

THE GPC TORONTO REPORT

Local findings from North America
GPC Series 2016-2017
An International Mediation Institute project
Supported by the AAA-ICDR Foundation

December 2019





GLOBAL POUND CONFERENCE SERIES 2016-17

INITIATED BY



International Mediation Institute

GLOBAL SPONSORS:

DIAMOND SPONSORS



PLATINUM SPONSORS



GOLD SPONSORS



SILVER SPONSORS



FOUNDER SPONSORS

Herbert Smith Freehills, Singapore International Dispute Resolution Academy, PwC, JAMS, AkzoNobel, BAC/BIC, Shell and ICDR.

The GPC Toronto Report is Copyright © 2019 International Mediation Institute, Netherlands.

Project funded by the AAA-ICDR Foundation.

Authored by Emma-May Litchfield and Danielle Hutchinson, Resolution Resources, Australia.

The findings contained within this report do not necessarily reflect the opinions or views of IMI, AAA-ICDR, Resolution Resources or sponsors associated with the GPC Series 2016-17. Rather they are a product of the responses from delegates who participated in the GPC Toronto event.

MESSAGE FROM THE GPC TORONTO LOC

The Canadian edition of the Global Pound Conference, held in Toronto (Ontario) on October 15, 2019, was a significant event grouping users, mediators, academics and government authorities deeply involved in the development of mediation across our country.

Distinguished moderators and panelists gave insight on the challenges and the opportunities that lie ahead. Participants shared their experiences and their knowledge, in the spirit of contributing to the improvement of mediation as practiced in Canada, better understanding the needs of the users and how to satisfy them as well as sharing as much information as possible that would be useful to shape the future of the mediation systems around the world.

Thank you to my colleague mediator Jeremy Lack, from Switzerland, for the passion with which he shared his belief that a global event of such a nature needed to happen: without his tenacity and his indefatigable support, it would have difficult to navigate in what were sometimes shallow waters. Thank you to my dear friend and past chair of the ADR Institute of Canada, Scott Siemens, and the ADRI Board who did not hesitate a minute to get involved when I presented the opportunity to host a Global Pound event in Canada.

I would like to recognize the support of our sponsors: PricewaterhouseCoopers, Dentons Canada, ADR Institute of Canada, McCartney ADR and Bériault, Conflict Prevention & Resolution. Without their generous contributions, it would not have been possible to succeed in organizing such an event.

I could not be grateful enough to my colleagues of the Canadian Local Organizing Committee who did give of their time and energy to coordinate the event and support in any way possible: Michael Schafler (Partner, Dentons Canada), Domenic Marino (Partner, Consulting & Deals, PricewaterhouseCoopers), Jean-François Roberge (Director of Dispute Prevention and Resolution program, Faculty of Law, Université de Sherbrooke), Tricia Gazarek (Director, Conflict Management, Lewis & Gazarek), Janet McKay (Executive Director, ADR Institute of Canada) and Lorraine Joynt (Financial Services Commission of Ontario).

Mediation is now established in Canada as one of the most efficient mechanisms available to solve commercial disputes. The important work accomplished by the Global Pound Conference series will contribute to its continued improvement and its purpose. I am grateful to the International Mediation Institute for having initiated the global endeavour.

Thierry Bériault
Chair, Canada Global Pound Conference



CONTENTS

| | |
|--|----|
| Executive Summary | 3 |
| How to use this report | 5 |
| Local findings | 6 |
| Needs, wants and expectations. | 7 |
| The market | 10 |
| Obstacles and challenges. | 14 |
| Vision. | 17 |
| Methodology | 20 |
| About the Authors. | 21 |

EXECUTIVE SUMMARY

KEY THEMES FROM THE TORONTO GPC

In Toronto, commercial dispute resolution (DR) has a strong focus on striking the balance between providing predictable and transparent DR structures and providing enough flexibility to adapt to the needs of a dispute.

Defining features of this landscape are the institutionalization of arbitration, the introduction of mandatory mediation, and expert practitioners who work hard to ensure parties are well-informed and have realistic expectations. While hybrid approaches are proving to be both popular and successful, there are also calls for greater communication, collaboration and diversity. They are seen as the fundamental drivers toward increased understanding of DR processes and improved party satisfaction.



Strengths

- Flexible and adaptable processes including the use of hybrid models
- Consideration of both legal and non-legal interests, including the importance of relationships in business
- Parties' openness to mediation forming part of their DR processes
- Access to third-party neutrals who are both independent and experts in their field
- Institutionalization of arbitration and the use of mandatory mediation
- A focus on confidentiality and party self-determination
- An emerging focus on capacity-building through conflict coaching and guidance on negotiation strategies
- High-quality training available to alternative dispute resolution (ADR) providers



Limitations

- Existing adversarial, zero-sum mindsets in legal sector contributing to the lack of confidence in ADR
- Lawyers' and parties' lack of knowledge about the range of DR processes available and the ways that they can be adapted to meet parties' needs
- Difficulty finding the most suitable DR professional for a dispute
- Lack of diversity and inconsistent quality of providers
- Hybrid providers who are not explicit when swapping hats
- Lack of clear standards and accreditation for ADR providers
- Lack of trust between parties preventing early exchange of documents and therefore early resolution
- Business models that incentivize adversarialism

EXECUTIVE SUMMARY CONT'D



Priorities for your jurisdiction

Developing social media marketing campaigns and educational programs on DR for schools, community, universities, business and ongoing professional development

Investigating the practicalities of making ADR a mandatory component of the curriculum in law schools

Promoting opportunities for early resolution and building parties' capacity to resolve disputes independently

Increasing the use of well-drafted and staged DR clauses in commercial contracts

Shifting legal focus to the needs of parties and more long-term, holistic approaches to resolution

Reducing costs of and increasing access to DR services through the use of online platforms

Enlisting government and political support for ongoing research into DR and the development of evidence-based best practice guidance materials

Establishing hubs where disputes can be triaged to find the most suitable DR process and/or practitioner

Increasing diversity among providers

Investigating options for business models that incentivize non-adversarialism and/or de-incentivize adversarialism

HOW TO USE THIS REPORT

Initiated by the International Mediation Institute (IMI), the GPC Series 2016-17 was a series of 28 conferences held in 22 countries across the globe. For further information about the GPC and its supporters, see The North America Report or the IMI website.

Suite of Reports

A set of eight North American reports has been created as part of an IMI project funded by the AAA-ICDR Foundation. All the reports are available on the IMI website.

The complete suite of reports includes:

- The GPC North America Report
- The GPC Austin Report
- The GPC Baltimore Report
- The GPC Los Angeles Report
- The GPC Miami Report
- The GPC New York Report
- The GPC San Francisco Report
- The GPC Toronto Report

Together, these reports offer a picture of the commercial dispute resolution (DR) landscape in the North America region and include a series of actionable recommendations specific to the participating jurisdictions. The reports contain an analysis of responses to the questions posed to focus groups at each GPC event. The questions are available in the North America Report. Collectively, the suite of North American reports draws on data generated from 301 focus groups.

The Toronto Report contains a synthesis of the findings from 12 open text questions answered by 42 focus groups spread across Sessions 1-4. Data from one question in Session 3 were not provided for analysis.

Delegates in the focus groups identified themselves as belonging to a primary stakeholder group. The five stakeholder groups were:

Parties: end-users of DR, generally in-house counsel and executives

Advisors: private practice lawyers and other external consultants

Adjudicative Providers: judges, arbitrators and their supporting institutions

Non-Adjudicative Providers: mediators, mediators, conciliators and their supporting institutions

Influencers: academics, government officers, policy makers

The GPC Toronto Report offers insight into four areas of interest in commercial DR:

Needs, Wants and Expectations:

Parties' needs, wants and expectations in commercial DR in Toronto

The Market: The current market and the extent to which it is addressing parties' needs, wants and expectations in Toronto

Obstacles and Challenges: The obstacles and challenges faced in commercial DR in Toronto and the scale of change required to overcome them

Vision: The vision for commercial DR in Toronto in the short, medium and long term

For a comprehensive overview and description of similarities and differences between cities, it is recommended you read this report in conjunction with The North America Report.

LOCAL FINDINGS

The following part of the report provides detailed findings from the GPC Toronto event.

The approach taken draws directly on the responses provided by the focus groups and each of the four sections is best read as a collective statement from those who participated.

Each section also includes recommendations. The recommendations are general in nature and can be used by businesses, advisors, providers, and influencers of policy as a stimulus or prompt for shaping the future of commercial DR in Toronto.

NEEDS, WANTS AND EXPECTATIONS

This section offers a picture of parties using commercial DR in Toronto. Organized into three distinct profiles, each profile describes the needs, wants and expectations of parties based on their level of sophistication or experience in commercial DR. For example, in Toronto, less-experienced parties often want guidance from professionals to help them navigate the process, whereas the most dispute-savvy users are more likely to take a strategic approach to DR.



Profile 1: Inexperienced or unsophisticated parties

Parties at this level typically want to win, often seeking a sense of vindication or to 'right the wrong' that has been done to them. They may hold the assumption that outcomes can be predicted or that they can somehow force a particular result. Alternatively, they may want someone to make some of their decisions for them. Many parties at this level lack an understanding of the DR process and what might be possible to achieve. Parties at this level are often quite self-interested and this can compound misperceptions around options for resolution or the outcomes available to them. Parties also tend to underestimate the amount of time, money and stress involved in pursuing a claim. They simply want to resolve the matter quickly, 'get their cash' and move on.

Typically, parties at this level will seek guidance from professionals to help them navigate the process. However, parties do not always appreciate the distinction between practitioners and may, for example, seek expert opinion on the substance of their case or a decision from a mediator. Irrespective of whom parties consult for advice, the desire for access to justice and to 'have their story heard' is often a strong driver. Despite their inexperience, some parties at this level will want to ensure reasonable costs through the use of alternative dispute resolution (ADR) processes and may even start to take relationships into account.



Profile 2: Moderately experienced or sophisticated parties

Parties at this level tend to be less idealistic and more open to coming to solutions they can 'live with'. While they may still rely on the guidance of professionals, they may be more proactive in articulating their needs and wants or in seeking an early resolution. They may even start to express preferences in relation to processes, practitioners and the use of resources. This may be in part due to a better understanding of the role they can play in resolving the dispute and an increased capacity to engage in reflective 'reality checking'. For example, parties may evaluate their definition of closure with reference to an increasing awareness of the time and money it may require achieving their desired outcome.

They may instead decide to compromise for the sake of coming to a workable agreement within a shorter timeframe and at less expense. To this extent, parties at this level have a growing appreciation of commercial DR and may specifically seek input from professionals about the process best suited to their dispute. One of the challenges facing parties is that a 'little bit of information can sometimes be a dangerous thing'. For example, they may feel they are experts after one dispute and might use that learning to assume all processes and disputes are similar. If they lost the first time, they may assume the process is flawed and ineffective. Finally, the desire for confidentiality, predictability and consistency remains constant. In contrast, the importance of relationships in commercial DR is becoming increasingly elevated for parties at this level.



Profile 3: Highly experienced or sophisticated parties

Parties at this level tend toward a strategic approach to commercial DR. They are typically open to more complex solutions and look to account for a range of interests rather than trying to win at all costs. Factors such as reputation, relationships, cashflow and number of claimants will often be considered as part of a cost-benefit analysis or integrated risk-management strategy that helps dispute-savvy parties make ‘rational’ and evidence-based decisions that will help them contain the dispute.

In this way, many parties attempt to ensure investment of time and money is justifiable, irrespective of whether they win or lose. Within this context, parties may often be more discerning about the quality of the lawyers and providers they engage. In particular, they want to involve practitioners who are highly experienced subject matter experts who can assist parties in expanding the scope of their interests and salvaging business relationships. Parties also tend to look for lawyers and providers whose practices facilitate parties’ autonomy and control. This is important to parties at this level, as they are more likely to have a clear idea of where they want to go and the types of outcomes they want to achieve.

Recommendations

General:

Use the different party profiles to develop action plans targeted to the needs, wants and expectations of parties in your local jurisdiction.

Business:

Reflect on the approaches being taken by all of the parties at the negotiating table and consider leading the way by adopting a dispute-savvy mindset when developing your DR strategy.

Lawyers:

Understand your clients so that you can respond to their needs and manage their expectations in a way that impacts positively on resolution rates and client satisfaction.

Providers:

Understand the parties and modify processes to accommodate their needs. You can thereby target your services to your preferred market.

Influencers:

Use your understanding of the typical range of needs, wants and expectations of parties in commercial disputes to systematically plan, implement or evaluate your policy agenda and reforms.

THE MARKET

This section describes how the commercial DR market in Toronto meets parties' expectations. Practices identified as problematic are those that fail to ensure parties know what to expect in mediation. In contrast, practitioners who provide opportunities for early resolution or whose practice incorporates capacity-building through conflict coaching or guidance on negotiation were identified as leading the field.



Current practices that fall below party expectations

The most problematic area for parties is litigation. Specifically, the amount of time and money required to pursue a matter via the courts appears to be significantly underestimated by parties. Also identified was an issue of parties feeling like they had not really been heard. Some suggested this may be the result of parties holding unrealistic expectations about litigation, while others thought it may be that lawyers and providers sometimes fail to advise parties properly about the realities of going to court.

In contrast, parties who are surprised to learn that a DR clause in their contract requires them to use ADR may find their expectations about going to court are not met. Similar concerns were raised about practices within the current mediation market. Lawyers and practitioners who fail to ensure parties know what to expect and/or are properly prepared are highlighted as delivering services that typically frustrate parties. For example, parties may have expectations disappointed when they think they are going to participate in a process involving face-to-face open dialogue but are instead provided with a shuttle mediation.

Similarly, parties may be caught off-guard if they are unexpectedly asked to contribute. The lack of diversity and inconsistent quality of providers was also identified as a potential contributor to parties feeling let down by the current market. Within this context, questions of quality ranged from mediator ethics to practices that are too process-heavy, or which enable discussions to go on for too long.

In keeping with this, some suggested a lack of flexibility or unwillingness to adapt processes to meet parties' needs was sub-par. In contrast, where parties have the opportunity to participate in hybrid processes, they tend to feel frustrated when practitioners fail to make clear which process they are engaged in at a given point. This is particularly problematic when practitioners need to 'swap hats' because they are both the mediator and the arbitrator.

Some identified the existence of a 'relationship blind spot' that permeates many of the existing practices and results in parties feeling their expectations remain unmet. For example, it was suggested that the routine use of contractual language when drafting agreements or awards sometimes means they are not sufficiently comprehensive.

Finally, some put forward that even if parties have access to the best practitioners, expectations may remain unmet when they negotiate with 'bad actors,' they receive poor outcomes or resolution is not achieved.



Current practices that meet party expectations

Parties have an expectation that the professionals they turn to for advice will provide them with information about the full range of options and the associated consequences. As such, lawyers and neutrals who assist parties in making fully informed decisions are considered the norm within the current market. It was also suggested that such practices are integral to ensuring parties maintain realistic expectations, but expectations may also be dependent on the experience or sophistication of the party.

Secondly, it was suggested that mediation has become so institutionalized that parties are not surprised when it forms part of their process. Parties have come to expect that mediators will provide an opportunity for them to be heard within the context of a civil, ethical and trusted process. The same holds true for the use of pre-trial conferences.

Finally, as med-arb gains traction, more parties are coming to expect it be included as an option for resolution. As a result, arbitration is increasingly considered a standard BATNA (best alternative to a negotiated agreement).



Current practices that exceed party expectations

Some suggest that the extent to which parties' expectations may be met or exceeded depends on the disputant. For example, unsophisticated, inexperienced or ill-prepared parties may have expectations exceeded by simply having the opportunity to experience mediation or, to a lesser extent, arbitration. On the other hand, sophisticated, experienced or highly prepared parties may consider the same process par for the course.

Others argued that irrespective of the knowledge, skills and mindset parties bring to a dispute, expectations are exceeded when they engage in processes that reinforce, build or preserve relationships and create opportunities for moments of commercial and personal transformation. Providers who adapt processes to meet the needs of parties and account for both legal and non-legal interests tend to exceed parties' expectations. Further, practitioners who provide support and ongoing communication tend to be held in high regard.

Parties are equally impressed with providers who offer reliable, well-defined and resource-efficient processes that generate enforceable outcomes. In keeping with this, the increased availability of hybrid processes such as med-arb appears to provide parties with an experience well above anything they expected from commercial DR. This appears to hold true for practitioners who provide opportunities for early resolution or whose practice incorporates capacity-building through conflict coaching or guidance on negotiation.

Finally, it was suggested that it may be useful to go outside the commercial DR landscape for examples of practice that tend to exceed parties' expectations. Specifically, family mediation was cited as example of DR that successfully provides processes that are accessible, trusted, cost-effective and encourage viable, continuing relationships.

Recommendations

General:

Consider the connection between the current market and parties' expectations.

Business:

Use your understanding to identify service providers who are best equipped to meet your expectations.

Lawyers and Providers:

Gain strategic advantage in the marketplace by identifying your preferred client base and tailoring your services to meet and/or shape their expectations.

Influencers:

Ensure the allocation of resources and policy agenda are driven by the market.

OBSTACLES AND CHALLENGES

This section describes the obstacles and challenges present in Toronto's current commercial DR environment and the scale of changes required to overcome them. The challenges range from those that may easily be addressed to more complex challenges that could be difficult to ever fully resolve.



Things that do not need to change

There are numerous elements that are working well within commercial DR. Foundational principles such as the rule of law and the right to access legal representation are considered fundamental and, as such, must remain. In relation to DR, the variety of options and the independence of third-party neutrals are perceived as essential to a properly functioning system.

The central role of confidentiality is highlighted as well as the ongoing importance of party self-determination. Some suggest that the move toward more collaboration and information sharing should continue to be encouraged. Interestingly, it was identified that existing ADR practices struck an important balance between providing a predictable and transparent structure and providing enough flexibility to adapt to the needs of a dispute.

The institutionalization of arbitration and the use of mandatory mediation were cited as important to keep, as was the use of arbitration clauses. The existence of high-quality training and accreditation is valued, as is the availability of practitioners who are subject matter experts.



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

The main challenge appears to be the perceived lack of knowledge and/or awareness parties and their lawyers have about the range of DR options available to them, including how to find the right DR professional for a given dispute. This lack of understanding appears to apply to the extent to which DR options can be flexibly adapted to accommodate the needs of the parties and their dispute.

It is suggested that sometimes this means lawyers are not as responsive as they could be when parties' needs change and evolve throughout the course of the dispute. Also identified as a small and surmountable obstacle is a perceived lack of clear standards and/or certification for ADR professionals.

Several strategies are identified to overcome these challenges including (i) ongoing research programs to develop an evidence base to inform an understanding of best practice, (ii) education programs for 'HR', lawyers, 'SW' and psychologists that can help them to assist parties in identifying and communicating objectives, needs and interests, (iii) the use of well-drafted and staged DR clauses, and (iv) the increased use of online platforms to provide information on DR options and increased accessibility to DR processes. It was also suggested the latter may also assist with reducing costs that could otherwise prohibit some parties from accessing DR services.

Recommendations

General:

Draw out and prioritize actions to meet the obstacles and challenges specific to your jurisdiction.

Business:

Use your understanding of the commercial DR landscape to facilitate greater levels of self-determination and make informed DR choices matched to the interests of your business.

Lawyers:

Recognize the central role that lawyers take in dispute resolution and find opportunities to effect changes that mitigate the challenges identified by your peers. (For more information about lawyers as agents of change see the Global Data Trends and Regional Differences report available on the IMI website.)

Providers:

Manage client expectations and assist them in navigating the commercial DR landscape.

Influencers:

Create a realistic policy/reform agenda, identify the appetite for change and potential areas of resistance.



Obstacles and challenges that are difficult to change or would require major changes

One of the biggest challenges is the existing adversarial, zero-sum mindset of many lawyers. Sometimes this includes a lack of confidence in ADR processes. It may also be the result of business models that incentivize the existing adversarial paradigm. Equally, it is perceived that making changes to law school curricula to include ADR would be very difficult to achieve. Some felt this was also true for those calling for DR skills to be embedded in secondary schools.

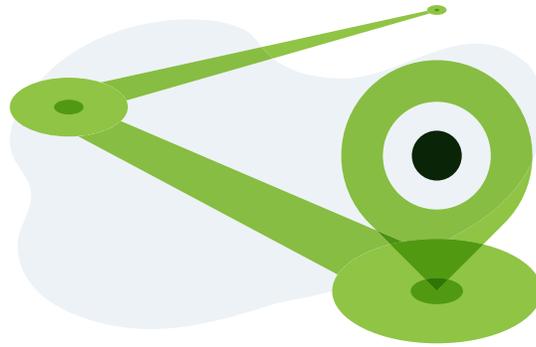
From a party perspective, one of the biggest obstacles is the lack of trust between parties when in dispute. This can manifest in a reluctance to share information or exchange documents so as to facilitate an early resolution. To this extent, the lack of regulatory requirement to embed or mandate early mediation is seen as an obstacle that would take substantial work to overcome.

Access to justice remains a major challenge, and many feel small- to medium-sized organizations/parties do not have access to ADR in the same way that larger players do. Even if access were not an issue, there was concern that the lack of party awareness and education around ADR is a major challenge and that a lot of work would need to be done to (re)educate parties about the range of options open to them when resolving disputes.

It was suggested that the use of DR clauses in contracts may be one way to start this conversation with parties, but more work may need to be done before their inclusion becomes the norm. Some suggested it would be difficult to get government buy-in to assist with changes designed to address the issues raised above.

VISION

This section provides a roadmap for the future of commercial DR in Toronto. It offers a short-, medium- and long-term framework for achieving the vision conceived at the GPC Toronto event.

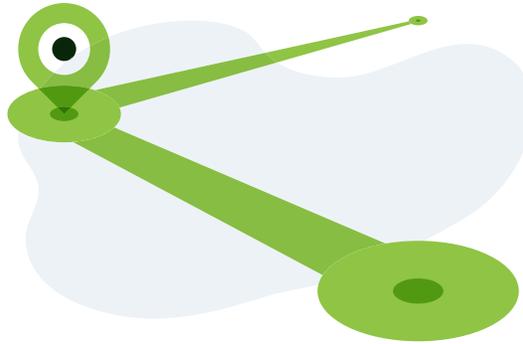


Vision for the future of commercial DR in the short term (1–5 years)

Change within the first five years takes a multi-pronged approach. In the first instance, it is important to get the ADR message out. This is achieved through educational programs and social media marketing campaigns on DR in schools, community, universities, business and ongoing professional development.

Through such education programs, lawyers and in-house counsel are actively encouraged to find out what parties want and help them to consider what type of DR process will best meet their needs. In some instances, this means shifting lawyers' focus from short-term monetary gains to a more holistic view of DR. At the same time, legislation and policy are being developed to encourage lawyers and in-house counsel to adopt ADR where possible. This may include ADR processes as a default method or the establishment of hubs where disputes can be triaged and directed towards the most appropriate process.

Such initiatives take commitment and collaboration between all stakeholders. In particular, the commitment of government funding will ensure that any action is properly resourced. Finally, research is funded and conducted to ensure that a strong evidence base guides a detailed plan to achieve the above.

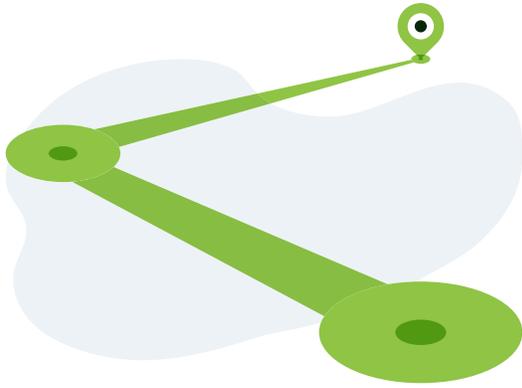


Vision for the future of commercial DR in the medium term (6–10 years)

Within six to ten years the focus is on education and embedding ADR into the justice system. Education is made available across a wide range of age groups and students in schools and universities have the opportunity to develop practical skills in resolving disputes. It is becoming a mandatory component of the curriculum in business and law schools. As a consequence, ADR concepts and language are beginning to become commonplace and the notion of conflict management is becoming more widespread.

It is not unusual for contracts to include staged conflict management strategies that incorporate a range of ADR processes. The government plays an important role and is beginning to identify opportunities to incorporate ADR processes within legislation. This may include the introduction of multi-door courthouses and commercially friendly online dispute resolution (ODR) that can triage disputes with extended hours of operation. Such initiatives are starting to shift technological focus from 'reactive' to 'proactive' strategies for resolving disputes.

On a practical note, lawyer practices are becoming more transparent and costs associated with ADR and litigation are clearly articulated in a way that enables clients to make informed decisions about the processes they use.



Vision for the future of commercial dispute resolution in the long term (>10 years)

By this stage the tipping point has been reached. There is now a strong collaborative culture that prioritizes problem-solving and conflict management processes when resolving disputes. Both legal practitioners and business executives have specialized training in conflict resolution, they champion innovation and technological advances designed to support the integration of ADR into business practices, and they facilitate access to justice.

Old billing practices are now obsolete — it was not identified which ones — and ADR is embedded within legislative and regulatory frameworks. Where the courts are required, outcomes are transparent and consistent with commercial reality/practice.

Recommendations

General:

Draw out the specific actions needed to realize the outlined vision for the future in your jurisdiction.

When doing this, you may want to consider the role of research and development, monitoring and evaluation, sub committees and think tanks, leadership and mentoring, training and education, change management, strategic planning, fundraising, partnerships and community engagement, lobbying and advocacy, development of standards and benchmarks, and dissemination of information.

Become informed about the direction in which commercial DR is heading and consider what impact the decisions you make today will have on your long-term goals and your capacity to meet the demands of the future.

Consider the role you want to play or the contribution you want to make to the future of commercial DR.

Harness the skills and efforts of the local DR community to achieve this vision.

Identify and prioritize resources required to achieve the vision in the short, medium and long term.

Build in accountability to ensure that your vision for the future is achieved.

METHODOLOGY

A standardized set of 20 multiple choice questions (MCQ) and 13 open text questions (OTQ) was posed to focus groups at each GPC event. Typically, these questions were asked across four sessions corresponding to the four GPC Series themes previously described in the 'How to read this report' section. Delegates voted individually on the 20 MCQs and answered the 13 OTQs in focus groups. The analysis within the suite of North American GPC reports relates only to the OTQs.

The responses from each session were analyzed to form hypothetical constructs specific to each GPC event. These constructs draw directly from the words and phrases contained in the focus group responses and as such provide a local profile for each of the four GPC themes. These constructs/profiles constitute the local findings within each report. To assist local communities, each profile is accompanied by a set of recommendations. A local 'snapshot', in the form of an Executive Summary, was then generated as a way of drawing out the strengths, limitations and priorities for each jurisdiction. These summaries, along with the narratives and recommendations are provided in each local GPC Report.

The 26 profiles derived from the seven local events were used to conduct a comparative analysis across jurisdictions. This enabled the identification of similarities and differences across North America. A series of priority actions were generated in response to recurrent themes arising out of this comparison. The similarities and differences, priority actions and snapshots from each local event are contained within the GPC North America Report.

For a detailed description of the methodology, including academic references, please refer to the 'Methodology' section in the GPC North America Report.

ABOUT THE AUTHORS



RESOLUTION RESOURCES

advisors | practitioners | educators

Resolution Resources became involved with the GPC Series 2016–17 in 2015, when they were invited to join the GPC Executive and Academic Committees.

Drawing on their experience in psychometrics, evidence-based design, the development of professional standards in Australia and their experience as DR practitioners, their main role was to provide support and guidance on the content and structure of the 20 MCQs and 13 OTQs asked at each GPC event. Directors Danielle Hutchinson and Emma-May Litchfield subsequently facilitated the data collection sessions at the inaugural GPC Singapore Event and were commissioned by IMI to author the first GPC report, the Singapore Report.

To date they have been the only people in the world to analyze the data generated from the open-ended focus group questions. Their previous analyses of the GPC Singapore focus group data has contributed to a number of groundbreaking initiatives in Australia including: MyDRHub, a virtual dispute resolution triage hub; the development of quality assurance frameworks for Victorian Government mediators; and innovative training and education techniques for new and existing lawyers and mediators. For more information about Resolution Resources and the services they provide, see <http://www.resolutionresources.com.au/>.

For further information on how this report was developed or how to draw out specific actions based on the recommendations, contact <https://www.imimmediation.org/contact>.

For further information about the GPC, its supporters and reports, see <https://www.imimmediation.org/gpc>.

