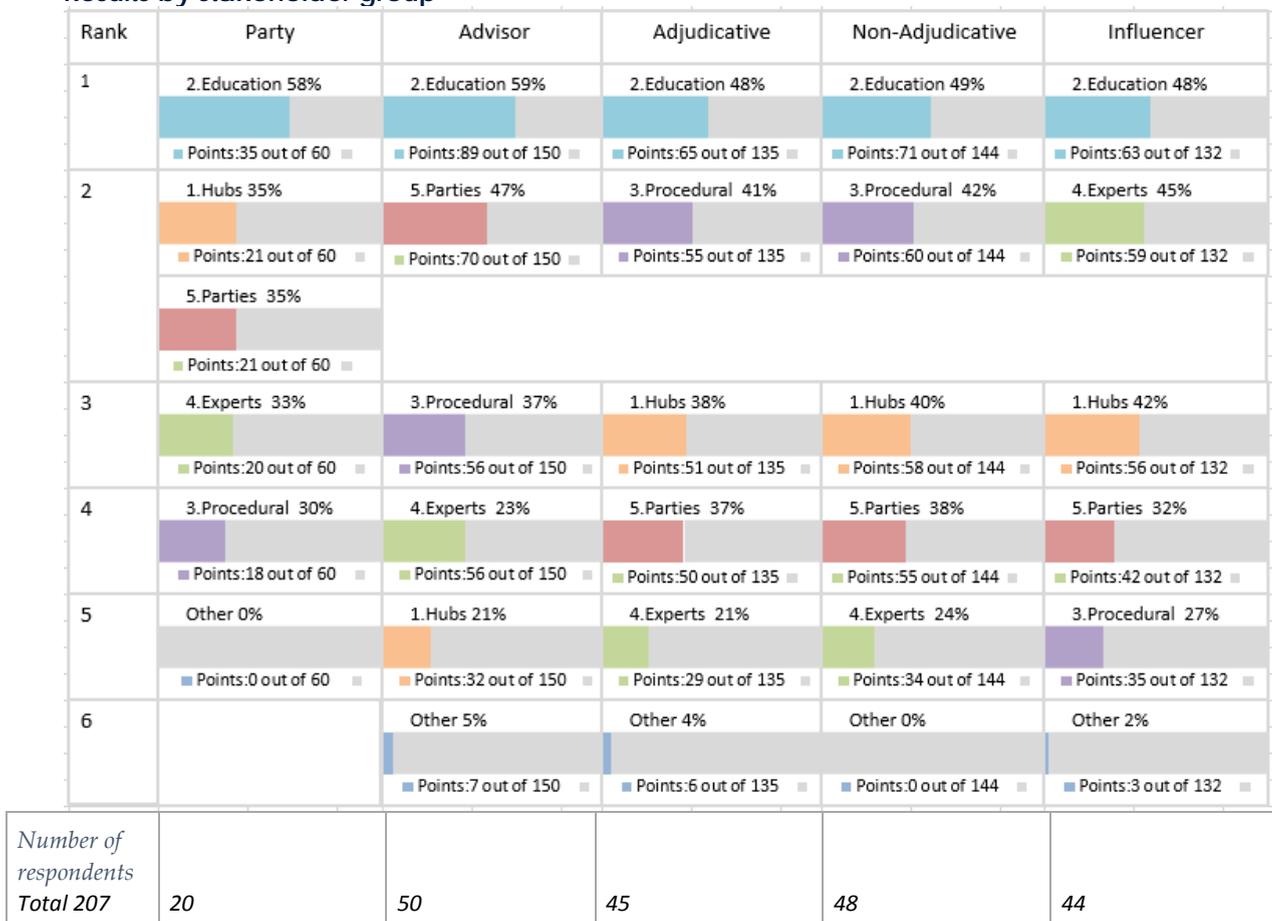


Figure 41: Q4.2 Results by stakeholder group

Analysis

The cluster of responses remains true to the overall results (see [Figure 40](#)) in that education was perceived to be the most effective way to improve parties' understanding of their options for resolving commercial disputes, and there was mixed opinion regarding the remaining options.

Aside from education, parties perceive that any of the options may be effective in improving their understanding. Influencers perceive that options more closely associated with education/information are most effective. Process-focused options appear to be more popular with advisors. Interestingly, for the first time, adjudicative and non-adjudicative providers were almost identical in their responses.

Recommendation: Develop educational resources to assist parties' understanding of their options for resolving commercial disputes.

Recommendation: Draw on existing research or conduct pilot programs to collect evidence to establish which alternatives other than education are the most effective ways to improve parties' understanding of their options for resolving commercial disputes.

Question 4.3

4.3 To promote better access to justice for those involved in commercial disputes, where should policy makers, governments and administrators focus their attention?

1. Legislation or conventions promoting recognition and enforcement of settlements including those reached in mediation
2. Making non-adjudicative processes (mediation or conciliation) compulsory and/or a process parties can “opt-out” of before adjudicative processes can be initiated
3. Pre-dispute or early stage case evaluation or assessment systems using third party advisors who will not be involved in subsequent proceedings
4. Reducing pressures on the courts to make them more efficient and accessible
5. Use of protocols promoting non-adjudicative processes (mediation or conciliation) before adjudicative processes
6. Other: (please specify)

Results

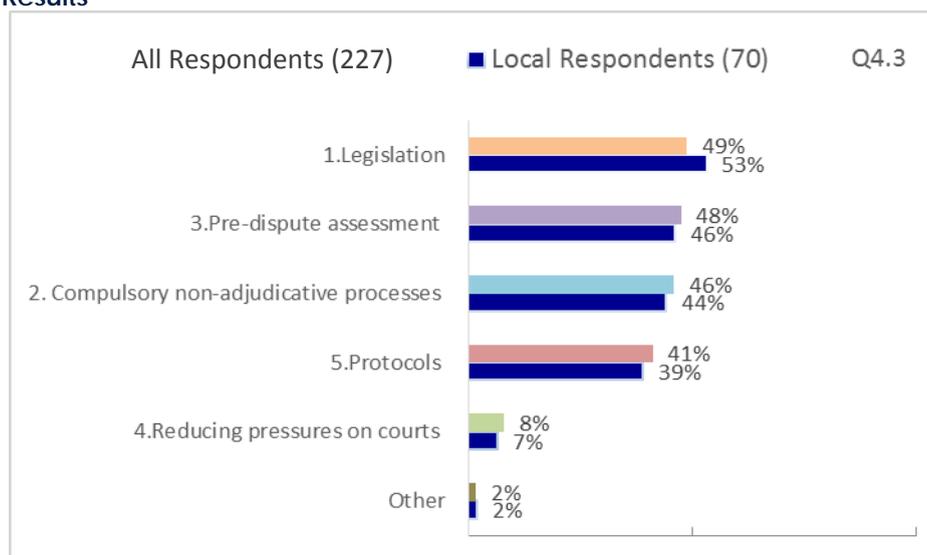


Figure 42: Q4.3 All Respondents vs. Local Respondents

Table 23: Q4.3 All Respondents vs. Local Respondents

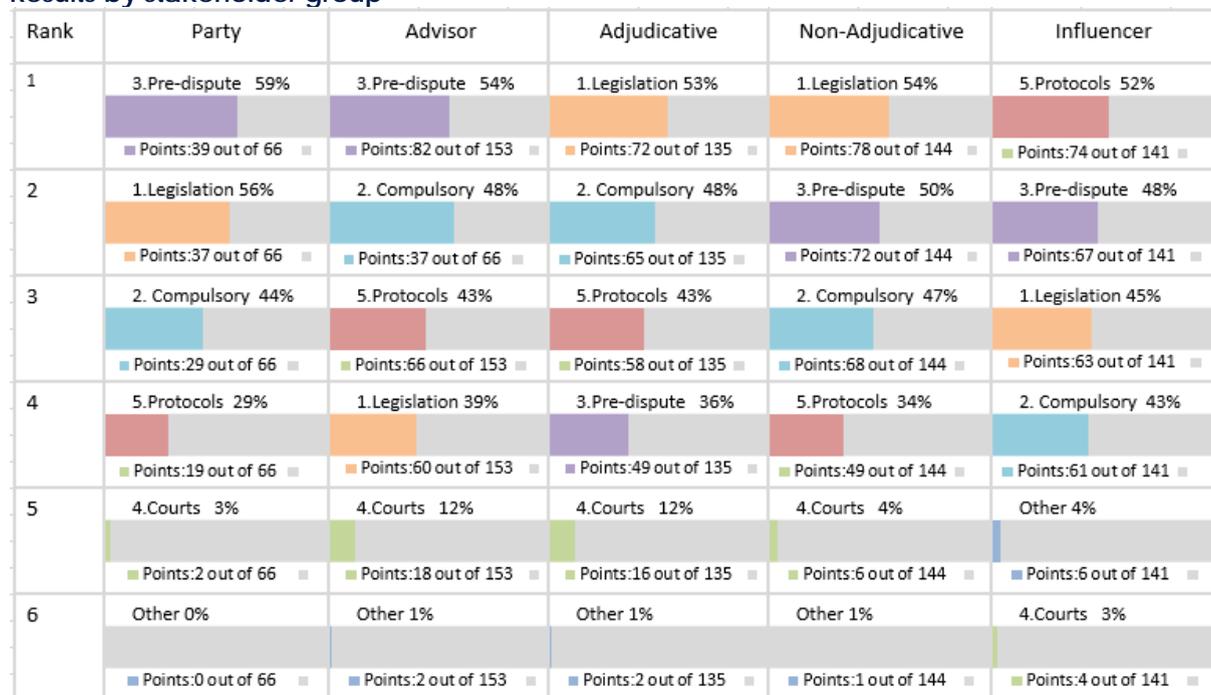
Respondents	Option	No. points	Max points	%
All Respondents 3 points: 227 2 points: 218 1 point: 198	1. Legislation	332	681	49%
	3. Pre-dispute assessment	324	681	48%
	2. Compulsory non-adjudicative processes	313	681	46%
	5. Protocols	281	681	41%
	4. Reducing pressures on courts	54	681	8%
	Other	11	681	2%
Local Respondents 3 points: 70 2 points: 66 1 point: 60	1. Legislation	112	210	53%
	3. Pre-dispute assessment	97	210	46%
	2. Compulsory non-adjudicative processes	93	210	44%
	5. Protocols	82	210	39%
	4. Reducing pressures on courts	14	210	7%
	Other	4	210	2%

Analysis

This graph shows that there was little variance between the pattern of responses from All Respondents and Local Respondents. There is a very slight difference in range of points allocated to the responses for the top four answers. The Singaporeans spread was 53%-39% as compared with All Respondents responses of between 49%-41% across the top four choices. 'Reducing pressures on courts' received less than 10% of the points available.

This suggests an overwhelming perception that to promote access to justice for those involved in commercial disputes, policy makers, government and administrators should not focus their attention on reducing pressures on the courts to make them more efficient and accessible. Otherwise, there is mixed opinion regarding where policy, government and administrators should focus their attention. There is a very slight inclination on behalf of the Singaporeans in favour of legislation. This is only notable because of the uniformity of the other responses.

Results by stakeholder group



Number of respondents Total 213	22	51	45	48	47
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Figure 43: Q4.3 Results by stakeholder group

Analysis

All stakeholder groups appear to perceive that that to promote access to justice for those involved in commercial disputes, policy makers, government and administrators should not focus their attention on reducing pressures on the courts to make them more efficient and accessible. This is consistent with the combined results (see [Figure 42](#)). Each of the stakeholder groups appears to have different opinions about the areas that government, policy makers and administrators should focus their attention when attempting to promote better access to justice in commercial dispute resolution.

Parties perceive that policy makers etc., should focus their attention on pre-dispute or early stage case evaluation or assessment systems using third party advisers who will not be involved in subsequent proceedings. Alternatively, to promote better access to justice, they

suggest a focus on legislation or conventions promoting recognition and enforcement of settlements including those reached in mediation. In comparison, parties perceive the use of protocols promoting non-adjudicative processes (mediation or conciliation) before adjudicative processes as an area that should receive significantly less attention. Interestingly, influencers (the stakeholder group which includes policy makers, governments and administrators) sit in contrast to parties and perceive protocols promoting mediation and conciliation as the first option on which they should focus their attention.

Recommendation: Investigate ways that policy makers, governments and administrators might draw on the perspectives or expertise of the all stakeholders, particularly parties, when developing initiatives to promote access to justice for those involved in commercial disputes.

Question 4.4

4.4 Which of the following will have the most significant impact on future policy-making in commercial dispute resolution?

1. Demand for certainty and enforceability of outcomes
2. Demand for increased efficiency of dispute resolution processes, including through technology.
3. Demand for increased rights of appeal/oversight of adjudicative providers
4. Demand for increased transparency
5. Demand for increased uniformity and standardisation
6. Demand for processes that allow parties to represent themselves, without lawyers
7. Other: (please specify)

Results

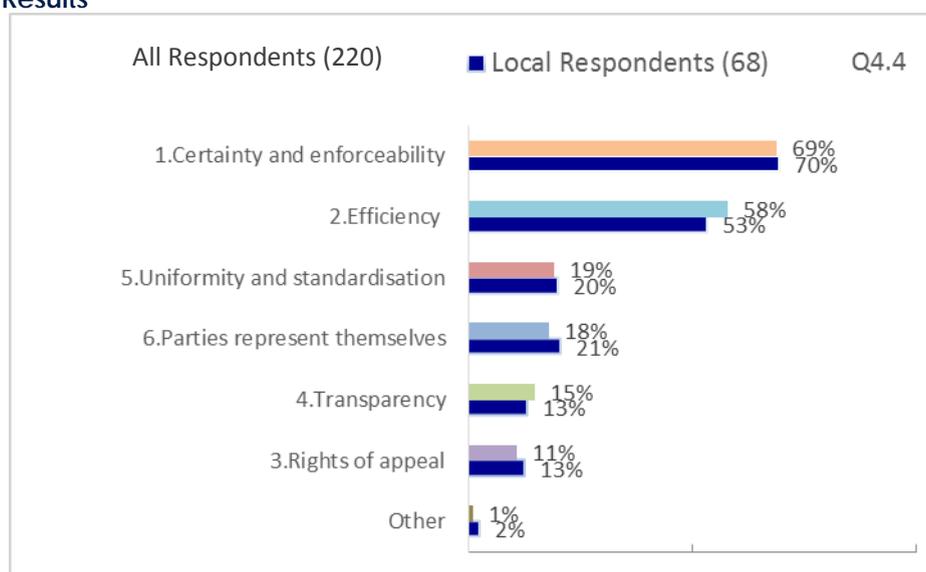


Figure 44: Q4.4 All Respondents vs. Local Respondents

Table 24: Q4.4 All Respondents vs. Local Respondents

Respondents	Option	No. points	Max points	%
All Respondents 3 points: 220 2 points: 210 1 point: 184	1. Certainty and enforceability	456	660	69%
	2. Efficiency	383	660	58%
	5. Uniformity and standardisation	127	660	19%
	6. Parties represent themselves	120	660	18%
	4. Transparency	98	660	15%
	3. Rights of appeal	72	660	11%
	Other	8	660	1%
	Local Respondents 3 points: 68 2 points: 64 1 point: 60	1. Certainty and enforceability	142	204
2. Efficiency		109	204	53%
5. Uniformity and standardisation		41	204	20%
6. Parties represent themselves		42	204	21%
4. Transparency		27	204	13%
3. Rights of appeal		26	204	13%
Other		5	204	2%

Analysis

This graph shows that certainty and enforceability receive approximately 70% of the possible points for the option. The next most popular option was efficiency. Respondents allocated a little more than half of the available points to this option. The remaining options ranged between 20%-11%.

This suggests a strong perception that demand for certainty and enforceability of outcomes, and demand for increased efficiency of dispute resolution processes (including through technology) will have the most significant impact on future policy-making in commercial dispute resolution. The remaining options are perceived as being similarly less likely to have the most significant impact on future policy making.

Results by stakeholder group

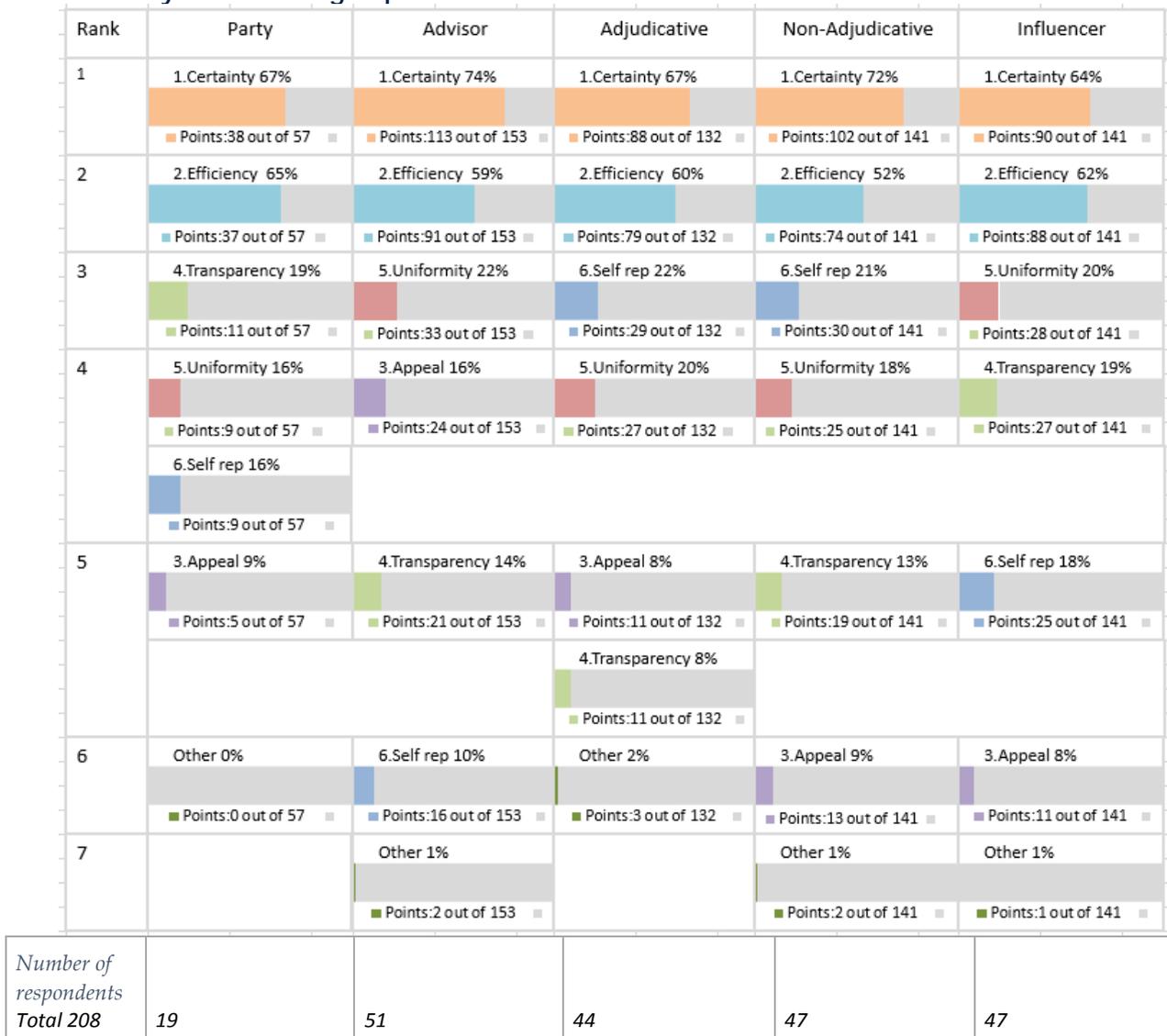


Figure 45: Q4.4 Results by stakeholder group

Analysis

The cluster of responses remains similar to the overall results (see [Figure 44](#)) in that all stakeholder groups perceive that demand for certainty and enforceability of outcomes, and demand for increased efficiency of dispute resolution processes (including through technology) respectively, will have the most significant impact on future policy-making in commercial dispute resolution. The remaining options show mixed opinion across several

areas, none of which are perceived as likely to have the most significant impact on future policy making.

Recommendations: Investigate the drivers behind the demand for certainty and enforceability of outcomes, and the demand for efficiency of dispute resolution processes (including through technology) to inform future policy making.

Question 4.5

What innovations/trends are going to have the most significant influence on the future of commercial dispute resolution?

1. Changes in corporate attitudes to conflict prevention
2. Enhanced understanding regarding how people behave and resolve conflict (e.g. from brain and social sciences)
3. Greater emphasis on collaborative instead of adversarial processes for resolving disputes
4. Greater emphasis on personal wellbeing and stress reduction of parties
5. Harmonisation of international laws and standards for dispute resolution systems
6. Technological innovation (e.g. on-line dispute resolution)
7. Other (please specify)

Results

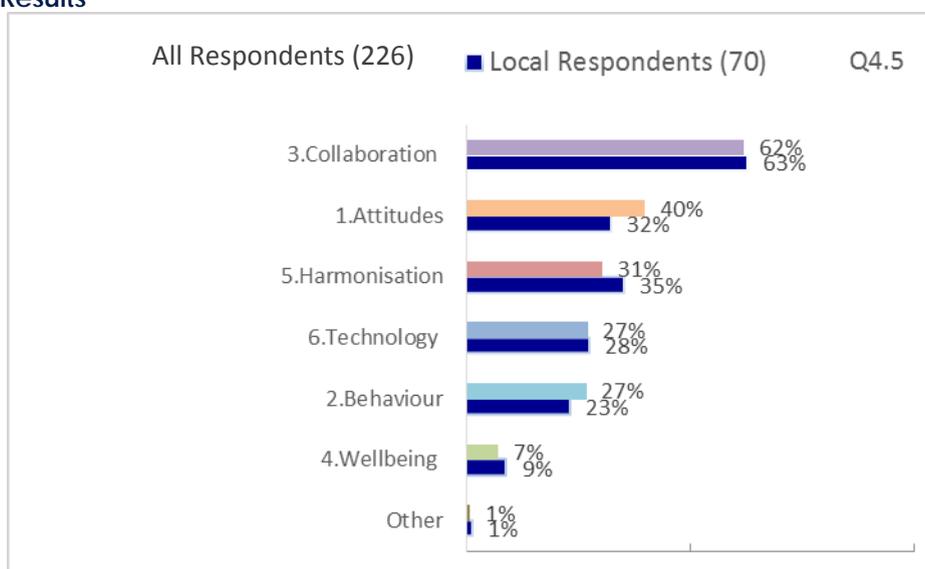


Figure 46: Q4.5 All Respondents vs. Local Respondents

Table 25: Q4.5 All Respondents vs. Local Respondents

Respondents	Option	No. points	Max points	%
All Respondents 3 points: 226 2 points: 219 1 point: 205	3.Collaboration	422	678	62%
	1.Attitudes	271	678	40%
	5.Harmonisation	207	678	31%
	6.Technology	184	678	27%
	2.Behaviour	182	678	27%
	4.Wellbeing	49	678	7%
	Other	6	678	1%
Local Respondents 3 points: 70 2 points: 66 1 point: 61	3.Collaboration	132	210	63%
	1.Attitudes	68	210	32%
	5.Harmonisation	74	210	35%
	6.Technology	58	210	28%
	2.Behaviour	49	210	23%
	4.Wellbeing	19	210	9%
	Other	3	210	1%

Analysis

This graph shows that there is a slight variance between the pattern of responses from All Respondents and Local Respondents. Respondents allocated a little under two thirds of the points available for each option to collaboration. Attitudes and harmonisation were the next most popular options. However, the order and allocation of points varied between All Respondents and Local Respondents. All Respondents allocated 40%-31% to attitudes and harmonisation respectively. The Singaporeans allocated 35% of points possible to harmonisation and 32% of available points to attitudes. The next most popular options were technology and behaviour. The allocation of points to each option ranged from 28%-23%. Wellbeing received less than 10% of the points available to the option.

This suggest a general perception that a greater emphasis on collaborative rather than adversarial processes for resolving disputes is going to have the most significant influence on the future of commercial dispute resolution. All respondents perceive that changes in corporate attitudes to conflict prevention will be more likely to have an influence than harmonisation of international laws and standards for dispute resolution systems, technological innovations (e.g. ODR), or the enhanced understanding about how people behave and resolve conflict (e.g. brain and social science). Comparatively, the Singaporeans see changes in corporate attitudes as being as likely to have the most significant influence as harmonisation of international laws and standards.

Results by stakeholder group

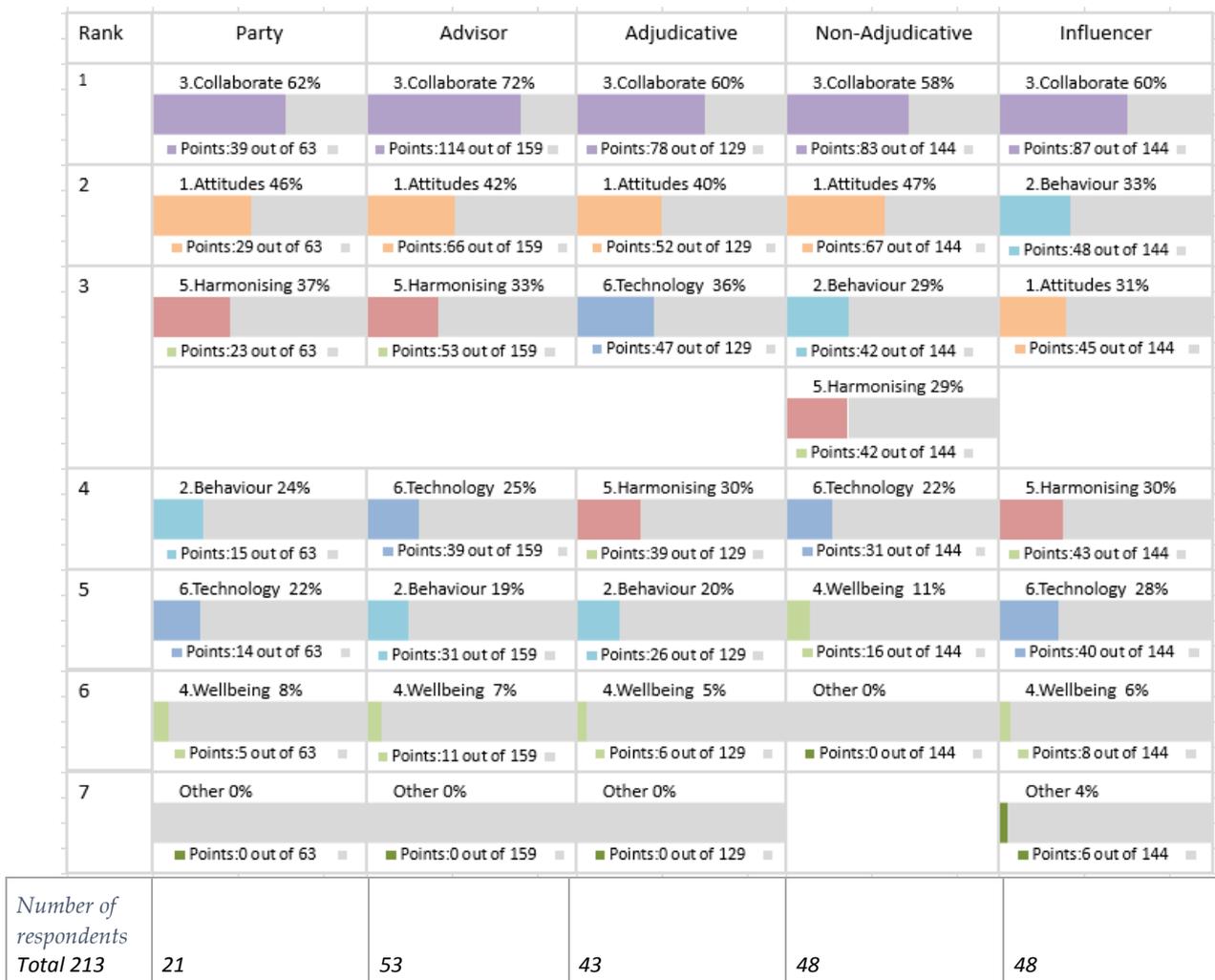


Figure 47: Q4.5 Results by stakeholder group

Analysis

All stakeholder groups appear to perceive that a greater emphasis on collaborative rather than adversarial processes for resolving disputes is going to have the most significant influence on the future of commercial dispute resolution. This was most pronounced for advisors. With the exception of influencers, stakeholders perceive that changes in corporate attitudes to conflict prevention will also be likely to have a significant influence. There was mixed opinion about the extent to which other areas will have a significant influence. Interestingly, and for the first time, parties and advisors are closely aligned in their choice of options.

Recommendation: Investigate ways to place a greater emphasis on the use of collaborative processes in preference to adversarial processes in commercial dispute resolution.

Recommendation: Investigate the extent to which a greater emphasis on collaborative processes may impact corporate attitudes to conflict prevention and/or the harmonisation of international laws and standards.

Question 4.6

4.6 A vision for the future of commercial dispute resolution, including innovations and reforms that you think are likely to promote and/or improve access to justice

1. Describe the **short term** measures for achieving this vision for commercial dispute resolution (1-5 years)
2. Describe the **medium term** measures for achieving this vision for commercial dispute resolution (6-10 years)
3. Describe the **long term** measures for achieving this vision for commercial dispute resolution (>10 years)

Word Cloud: What words would you use to describe the changes to commercial dispute resolution which should be focused on in the future?

Analysis of open text responses

The hierarchy below is a synthesis of the delegate responses from the Open Text Question (OTQ) 4.6 at GPC Singapore. The hierarchy is a measure that describes a vision for the future of commercial dispute resolution, including innovations and reforms likely to promote and/or improve access to justice. For more information on the method used to develop the hierarchy, please refer [Methodology](#) section of this report.

When considering the OTQs and the development of the hierarchies, it is important to note that the data collection did not allow for the isolation of local responses. However, as identified in the analysis of the Multiple Choice Questions (MCQs), the patterns of response across the All and Local Respondent groups were highly consistent. As such, it seems likely that little, if any, significant variation would have emerged from the OTQs had it been possible to isolate the local responses.

Table 26 Session 4 Hierarchy

HIERARCHY DESCRIBING THE FUTURE OF COMMERCIAL DISPUTE RESOLUTION, INCLUDING INNOVATIONS AND REFORMS LIKELY TO PROMOTE AND/OR IMPROVE ACCESS TO JUSTICE

Vision for the future of Commercial Dispute Resolution - short term (1-5 years)

In the short term (1-5 years) the promotion and dissemination of information about the range of dispute resolution processes will be prioritised. Importantly, dissemination will be considered more broadly to include those who are likely to become parties or users of commercial dispute resolution processes. One way to achieve this will be through an increased use of technology. To assist the change process, it will be useful to develop frameworks to help guide thinking and practice. An important part of this will be establishing a baseline so that progress, impact and effectiveness can be measured over time. Initiatives like the GPC may assist with this. Alternatively, governments or judicial systems may introduce incentives, targets or requirements to facilitate the use of non-adjudicative process in the first instance or in combination with adjudicative process. This will require dedicated training and education packages for both providers and advisors.

Vision for the future of Commercial Dispute Resolution - medium term (6-10 years)

In the medium term (6-10 years) the divide between litigious and non-litigious dispute resolution will begin to dissolve. To this extent there will be a shift from 'Alternative Dispute Resolution' to the notion of 'Appropriate Dispute Resolution'. Dispute resolution training will be embedded in the tertiary curriculum and law/business graduates will be well versed in the options available to them for resolving commercial disputes. Providers and advisors will play a more supportive or collaborative role and their function will be to promote party autonomy wherever possible. More broadly, dispute resolution will be understood or conceptualized beyond the commercial context. Administrative bodies, tribunals and community organisations will take an active role in fostering public awareness and facilitating access to justice. High quality advisors and providers will be integral to such initiatives and training and accreditation programs will be standardised to ensure best practice is aligned with legislative reforms. Research programs to evaluate the effectiveness of these initiatives will be underway and focused on developing a strong evidence-base for the future development of dispute resolution. Technology will be starting to become common place and used to reduce burdens associated with administration and/or remoteness.

Vision for the future of Commercial Dispute Resolution - long term (>10 years)

In the long term (> 10 years) the development and use of community mediation centres or dispute resolution hubs will be mainstream. To this extent the principle of the multi-door courthouse will become a reality. These hubs will give effect to the notion of "Appropriate Dispute Resolution" such that dispute resolution processes recommended are matched to the dispute presented. On-going monitoring and assessment of dispute resolution processes will be integrated into the justice system. Dispute Resolution will be a grass roots movement which is embedded in the broader education system. Communities will draw on leaders trained in dispute resolution to support the resolution of disputes at a local level. This will minimise costs and delay. To this extent dispute prevention and early intervention strategies will be common place. Dispute mechanisms will strike a balance between responding to local needs and facilitating cross jurisdictional disputes. Treaties or agreements will be in place to ensure enforceability of outcomes across borders. Technological innovation will play a major role in facilitating the resolution of commercial disputes at both a local and global level.

How to use the Session 4 Hierarchy

The measure above can be used by different stakeholders for a variety of purposes including, but not limited to, the following:

1. Parties/Users may use the hierarchy to:

- a. Provide feedback on the extent to which the vision has impacted on their experience of access to justice
2. Advisors and Providers may use the hierarchy to:
 - a. Identify and prioritise actions that are consistent with the plan for the future.
 - b. Participate in professional development that aligns with the vision for the future
 - c. Embed structures in their business models that are consistent with the short, medium and long term vision
 - d. Partner with schools and community to facilitate the achievement of the long term vision
3. Influencers may use the hierarchy to:
 - a. Develop an actionable plan to achieve the short, medium and long term vision for the future of commercial dispute resolution
 - b. Monitor or assess the progress of the implementation of the plan
 - c. Stimulate multi-jurisdictional collaboration between others in the GPC Series

The Session 4 Core Questions: The relationship between the MCQs and the OTQs

When the hierarchy and the analysis from the MCQs are considered as a whole, they provide a plan for the future of commercial dispute resolution in the short, medium and long term.

It may prove valuable for those stakeholders in positions of influence; government/ministries, adjudicative providers and external lawyers (Q4.1 and Session 3) to draw on these findings to develop a plan make the vision for the future a reality.

For example, the MCQs identified education (Q4.2) and collaboration (Q4.5) as likely to have an impact or influence on the future of commercial dispute resolution. The OTQs provide guidance on the different ways in which this may occur in the short, medium and long term.

In Session 3, the importance of enforceability of outcomes to the future of commercial dispute resolution emerged. This theme appeared again in Q4.3, Q4.4 and Q4.6. This highlights enforceability as an issue that is not going to go away and as such needs to be prioritised.

Implication: Session 4 highlights the consensus between stakeholder groups that education, increased use of collaborative processes, and the development of mechanisms to enforce outcomes are central to the future of commercial dispute resolution. It also identifies that governments/ministries of justice, adjudicative providers and external lawyers are perceived as having the most responsibility for taking action to promote better access to justice. Therefore, it appears crucial that those identified as being in positions of responsibility consider the findings from Session 4, if the vision described by the delegates at GPC Singapore 2016 is to be achieved.

Delegate Information

Delegate Information Collection

As part of the registration process, participants at GPC Singapore were asked to provide information in relation to:

- Their stakeholder category
- The number of disputes in which they have been involved
- The type of dispute processes in which they are typically involved
- The jurisdiction in which they typically work as their nominated stakeholder type
- The number of employees within their organisations
- Their gender

The purpose of collecting this information is to identify, and potentially control for, characteristics that may influence delegate responses.

In keeping with the Live Results generated during each conference, this report has presented the overall event voting pattern for each of the 'Core Questions' (multiple choice and open text) within each session, as well as the voting 'sorted' by stakeholder group. This report has also shown the correlation between the overall event voting patterns (All Respondents) and the voting patterns of delegates operating within the 'local' jurisdiction (Local Respondents). Results controlling for other delegate characteristics have been provided where a statistically significant variation was identified.

The total number of respondents who participated in the data collection was three hundred and sixty-seven (367). A limitation of this event was the low response rate to the Delegate Information questions. As shown in the table below, only approximately half of the delegates completed these questions.

Table 27: Delegate Information Response Rates

Delegate Information	Valid Responses	Missing	Percentage
stakeholder group	338	29	92%
number of disputes	173	194	47%
kinds of disputes	174	193	47%
jurisdiction	174	193	47%
size of organisation	174	193	47%
gender	173	194	47%
Number of respondents (367)			

It is likely that the reason for this related to the design of the GPC App. In Singapore, the GPC App captured the Delegate Information independently of the Core Questions (multiple choice and open text). To analyse responses to the Core Questions with reference to the Delegate Information, the two sets of data needed to be matched using email addresses. This was because email addresses were the unique identifier for both the Delegate Information

and the Core Questions. The reason why the 'stakeholder group' (see [Table 27](#)) was not affected is because delegates were required to 'confirm their stakeholder category' in order to access the Core Questions. This was built in to the GPC App to enable the 'cross-sorting' function for the Live Results.

Recommendation: Add a function to the GPC App to ensure delegates cannot complete Core Questions until they have entered their Delegate Information. If this is not feasible, moderators must be advised of the potential for delegate information to be lost. Moderators need to build in reminders across the event to encourage participants to complete the Delegate Information in the GPC App.

Recommendation: Use preliminary indications provided by significance testing for each of the delegate categories to identify priorities for investigation.

Respondents by Delegate Information

Respondents by stakeholder category

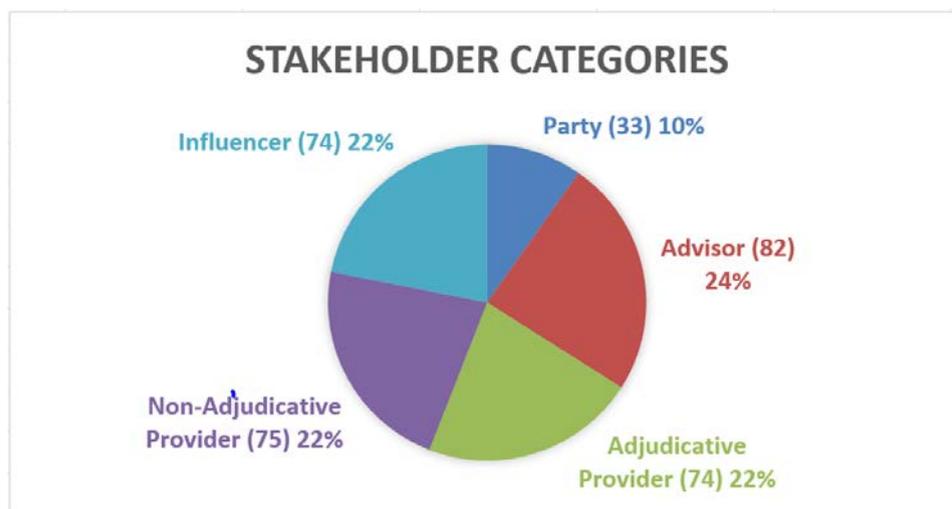


Figure 49: Respondents by stakeholder categories

There were 338 delegates who identified their stakeholder group. The distribution of delegates across stakeholder categories was relatively even, with the exception of the 'party' stakeholder category. Within this report, each Multiple Choice Question (MCQ) from the Core Questions will be analysed with reference to stakeholder category.

Recommendation: Increase efforts to attract parties to future GPC events.

Recommendation: Continue to investigate the extent to which stakeholder group impacts on the patterns of response to the MCQs.

Respondents by number of disputes

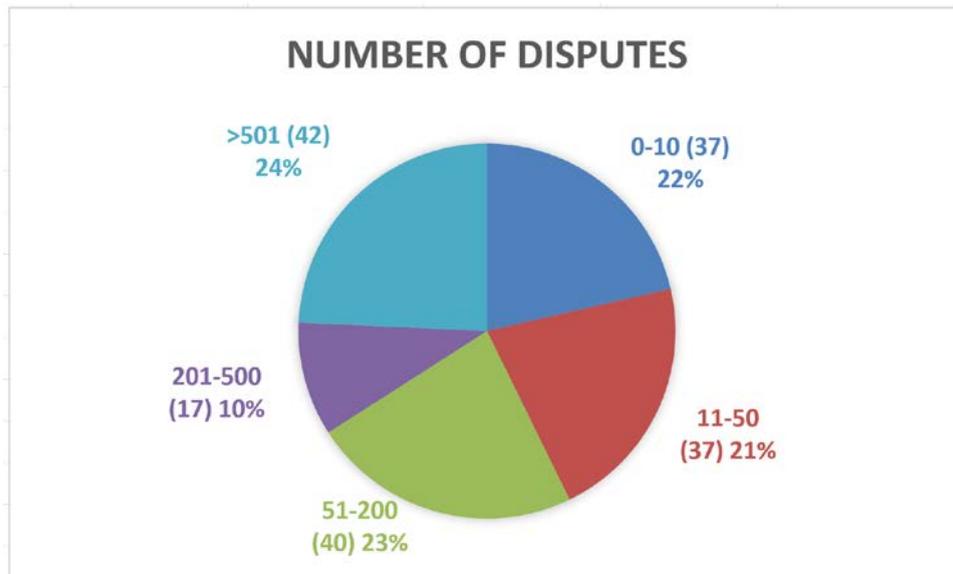


Figure 50: Respondents by number of disputes

Of the respondents that could be matched by email address, there was a spread in the number of disputes within which the delegates had participated. This indicates that the data collected is representative of a broad cross-section of experience.

Recommendation: Investigate the extent to which the level of experience impacts the patterns of response to the MCQs.

Respondents by type of dispute resolution process

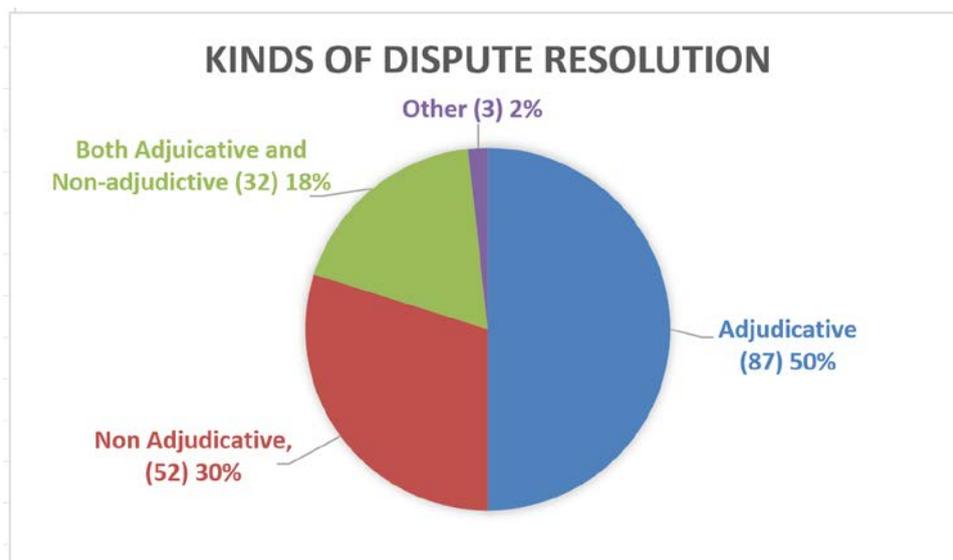


Figure 51: Respondents by kinds of dispute process in which typically involved

Of the respondents that could be matched by email address, half were typically working with commercial disputes within an adjudicative context. The breakdown of the types of adjudicative processes is shown below. Of those involved in adjudicative processes, approximately half specified that they were involved predominantly with litigation.

Approximately one third of respondents identified as engaging in non-adjudicative processes, and the majority of these identified themselves as operating within a mediation context.

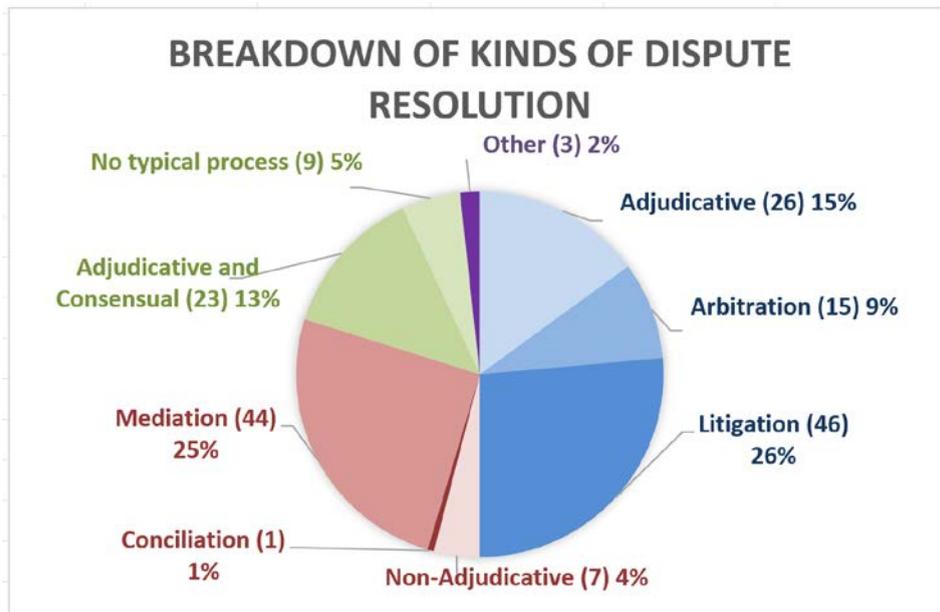


Figure 52: Respondents by kinds of dispute process in which typically involved - breakdown

When interpreting the results, including the discussion questions, it should be kept in mind that 68% of respondents identified adjudicative processes as constituting between half and all of the processes in which they were typically involved.

Recommendation: Investigate the extent to which the kinds of dispute process with which a delegate is typically involved impacts on the patterns of response to the MCQs.

Respondents by Jurisdiction

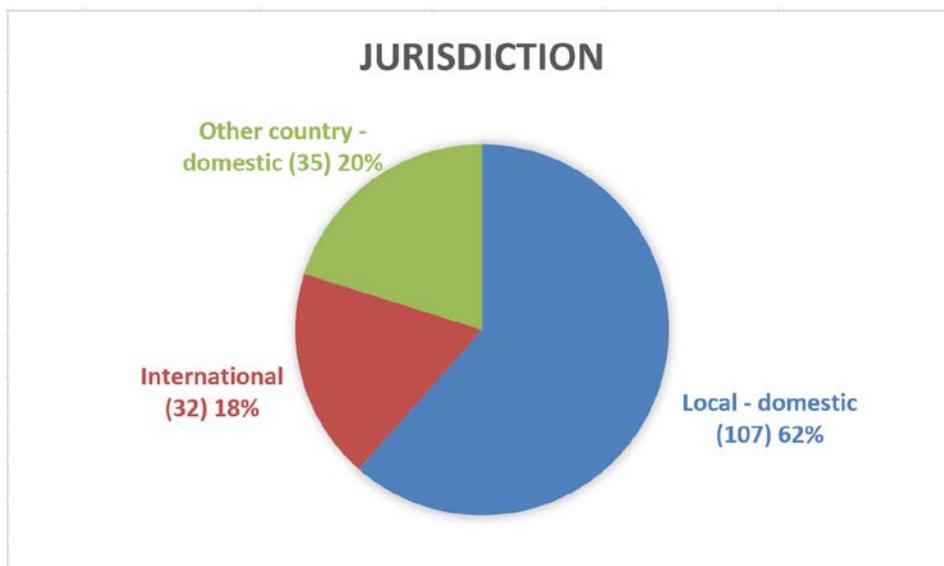


Figure 53: Respondents by jurisdiction

Of the respondents that could be matched by email address, more than half identified themselves as operating within the local Singaporean jurisdiction. In order to identify

patterns specific to Singapore, each multiple choice question (MCQ) is analysed with reference to responses provided by those who identified as operating within the local Singaporean jurisdiction.

Recommendation: Investigate the extent to which jurisdiction impacts on the patterns of response to the MCQs.

Respondents by organisation size

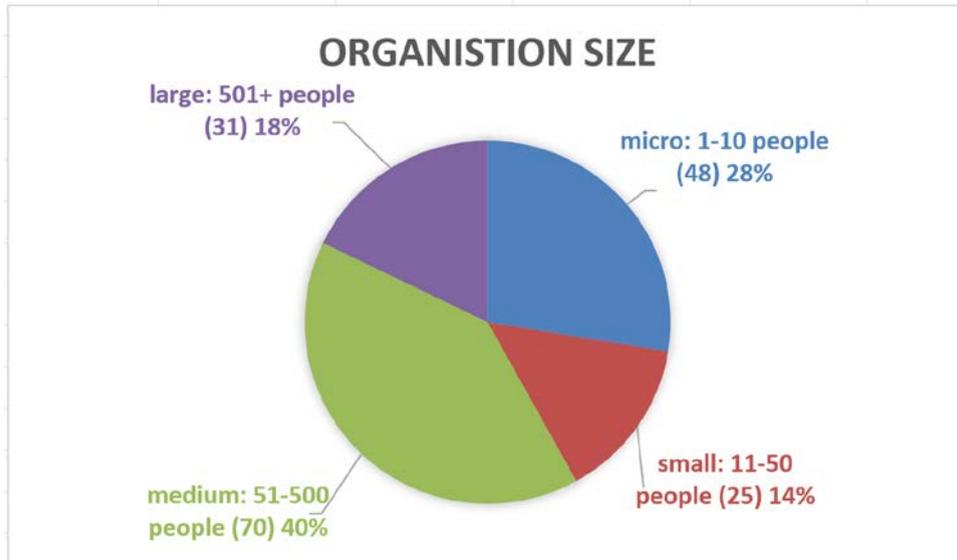


Figure 54: Respondent by organisation size

Of the respondents who could be matched by email address, almost 70% were from either micro (28%) or medium sized (40%) business. A breakdown of the variations within organisation size can be seen in [Figure 55](#). Here we can see that 60% of the respondents are spread relatively evenly across micro sized organisations and organisations of between 151-500 employees.

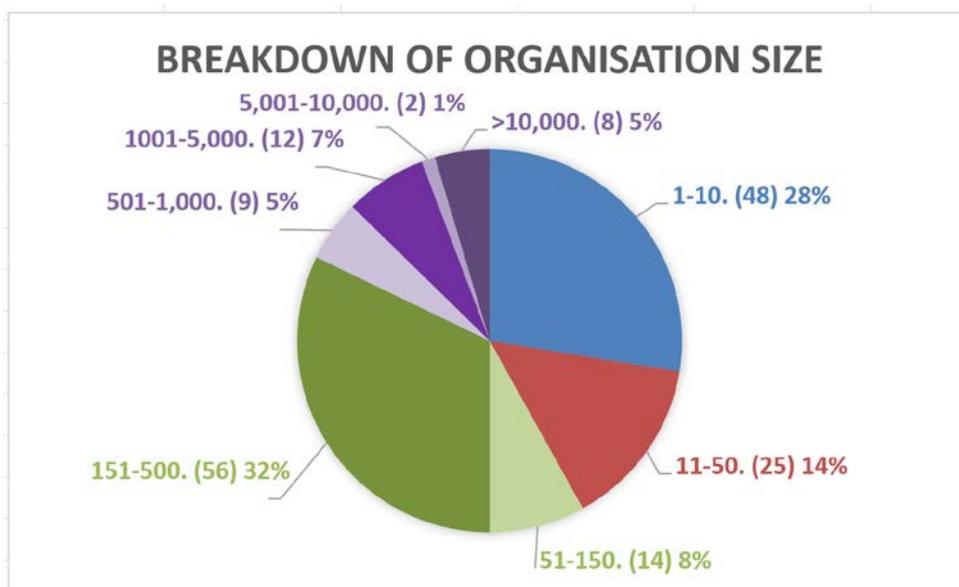


Figure 55: Respondent by organisation size - breakdown

Recommendation: Investigate the extent to which the size of the organisations within which the respondents work impacts on the patterns of response to the MCQs.

Respondents by gender

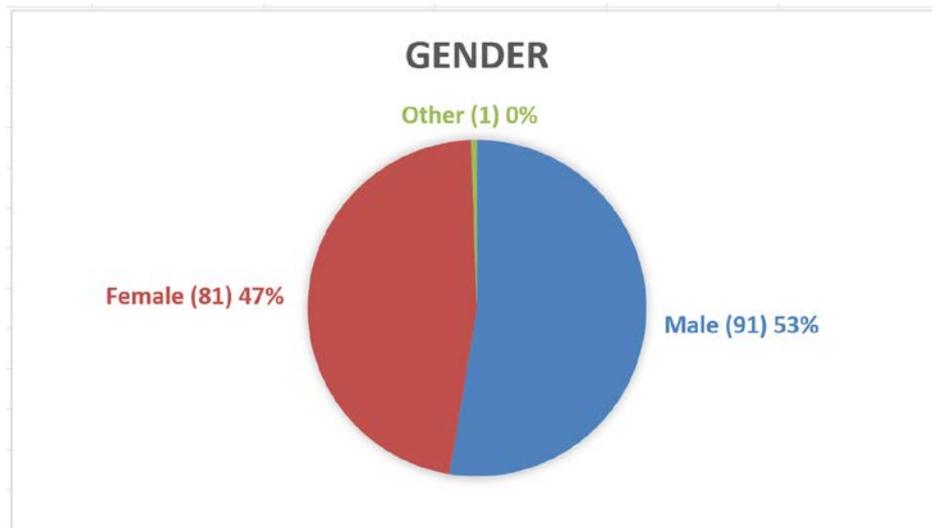


Figure 56: Respondents by gender

Of the respondents that could be matched by email address, there was a relatively even spread across males and females. There was also one respondent that identified as 'other'.

Recommendation: Investigate the extent to which gender identification impacts on the patterns of response to the MCQs.

Chi-square Analysis

Chi-square analysis testing was completed for each delegate characteristic (variable) for responses collected during session 1. The analysis was conducted to find out whether there were statistically significant differences between voting patterns across variables. As discussed in the limitations section of this report, approximately half of the delegates failed to provide delegate information other than their stakeholder group. Consequently, the findings in this section of the report must be treated as preliminary or indicative only.

For each delegate characteristic, chi-square testing was conducted. Based on the results a table was generated showing the p value, Cramer V value and options identified as showing significant variance between options within a delegate category. The high degree of significance is indicated by the very low p values, that is 0.05 or less. The size or strength of the difference (effect size) is indicated by the value of Cramer V. Numerical values for effect sizes vary according to the number of options within the given variable. For example:

- Effect size for 5 options
 - Small: 0.05
 - Med: 0.15
 - Large: 0.25

- Effect size for 3 options
 - Small: 0.07

- Med: 0.21
- Large: 0.35

- Effect size for 2 options
 - Small: 0.1
 - Med: 0.3
 - Large: 0.5

For more information about chi-square testing see:

- [http://tartarus.ed.utah.edu/users/daniel.olympia/prelim%20readings/Articles/School%20Psychology%20Research/Volker%20\(2006\).pdf](http://tartarus.ed.utah.edu/users/daniel.olympia/prelim%20readings/Articles/School%20Psychology%20Research/Volker%20(2006).pdf) pp665-666
- <http://www.real-statistics.com/chi-square-and-f-distributions/effect-size-chi-square/>

Stakeholder group

The analysis suggests that the patterns of response differed for the five stakeholder groups. All questions that showed significant differences are listed in the table below. Where the stakeholder group chose an option more frequently (+7%) relative to the other groups, the option is listed and highlighted in green. Options given relatively less (-7%), priority than for the other stakeholder groups are shown in red.

In all cases, the statistical significance was strong. The number of respondents ideally should be greater for doing this analysis for a number of groups, as the total points were often low for a single group choosing a single option. This resulted in the size of the effect being small with, on average, around 20% variation across groups calculated for each question as a whole. However, as an early indication, the variation is of interest and by increasing the number of respondents, stronger results are likely to be found. This may be a possibility as more GPC events are held.

Table 29: Chi-square analysis by stakeholder groups for Session 1

	p value	Effect size Cramer V		Stakeholder				
				Party	Advisor	Adjudicative	Non-adjudicative	Influencer
Q1.1	.000	.10	more	5.Relationship	2.Financial	2.Financial	1.Action 4.Psychological	
			less	4.Psychological		1.Action	2. Financial 5.Relationship	2. Financial
Q1.2	.000	.11	more	6.Realtionships	2.Advice 3.Efficiency	3.Efficiency 5.Predictability	6.Relationships	4.Industry
			less	1.Advice	2.Confidentiality 4.Industry	1.Advice 6.Relationships	5.Predicatbility	3.Efficiency
Q1.3	.000	.11	more	1.Familiarity	4.Relationship 5.Type	3.Costs	1.Familiarity	1.Familiarity

			less		1.Familiarity 3.Costs	4.Relationship	5.Type	5.Type
Q1.4	.000	.09	more	1.Party/Party 3.Party/ Provider	3.Party/ Provider		2.Provider/ Party 5.Guidance	5.Guidance
			less	2.Provider/ Party	2.Provider/ Party 5.Guidance		1.Party/Party 3.Party/ Provider	3.Party/ Provider
Q1.5	.004	.08	more	4.Collaborativ e	5.Advocates	6.No lawyers	1.Coaches 3.Experts	
			less	5.Advocates	3.Experts		5.Advocates	

The results shown in the table above supports the visual analysis completed for each of the stakeholder sorted charts provided for Session 1.

Number of disputes

Delegates were grouped according to the number of cases they have been involved in as a measure of their experience. For Q1.1, Q1.2 and Q1.3 there was a high degree of significance with small effect sizes (lying between .05 and .15). Q1.4 and Q1.5 failed to show an overall degree of significance for the question. However, details of individual response options that showed as statistically significant have been identified.

Table 30: Chi-square analysis by number of disputes for Session 1

	p valu e	Effect size Crame r V		Experience: number of cases involved in				
				0-10	11-50	51-200	200-500	>500
Q1.1	.003	.11	more	5.Relationship		3.Judicial	3.Judicial	3.Judicial
			less	3.Judicial	3.Judicial			
Q1.2	.011	.11	more	2.Confidentialit y	2.Confidentialit y			5.Predictabilit y
			less			2.Confidential ity	2.Confidentiali ty	
Q1.3	.001	.12	more	4.Relationship	4.Relationship	2.Industry		5.Type
			less	5.Type	3.Costs			4.Relationship
Q1.4	.096	n/a	more	1.Party/Party	1.Party/Party			2.Provider/ Party
			less	2.Provider/ Party		1.Party/Party	1.Party/Party	1.Party/Party
Q1.5	.263	n/a	more	2.Advisors				
			less					

Kinds of dispute process

There is a small but significant difference to the patterns of response based on the kinds of dispute processes with which delegates are typically involved. In particular, the most significant differences can be found in the responses to Q1.3, Q1.4 and Q 1.5.

Table 31: Chi-square analysis by kinds of dispute process for Session 1

Question	p value	Effect size Cramer V		Type of experience		
				Adjudicative	Non-adjudicative	Atypical or both
Q1.1	.035	.08	more	2.Financial	4.Psychological	
			less	4.Psychological	2.Financial	
Q1.2	.043	.11	more	3.Efficiency	6.Relationships	
			less		3. Efficiency	
Q1.3	.001	.13	more	2.Industry 5.Type	3.Costs	
			less	3.Costs	5.Type	2.Industry
Q1.4	.000	.15	more	1.Party/Party 3.Party/Provider	2.Provider/Party 5.Guidance	
			less	2.Provider/Party 5.Guidance	3.Party/Provider	1.Party/Party
Q1.5	.001	.14	more	5.Advocates	3. Experts 6.No lawyers	
			less	3.Experts	5.Advocates	6.No lawyers

Jurisdiction

The statistical tests on jurisdiction confirmed the visual analysis of Session 1. With the exception of Q1.1 there were no measurable differences between the responses for the local (Singaporean), international, and local (other) delegates. However, details of individual response options showing as statistically significant have been identified. Note that Q1.4 showed no variance.

Table 32: Chi-square analysis by jurisdiction for Session 1

Question	p value	Effect size Cramer V		Jurisdiction		
				Local (Singapore)	International	Local (other country)
Q1.1	.036	.10	more		5.Relationship	
			less			
Q1.2	.065	No significant difference overall	more		4.Industry	
			less	4.Industry		
Q1.3	.335	No significant difference overall	more	5.Type	1.Familiarity	
			less	1.Familiarity	5.Type	
Q1.5	.495	. No significant difference overall	more		3. Experts	

Size of organisation

Q1.3 and Q1.4 showed small but significant differences between the responses of delegates according to organisation size. There was no significant difference overall for Q1.2 and Q1.5. However, there was a significant difference for a single option. There was no difference for Q1.1.

Question	p value	Effect size Cramer V		Size of organisation		
				Small (<50)	Medium (50 to 500)	Large (>500)
Q1.2	.582	No significant difference overall	more			
			less			4.Industry
Q1.3	.000	.14 (small)	more			Other
			less			
Q1.4	.001	.13 (small)	more	4.Provider/ Provider	1.Party/Party	3.Party/Provider
			less	1.Party/Party		4.Provider/ Provider
Q1.5	.090	No significant difference overall	more	6.No lawyers		
			less			

Gender

The analysis of response patterns by gender group shows almost no variation, with only Q1.3 showing a significant but small difference. In Q1.1 and Q1.2, no overall difference was found. However, significant differences for specific response options have been highlighted. Note: There were an insufficient number of responses for delegates identifying as 'other' gender, so this category was excluded from analysis.

Table 33: Chi-square analysis by gender for Session 1

Question	p value	Effect size Cramer V		Gender	
				Male	Female
Q1.1	.199	No significant difference overall	more	4.Psychological	
			less		4.Psychological
Q1.2	.157	No significant difference overall	more	1.Relationships	
			less		1.Relationships
Q1.3	.012	.13	more	2.Industry	
			less		2.Industry

Appendix 1 GPC SERIES 2016-17 -- CORE QUESTIONS FOR COMMERCIAL DISPUTES TO BE USED AT ALL GPC EVENTS

NOTE: Please consider all questions as relating to commercial disputes. For the purposes of the GPC Series, “commercial disputes” includes disputes between business entities, business partners, or business entities and public sector entities, whether arising from contract, tort or any other grounds. They include disputes between individual entrepreneurs, small and medium-size enterprises, multinationals and state-owned enterprises. It is not the intention of this GPC Series to cover family, consumer, criminal or other types of disputes. These types of disputes may be considered in other future projects. Please remember to answer all questions based on the same stakeholder group that you have identified yourself as belonging to.

Section	Profile	Practice Question	Session 1	Session 2	Session 3	Session 4	Evaluation and Feedback
			<p>ACCESS TO JUSTICE & DISPUTE RESOLUTION SYSTEMS: WHAT DO PARTIES WANT, NEED AND EXPECT?</p> <p>Please answer the following questions based on your selected stakeholder group and personal experience.</p>	<p>HOW IS THE MARKET CURRENTLY ADDRESSING PARTIES' WANTS, NEEDS AND EXPECTATIONS?</p> <p>Please answer the following questions based on your selected stakeholder group and personal experience.</p>	<p>HOW CAN DISPUTE RESOLUTION BE IMPROVED? (OVERCOMING OBSTACLES AND CHALLENGES)</p> <p>Please answer the following questions based on your selected stakeholder group and personal experience.</p>	<p>PROMOTING BETTER ACCESS TO JUSTICE: WHAT ACTION ITEMS SHOULD BE CONSIDERED AND BY WHOM?</p> <p>Please answer the following questions based on your selected stakeholder group and personal experience.</p>	<p>THANK YOU FOR ATTENDING THIS GPC EVENT. WE WOULD APPRECIATE RECEIVING YOUR FEEDBACK TO THE FOLLOWING QUESTIONS:</p>
Question 1	<p>Question P1 <i>Which category of stakeholder will you vote as today?</i> (If your regular practice involves several of these options, please select the one in which you have primarily been involved).</p> <ol style="list-style-type: none"> 1. Party (user of dispute resolution services): <ol style="list-style-type: none"> a. A person involved in commercial disputes b. An in-house counsel involved in commercial disputes 2. Advisor: <ol style="list-style-type: none"> a. An external lawyer b. A consultant to a party 3. Adjudicative Provider: <ol style="list-style-type: none"> a. A judge, b. An arbitrator, c. An organisation providing adjudicative services 4. Non-Adjudicative Provider: <ol style="list-style-type: none"> a. A conciliator, b. A mediator or c. An organisation providing non-adjudicative services 5. Influencer: <ol style="list-style-type: none"> a. A researcher, b. An educator, c. An employee/representative of government, d. Any other person not in categories 1-4 above (please specify) 	<p>Practice Question 1 <i>What is your preferred breakfast?</i> (Please rank your 3 preferred answers in order of priority: '1' = most preferred, '2' = 2nd most preferred, '3' = 3rd most preferred)</p> <ol style="list-style-type: none"> 1. Cereal 2. Eggs 3. Porridge/Congee 4. Rice with meat and vegetables 5. Toast 6. Other: (please specify) 	<p>Question 1.1 <i>What outcomes do parties most often want before starting a process in commercial dispute resolution?</i> (Please rank your 3 preferred answers in order of priority: '1' = most wanted, '2' = 2nd most wanted, '3' = 3rd most wanted.)</p> <ol style="list-style-type: none"> 1. Action-focused (e.g. prevent action or require an action from one of the parties) 2. Financial (e.g. damages, compensation, etc.) 3. Judicial (e.g. setting a legal precedent) 4. Psychological (e.g., vindication, closure, being heard, procedural fairness) 5. Relationship-focused (e.g. terminate or preserve a relationship) 6. Other: (please specify)³ 	<p>Question 2.1 <i>What outcomes do providers tend to prioritise in commercial dispute resolution?</i> (Please rank your 3 preferred answers in order of priority: '1' = highest priority, '2' = 2nd highest priority, '3' = 3rd highest priority)</p> <ol style="list-style-type: none"> 1. Action-focused (e.g. prevent action or require an action from one of the parties) 2. Financial (e.g. damages, compensation, etc.) 3. Judicial (e.g. setting a legal precedent) 4. Psychological (e.g., vindication, closure, being heard, procedural fairness) 5. Relationship-focused (e.g. terminate or preserve a relationship) 6. Other: (please specify)⁴ 	<p>Question 3.1 <i>What are the main obstacles or challenges parties face when seeking to resolve commercial disputes?</i> (Please rank your 3 preferred answers in order of priority: '1' = greatest obstacle, '2' = 2nd greatest obstacle, '3' = 3rd greatest obstacle)</p> <ol style="list-style-type: none"> 1. Emotional, social, or cultural constraints 2. Financial or time constraints 3. Inadequate range of options available to resolve disputes 4. Insufficient knowledge of options available to resolve disputes 5. Uncertainty (e.g. unpredictable behaviour or lack of confidence in providers)⁵ 6. Other: (please specify)⁶ 	<p>Question 4.1 <i>Who has the greatest responsibility for taking action to promote better access to justice in commercial dispute resolution?</i> (Please rank your 3 preferred answers in order of priority: '1' = most responsible, '2' = 2nd most responsible, '3' = 3rd most responsible etc.)</p> <ol style="list-style-type: none"> 1. Adjudicative Providers: judges and arbitrators or their organisations 2. External lawyers 3. Governments/ministries of justice 4. In-house lawyers 5. Non-Adjudicative Providers: mediators and conciliators or their organisations 6. Parties (non-legal personnel) 7. Other: (please specify) 	<p>Question E1 <i>Was attending this GPC event useful to you?</i></p> <ol style="list-style-type: none"> 1. Yes 2. No opinion/I don't know 3. No

³ Categories 1-4 adapted from Tamara Relis, *Perceptions in Litigation and Mediation: Lawyers, Defendants, Plaintiffs and Gendered Parties* (Cambridge University Press, 2009). See also Julie Macfarlane, J., 'Culture Change? A Tale of Two Cities and Mandatory Court-Connected Mediation.' (2002) 2002(2) *Journal of Dispute Resolution* 241, 244, 252, 264,297-99, 320. Categories 5 and 6 Drawn from expert group (GPC COG).

Question 2	<p>Question P2 Approximately how many times have you been involved in any dispute resolution proceedings (i.e., litigation, arbitration, conciliation and/or mediation)?</p> <ol style="list-style-type: none"> 0-10 11-50 51-200 201-500 > 501 	<p>Practice Question 2 What is your preferred breakfast? (Word cloud question) Word Cloud: What words would you use to describe what you prefer to eat for breakfast? Please write one word per line.</p>	<p>Question 1.2 When <u>parties involved in commercial disputes</u> are choosing the type(s) of dispute resolution process(es) to use, which of the following has the most influence? (Please rank your 3 preferred answers in order of priority: '1' = most influential, '2' = 2nd most influential, '3' = 3rd most influential)</p> <ol style="list-style-type: none"> Advice (e.g. from lawyer or other advisor) Confidentiality expectations Efficiency (e.g. time/cost to achieve outcome) Industry practices ⁷ Predictability of outcome Relationships (e.g. preventing conflict escalation) Other: (please specify) 	<p>Question 2.2 The <u>outcome</u> of a commercial dispute is determined primarily by which of the following? (Please rank your 3 preferred answers in order of priority: '1' = most often, '2' = 2nd most often, '3' = 3rd most often)</p> <ol style="list-style-type: none"> <u>Consensus</u>: the parties' subjective interests <u>Culture</u>: based cultural and/or religious norms <u>Equity</u>: general principles of fairness <u>Rule of Law</u>: findings of fact and law or other norms <u>Status</u>: deferring to authority/hierarchies <u>Other</u>: (please specify)⁸ 	<p>Question 3.2 To improve the <u>future</u> of commercial dispute resolution, which of the following processes and tools should be prioritised? (Please rank your 3 preferred answers in order of priority: 1= highest priority, 2= 2nd highest priority, 3 = 3rd highest priority)</p> <ol style="list-style-type: none"> Adjudicative dispute resolution methods (litigation or arbitration) Combining adjudicative and non-adjudicative processes (e.g. arbitration/litigation with mediation/conciliation)^{9,10} Encouragement by courts, tribunals or other providers to reduce time and/or costs ¹¹ Non-adjudicative dispute resolution methods (mediation or conciliation) Pre-dispute or pre-escalation processes to prevent disputes ¹² Technology to enable faster, cheaper procedures, (e.g. Online Dispute Resolution, electronic administration, remote hearings)¹³ Other: (please specify) 	<p>Question 4.2 What is the most effective way to improve <u>parties'</u> understanding of their options for resolving commercial disputes? (Please rank your 3 preferred answers in order of priority: '1' = most effective, '2' = 2nd most effective, '3' = 3rd most effective etc. Please use '0' to indicate options that are not obstacles)</p> <ol style="list-style-type: none"> Creating collaborative dispute resolution centres or hubs to promote awareness¹⁴ Education in business and/or law schools and the broader business community about adjudicative and non-adjudicative dispute resolution options ¹⁵ Procedural requirements for all legal personnel and parties to declare they have <u>considered</u> non-adjudicative dispute resolution options before initiating arbitration or litigation ¹⁶ Providing access to experts to guide parties in selecting the most appropriate dispute resolution process(es)¹⁷ Requiring parties to <u>attempt</u> non-adjudicative options (i.e., mediation or conciliation) before initiating litigation or arbitration¹⁸ Other: (please specify) 	<p>Question E2 Would <u>you</u> recommend attending a GPC event to someone else?</p> <ol style="list-style-type: none"> Yes No opinion/I don't know No
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⁴ Categories 1-4 adapted from Tamara Relis, *Perceptions in Litigation and Mediation: Lawyers, Defendants, Plaintiffs and Gendered Parties* (Cambridge University Press, 2009). See also Julie Macfarlane, J., 'Culture Change? A Tale of Two Cities and Mandatory Court-Connected Mediation.' (2002) 2002(2) *Journal of Dispute Resolution* 241, 244, 252, 264,297-99, 320. Categories 5 and 6 Drawn from expert group (GPC COG).

⁵ GPC January 2016 global feedback

⁶ Drawn from expert group (GPC COG)

⁷ Drawn from expert group (GPC COG)

⁸ Drawn from expert group (GPC COG)

⁹ Source: J. Lack from London Guildhall Data, 42

¹⁰ Source: Based on L. Riskin "The New Old & New Grids". See Also London Guildhall Data, 40

¹¹ Drawn from expert group (GPC COG)

¹² GPC January 2016 global feedback

¹³ Drawn from expert group (GPC COG)

¹⁴ Sander, Frank 'Varieties of Dispute Processing' in Levin and Wheeler (ed), *The Pound Conference: Perspectives on Justice in the Future* (1979); see also GPC January 2016 global feedback

¹⁵ Drawn from expert group (GPC COG)

¹⁶ GPC January 2016 global feedback; see also Aleksandar Mojasevic, 'Mediation in Italy and Serbia: Comparative Legal and Economic Analysis null [article]' [2015] *Collection Of Papers, Faculty Of Law, Nis* [serial online] 93

¹⁷ Drawn from expert group (GPC COG)

¹⁸ Drawn from expert group (GPC COG)

Question 3	<p>Question P3 <i>In what kinds of dispute resolution processes have you had the most experience? (Please select one only)</i></p> <ol style="list-style-type: none"> Litigation Arbitration Conciliation Mediation Adjudicative processes: Litigation & Arbitration Non-adjudicative processes: Conciliation & Mediation Approximately equal amounts of adjudicative and non-adjudicative processes No typical process Other (please specify) 		<p>Question 1.3 <i>When lawyers (whether in-house or external) make recommendations to parties about procedural options for resolving commercial disputes, which of the following has the most influence?</i> (Please rank your 3 preferred answers in order of priority: '1' = most influential, '2' = 2nd most influential, '3' = 3rd most influential)</p> <ol style="list-style-type: none"> Familiarity with a particular type of dispute resolution process Industry practices Impact on costs/fees the lawyer can charge The party's relationships with the other party(ies) or stakeholders The type of outcome requested by the party (e.g. money, an injunction, etc.) Other: (please specify)¹⁹ 	<p>Question 2.3 <i>In commercial disputes, what is achieved by participating in a non-adjudicative process (mediation or conciliation) (whether voluntary or involuntary - e.g. court ordered)?</i> (Please rank your 3 preferred answers in order of priority: '1' = main achievement, '2' = 2nd achievement, '3' = 3rd achievement)</p> <ol style="list-style-type: none"> Better knowledge of the strengths/weaknesses of the case or likelihood of settlement Compliance (e.g. avoiding cost sanctions, meeting contractual obligations) Improving or restoring relationships Reduced costs and expenses Retaining control over the outcome Tactical/strategic advantage (e.g. delay) Other: (please specify)²⁰ 	<p>Question 3.3 <i>Which of the following areas would most improve commercial dispute resolution?</i> (Please rank your 3 preferred answers in order of priority: 1= highest priority, 2= 2nd highest priority, 3 = 3rd highest priority)</p> <ol style="list-style-type: none"> Accreditation or certification systems for dispute resolution providers²¹ Cost sanctions against parties for failing to try non-adjudicative processes (e.g. mediation or conciliation) before litigation/arbitration. Legislation or conventions that promote recognition and enforcement of settlements, including those reached in mediation Quality control and complaint mechanisms applicable to dispute resolution providers²² Use of protocols promoting non-adjudicative processes before adjudicative processes (e.g. opt-out)²³ Limits on or incentives for third party funding²⁴ Other: (please specify) 	<p>Question 4.3 <i>To promote better access to justice for those involved in commercial disputes, where should policy makers, governments and administrators focus their attention?</i> (Please rank your 3 preferred answers in order of priority: 1= best focus, 2= 2nd best focus, 3 = 3rd best focus)</p> <ol style="list-style-type: none"> Legislation or conventions promoting recognition and enforcement of settlements including those reached in mediation Making non-adjudicative processes (mediation or conciliation) compulsory and/or a process parties can "opt-out" of before adjudicative processes can be initiated²⁵ Pre-dispute or early stage case evaluation or assessment systems using third party advisors who will not be involved in subsequent proceedings²⁶ Reducing pressures on the courts to make them more efficient and accessible Use of protocols promoting non-adjudicative processes (mediation or conciliation) before adjudicative processes Other: (please specify) 	<p>Question E3 <i>How could we improve future GPC events? Please provide any recommendations you may have below:</i> INSERT TEXT BOX</p>
Question 4	<p>Question P4 <i>Within which jurisdiction do you usually work as this stakeholder type? (If your work involves several of these jurisdictions, please select the one in which you are primarily involved, or select the one you wish your votes to be counted towards today).</i></p> <ol style="list-style-type: none"> Local (domestic): the jurisdiction associated with this current conference Other country (domestic): Drop down menu for all conference locations (by country) International (please specify region/s e.g. Asia, Europe, or multi-region e.g. Americas and Europe) Other (please specify) 		<p>Question 1.4 <i>What role do parties involved in commercial disputes want providers to take in the dispute resolution process?</i> (Please rank your 3 preferred answers in order of priority: '1' = most wanted role, '2' = 2nd most wanted role, '3' = 3rd most wanted role)</p> <ol style="list-style-type: none"> The parties decide how the process is conducted and how the dispute is resolved (the providers just assist) The providers decide on the process and the parties decide how the dispute is resolved The parties decide on the process and the providers decide how the dispute is resolved The providers decide on the process and how the dispute is resolved The parties initially do not have a preference but seek guidance from the providers regarding optimal ways of resolving their dispute Other: (please specify)²⁷ 	<p>Question 2.4 <i>Who is primarily responsible for ensuring parties involved in commercial disputes understand their process options and the possible consequences of each process before deciding which one to use?</i> (Please rank your 3 preferred answers in order of priority: '1' = most responsible, '2' = 2nd most responsible, '3' = 3rd most responsible)</p> <ol style="list-style-type: none"> Adjudicative Providers: judges and arbitrators or their organisations External lawyers Governments/ministries of justice In-house lawyers Non-Adjudicative Providers: mediators and conciliators or their organisations Parties (non-legal personnel) Other: (please specify) 	<p>Question 3.4 <i>Which stakeholders are likely to be most resistant to change in commercial dispute resolution practice?</i> (Please rank your 3 preferred answers in order of priority: 1= most resistant, 2= 2nd most resistant, 3 = 3rd most resistant)</p> <ol style="list-style-type: none"> Adjudicative Providers: judges and arbitrators or their organisations External lawyers Governments/ministries of justice In-house lawyers Non-Adjudicative Providers: mediators and conciliators or their organisations Parties (non-legal personnel) Other: (please specify) 	<p>Question 4.4 <i>Which of the following will have the most significant impact on future policy-making in commercial dispute resolution?</i> (Please rank your 3 preferred answers in order of priority: '1' = most significant, '2' = 2nd most significant, '3' = 3rd most significant)</p> <ol style="list-style-type: none"> Demand for certainty and enforceability of outcomes²⁸ Demand for increased efficiency of dispute resolution processes, including through technology. Demand for increased rights of appeal/oversight of adjudicative providers²⁹ Demand for increased transparency³⁰ Demand for increased uniformity and standardisation³¹ Demand for processes that allow parties to represent themselves, without lawyers³² Other: (please specify) 	<p>Question E4 (OPTIONAL) <i>Please provide a quote below that we could use on our website or in promotional materials to attract people to attend other GPC events?</i> INSERT OPEN TEXT BOX FOR ANSWERS</p> <p>NAME: ORGANISATION:</p>

¹⁹ Drawn from expert group (GPC COG)

²⁰ Drawn from expert group (GPC COG). See also Categories adapted from Tamara Relis, *Perceptions in Litigation and Mediation: Lawyers, Defendants, Plaintiffs and Gendered Parties* (Cambridge University Press, 2009). See also Julie Macfarlane, J., 'Culture Change? A Tale of Two Cities and Mandatory Court-Connected Mediation.' (2002) 2002(2) *Journal of Dispute Resolution* 241, 244, 252, 264,297-99, 320

²¹ Drawn from expert group (GPC COG)

²² GPC November 2015 survey

²³ Drawn from expert group (GPC COG)

²⁴ Drawn from expert group (GPC COG). See also http://www.burfordcapital.com/burford-submits-response-to-us-senators/#_ftn8

²⁵ Drawn from expert group (GPC COG)

²⁶ GPC January 2016 global feedback

Question 5	<p>Question P5 How many people work in your organisation?</p> <ol style="list-style-type: none"> 1. 1-10 people 2. 11-50 people 3. 51-150 people 4. 151-500 people 5. 501-1,000 people 6. 1,001-5,000 people 7. 5,001-10,000 people 8. >10,000 people 		<p>Question 1.5 What role do parties involved in commercial disputes typically want lawyers (i.e., in-house or external counsel) to take in the dispute resolution process?</p> <p>(Please rank your 3 preferred answers in order of priority: '1' = most wanted role, '2' = 2nd most wanted role, '3' = 3rd most wanted role)</p> <ol style="list-style-type: none"> 1. Acting as coaches, providing advice but not attending 2. Acting as advisors and accompanying parties but not interacting with other parties or providers 3. Participating in the process by offering expert opinions, not acting on behalf of parties 4. Working collaboratively with parties to navigate the process. May request actions on behalf of a party 5. Speaking for parties and/or advocating on a party's behalf 6. Parties do not normally want lawyers to be involved 7. Other (please specify)³³ 	<p>Question 2.5 Currently, the most effective commercial dispute resolution processes usually involve which of the following?</p> <p>(Please rank your 3 preferred answers in order of priority: '1' = most effective, '2' = 2nd most effective, '3' = 3rd most effective.)</p> <ol style="list-style-type: none"> 1. Adjudicative dispute resolution methods (litigation or arbitration) 2. Combining adjudicative and non-adjudicative processes (e.g. arbitration/litigation with mediation/conciliation)³⁴ 3. Encouragement by courts, tribunals or other providers to reduce time and/or costs³⁵ 4. Non-adjudicative dispute resolution methods (mediation or conciliation) 5. Pre-dispute or pre-escalation processes to prevent disputes³⁶ 6. Technology to enable faster, cheaper procedures, (e.g. Online Dispute Resolution, electronic administration, remote hearings)³⁷ 7. Other (please specify) 	<p>Question 3.5 Which stakeholders have the potential to be most influential in bringing about change in commercial dispute resolution practice?</p> <p>(Please rank your 3 preferred answers in order of priority: 1 = most influential, 2 = 2nd most influential, 3 = 3rd most influential)</p> <ol style="list-style-type: none"> 1. Adjudicative Providers: judges and arbitrators or their organisations 2. External lawyers 3. Governments/ministries of justice 4. In-house lawyers 5. Non-Adjudicative Providers: mediators and conciliators or their organisations 6. Parties (non-legal personnel) 7. Other: (please specify) 	<p>Question 4.5 What innovations/trends are going to have the most significant influence on the future of commercial dispute resolution?</p> <p>(Please rank your 3 preferred answers in order of priority: '1' = most significant, '2' = 2nd most significant, '3' = 3rd most significant)</p> <ol style="list-style-type: none"> 1. Changes in corporate attitudes to conflict prevention 2. Enhanced understanding regarding how people behave and resolve conflict (e.g. from brain and social sciences) 3. Greater emphasis on collaborative instead of adversarial processes for resolving disputes 4. Greater emphasis on personal wellbeing and stress reduction of parties 5. Harmonisation of international laws and standards for dispute resolution systems 6. Technological innovation (e.g. on-line dispute resolution) 7. Other (please specify)³⁸ 	<p>Question E5: Would you be willing to be contacted in the future to participate in follow-up research projects or focus groups relating to the GPC Series? (If so, please provide below your e-mail address to which you would like any follow-up correspondence to be sent)</p> <ol style="list-style-type: none"> 1. Yes Contact e-mail: (INSERT BOX) 2. No
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²⁷ Drawn from expert group (GPC COG); see also National Alternative Dispute Resolution Advisory Council, *ADR Terminology, Responses to NADRAC Discussion Paper* (2003) Australian Government Attorney General's Department <<https://www.ag.gov.au/LegalSystem/AlternateDisputeResolution/Documents/NADRAC%20Publications/ADR%20Terminology%20Responses%20to%20NADRAC%20Discussion%20Paper.doc>>

²⁸ Drawn from expert group (GPC COG). See also GPC November 2015 survey

²⁹ GPC November 2015 survey

³⁰ GPC November 2015 survey

³¹ GPC November 2015 survey

³² Julie Macfarlane, *The National Self-Represented Litigants Project*, <http://representingyourselfcanada.com/>. See also Drawn from expert group (GPC COG)

³³ Olivia Rundle, 'A Spectrum of Contribution that Lawyers Can Make to Mediation' (2009) 20 *Australasian Dispute Resolution Journal* 220. See also Tania Sourdin and Nikola Balvin, 'Mediation in the Supreme and County Courts of Victoria: a summary of the results' (2009) 11(3) *ADR Bulletin* 1, 5; Kathy Douglas and Becky Batagol, 'The Role of Lawyers in Mediation: Insights From Mediators at Victoria's Civil and Administrative Tribunal' (2014) 40(3) *Monash University Law Review* 758.

³⁴ Source: Based on L. Riskin "The New Old & New Grids". See Also London Guildhall Data, 40

³⁵ Drawn from expert group (GPC COG)

³⁶ GPC January 2016 global feedback

³⁷ Drawn from expert group (GPC COG)

³⁸ GPC January 2016 global feedback see also GPC November 2015 survey and Drawn from expert group (GPC COG)

<p>Focus question for discussion</p>	<p>Question P6 With which gender do you identify?</p> <ol style="list-style-type: none"> 1. Male 2. Female 3. Other <p>Please answer all questions based on the stakeholder group and jurisdiction that you have nominated for this delegate information section of the voting website.</p>		<p>Discussion 1.6: Party needs and expectations in commercial dispute resolution Please use this session to discuss with your neighbours the ways in which parties' wants, needs and expectations change as they become more familiar with dispute resolution processes.</p> <p>Based on these discussions please write at least one (1) point in each box below:</p> <ol style="list-style-type: none"> 1. Describe what inexperienced parties typically want or expect from commercial dispute resolution. 2. Describe what parties typically want or expect when they become more experienced with commercial dispute resolution. 3. Describe what highly experienced/sophisticated parties typically want or expect from commercial dispute resolution. <p>Word Cloud: What words would you use to describe a sophisticated commercial party? Please write one word per line.</p>	<p>Discussion 2.6: Party expectations and current practice in commercial dispute resolution Please use this session to discuss with your neighbours the relationship between parties' expectations and current practices.</p> <p>Based on these discussions please write at least one (1) point in each box below:</p> <ol style="list-style-type: none"> 1. Describe the current commercial dispute resolution practices that fall below party expectations. 2. Describe the current commercial dispute resolution practices that meet party expectations. 3. Describe the current commercial dispute resolution practices that exceed party expectations. <p>Word Cloud: What words would you use to describe what can be done to exceed parties' expectations in commercial dispute resolution? Please write one word per line.</p>	<p>Discussion 3.6: Obstacles and challenges in commercial dispute resolution Please use this session to discuss with your neighbours the types of obstacles or challenges faced in commercial and/or civil disputes and the extent of change required to address them.</p> <p>Based on these discussions please write at least one (1) point in each box below:</p> <ol style="list-style-type: none"> 1. Describe the things that don't need to change in commercial dispute resolution 2. Describe the obstacles and challenges in commercial dispute resolution that can be overcome easily or with minor changes Describe the obstacles and challenges in commercial dispute resolution that are difficult to change or would require major changes 4. Describe the obstacles and challenges in commercial dispute resolution that appear impossible to change <p>Word Cloud: What words would you use to describe the most common impediments that keep parties from resolving their commercial disputes? Please write one word per line.</p>	<p>Discussion 4.6: Promoting better access to justice in commercial dispute resolution: what action items should be considered and by whom? Please use this session to discuss with your neighbours a vision for the future of dispute resolution, including innovations and reforms that you think are likely to promote and/or improve access to justice</p> <p>Based on these discussions write at least one (1) point in each box below:</p> <ol style="list-style-type: none"> 1. Describe the short term measures for achieving this vision for commercial dispute resolution (1-5 years) 2. Describe the medium term measures for achieving this vision for commercial dispute resolution (6-10 years) 3. Describe the long term measures for achieving this vision for commercial dispute resolution (>10 years) <p>Word Cloud: What words would you use to describe the changes to commercial dispute resolution which should be focused on in the future? Please write one word per line.</p>	
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Authors



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