

THE GPC NEW YORK REPORT

Local findings from North America
GPC Series 2016-2017
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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 of the responses from delegates who participated in the GPC New York event.

MESSAGE FROM THE GPC NEW YORK LOC

New York City provided a fitting backdrop for the fourth iteration of the Global Pound Conference series, a meeting that marked the conference's arrival in America.

New York is an important global commercial hub with a well-developed ADR culture, including the use of mediation for large commercial disputes. The City is also an important legal center, making it a key location to attract thought leadership to contribute to the discussion and to effect change. Organizers drew on ADR users, providers, practitioners and academics from across the New York region to round out the various “core question” panels and—together with stakeholder-attendees—the group provided a uniquely New York view on the state of ADR in the 21st century.

In all, over 100 attendees gathered at the Benjamin N. Cardozo School of Law on September 12, 2016. Cardozo volunteered to host the event to support the important, unprecedented, international initiative undertaken by the organizers of the GPC—to collect actionable data from dispute resolution and management stakeholders around the globe about user and provider preferences in order to improve commercial dispute resolution services. The central location of Cardozo in Union Square in Manhattan and its excellent facilities provided a draw for participants. The conference's unique format, use of real-time voting and small group discussion ensured lively engagement throughout the day.

Key-Note Speakers for the New York event included: *Robert Davidson*, Executive Director, Arbitration Practice, JAMS; *Deborah Masucci*, Chair of the Board, International Mediation Institute; and *Laurence Shore*, Partner, Head of US International Arbitration, Herbert Smith Freehills New York LLP. A rich array of *Panelists* for the NY event included partners from law firms, inside counsel from major corporations, governmental and private providers of dispute resolution services, distinguished neutrals, academics, and judges.

A speakers' dinner the night before the New York Metro GPC event provided a warm welcome. The dinner was hosted at The Players, a historic social club in Manhattan's Gramercy Park neighborhood, by Professor David Weiss, Director of the New Jersey City University's Institute for Dispute Resolution. A cocktail reception closed the proceedings where attendees could reflect on commentary during the day and how to continue the conversation.

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EXECUTIVE SUMMARY

KEY THEMES FROM THE NEW YORK GPC

Alternative dispute resolution (ADR) has a strong presence in New York's commercial dispute resolution (DR) landscape, with many corporations employing such processes to avoid litigation.

The negative perception of ADR is shifting, with legal and business sectors discovering its value to their bottom line. Consequently, self-determination and problem-solving are starting to become an important part of New York's commercial DR culture. The continued resistance to concepts such as mandatory mediation and the inclusion of DR clauses in contracts reflect the ongoing uncertainty about provider quality, concern over the lack of provider diversity and the embedded adversarial nature of traditional approaches. The call to establish evidence-based models of best practice has the potential to inform the push for improved mediation training and mediator accreditation. It may also add value to both new and existing ADR education programs for lawyers, members of the judiciary, business professionals and parties.



Strengths

- ADR considered a legitimate alternative
- DR mechanisms regularly incorporated into commercial contracts
- Access to a range of high-quality, specialist practitioners
- Commercial disputes routinely resolved using non-adjudicative processes
- Increased focus on problem-solving
- Practitioners that emphasize the role of confidentiality and self-determination
- Informed parties who are able to drive the process and select their preferred arbitrator and/or mediator
- Openness to non-binary outcomes and lawyers who can think outside the box
- Corporations embedding ADR as specialist area within their organizational structure



Limitations

- Highly complex, time-consuming and expensive adversarial processes
- Reluctance by legal sector to prioritize non-adversarial options
- Inadequate details on available DR processes, e.g. knowledge about the defining features of each option
- Disproportionate role of discovery in DR process
- Lack of mandatory training and accreditation for providers
- Lack of diversity of practitioners
- Inflexibility of processes, e.g. little scope for arbitrators to promote settlement
- Lack of hard data on what works
- Increased incidence of cost shifting

EXECUTIVE SUMMARY CONT'D



Priorities for your jurisdiction

Advancing ADR training and education for lawyers, members of the judiciary, business professionals and parties, and specifically promoting it as a component in law school curricula and bar exams

Exploring ways to incentivize early resolution

Redefining the 'zealous lawyer' to include a greater emphasis on problem-solving and insight into the circumstances where non-adversarial options may prove valuable to clients

Implementing mediation training and accreditation, including a focus on promoting diversity

Developing principles for proportionate discovery, e.g. staged discovery processes

Identifying 'best practice' and sharing evidence-based case studies

Increasing use of technology such as online dispute resolution (ODR) and dispute resolution platforms that can assist parties and lawyers in identifying the best DR process for a dispute

Investigating options to reduce the complexity, cost and time of adversarial processes, particularly arbitration

Investigating options for enforceability of international mediation agreements

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 New York Report contains a synthesis of the findings from 10 open text questions answered by 30 focus groups spread across Sessions 1, 3 and 4. Data from Session 2 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, conciliators and their supporting institutions

Influencers: academics, government officers, policy makers

The New York Report offers insight into three areas of interest in commercial DR:

Needs, Wants and Expectations:

Parties' needs, wants and expectations in commercial DR in New York

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

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

Vision: The vision for commercial DR in New York 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 New York event.

The approach taken draws directly on the responses provided by the focus groups and each of the three 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 New York.

NEEDS, WANTS AND EXPECTATIONS

This section offers a picture of parties using commercial DR in New York. 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 New York, less-experienced parties often have unrealistic expectations that they can achieve total victory, whereas the most dispute-savvy users are more likely to seek to preserve relationships.



Profile 1: Inexperienced or unsophisticated parties

Parties are usually focused on winning or seeking justice. Typically, this involves some form of vindication by way of damages or punishment of their opponent. In contrast, some parties simply want the dispute to go away. Either way, parties at this level often hold unrealistic expectations about commercial DR. For example, they assume their matter can be dealt with quickly and at very little cost. Further, some may enter the process under the misconception they can achieve total victory and their opponent will be left disgraced. This lack of understanding means many parties may significantly underestimate the toll DR may take on them.

It is common for parties to turn to lawyers or DR providers for guidance about the best process for resolving their dispute, including the likely outcomes if they are not able to come to an agreement. In doing so, they may seek reassurance that the DR process will be fair. For parties, a 'fair' process often involves an opportunity to tell their story to a person in a position of authority, or to someone with the power to provide a just result. A 'just result' is typically a finding in their favor. Based on this lack of understanding, it is often important to parties that counsel be responsive and take time to answer questions.

Occasionally, parties may commence proceedings before seeking legal advice. However, they may find their lack of knowledge about the legal process, such as the rules of evidence, has inadvertently set them up for failure. Sometimes this is the result of parties basing expectations on what they have seen on TV or heard from friends. When these parties receive guidance from their lawyer or provider, their expectations often become more realistic, even if the desire for total exoneration remains. It is at this point that parties' wants begin to diverge from their expectations.

Parties' expectations also tend to shift as players and processes become more defined. Parties are learning to modify expectations based on the type of proceeding, the rules they must follow and the approach the neutral may take. For example, parties who decide to pursue their matter before the courts may be sent to court-ordered mediation. If these parties do not adjust their expectations, they may spend time focused on trying to get back in front of a judge rather than looking for ways to negotiate a solution they can live with. Sometimes parties want to take relationships into account, but this is likely to be within the context of an existing or continuing relationship.

Finally, it was suggested that parties at this level want 'free discovery'. It was not specified whether 'free' referred to the scope of the process or the cost to parties.



Profile 2: Moderately experienced or sophisticated parties

Parties are beginning to take a more strategic approach to resolving commercial disputes. They may start to prioritize efficiency, rather than a fixed monetary amount, as an outcome. Typically, parties are more open to counsel's advice and tend to have realistic expectations about what is involved in resolving disputes. Within this context, parties typically have a more developed and nuanced understanding of DR processes available.

Consequently, parties may want a voice in shaping the way the dispute is resolved. This may include wanting choice in the DR process, institution and/or the mediator/arbitrator. Within this context, parties have become conscious of the need to consider cost, speed and efficiency in decision-making. These parties are more likely to adjust their expectations based on their choices. It was noted that even though some parties may retain less sophisticated objectives (such as total victory or punishing their opponent), they may change their approach in attempting to achieve them. It was suggested that sometimes this may involve parties starting to draw on their knowledge and experience to maximize leverage or 'game the system'. Irrespective of their approach, parties at this level typically share a growing awareness that there is likely to be a significant gap between their wants and expectations of DR.

When turning to lawyers for help, parties tend to look to those who can provide an objective analysis of the strengths and weaknesses of the case as well as those who are willing and able to think 'outside the box'. Similarly, these parties seek lawyers who are responsive, have good negotiation skills and who charge reasonable fees.

When working with mediators, some parties may focus on a mediator's evaluative role. However, they can usually be convinced about the value of parties taking an active role in the process. It was suggested that this may be because they are starting to see the value in processes that help to preserve relationships where possible. Further, it was suggested some parties may start to develop a preference for mediation because it provides scope for non-binary outcomes.

Given the consensual nature of mediation, it was said mediation may also be perceived as an attractive option for parties who tend to want some influence over the outcome of the dispute. Some highlighted the impact that early experiences with mediation or arbitration may have on the way parties learn to deal with conflict. For example, parties whose approach to conflict is primarily formed through exposure to arbitration may be more inclined to seek a just and final answer provided as efficiently as possible. In contrast, others felt parties may simply seek to repeat the process with which they have had success in the past, or some may choose a particular process in an attempt to set a precedent for future actions.

Irrespective of the process selected, parties at this level tend to prize highly skilled practitioners who are experts in the subject matter of the dispute. Similarly, they see the benefit of providers who are fair, impartial and efficient in their conduct of proceedings so as to limit cost and maximize value for parties engaging in commercial DR.

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.



Profile 3: Highly experienced or sophisticated parties

Parties tend to prioritize business interests when resolving commercial disputes. For some parties at this level this may mean contextualizing the dispute within a broader corporate strategy. For others, it may involve a systematic analysis of the cost-benefit ratio and potential exposure to risk. Unlike their less-sophisticated counterparts, these parties tend to remain in the driver's seat across the life of the dispute. For example, because these parties understand the role mediators play in helping parties prepare for negotiation, they often want to engage them as early as possible. Further, many of these parties will have specific goals when pursuing a claim. Consequently, many may select a forum strategically or tailor a process to maximize their chance of achieving those goals.

Some parties may have a strong desire for total and complete confidentiality and may be willing to forgo some of the benefits of litigation in order to pursue a process like mediation because they are protected from public scrutiny. Others suggested sophisticated parties are more capable and therefore more likely to 'game the system'. For example, parties may sometimes withhold important information in an attempt to manipulate the neutral.

Sophisticated parties typically expect their neutrals to hold vast knowledge of their subject matter, have the strength to manage the other party, and possess the skills to conduct an efficient process. As a result, parties may focus carefully on who the mediator or tribunal members are and their qualifications with respect to the issues at hand. Such strategies may help provide parties with a sense of predictability, something that tends to remain important across all levels of the dispute-savvy spectrum. Like all parties, they want costs to be reasonable and the process to be efficient. However, parties at this level tend to appreciate that by engaging in high-quality processes with experienced professionals, they may need to pay more and wait longer to achieve a successful outcome.

Parties often share the desire to preserve relationships if possible. Where this is a priority, they may consider novel or innovative ways to address problems that may otherwise prevent a negotiated resolution. It was suggested this may be one of the reasons why parties at this level value counsel who are not only responsive but know the party's business and how the dispute may affect it.

OBSTACLES AND CHALLENGES

This section describes the obstacles and challenges present in New York’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

Many share the view that alternative dispute resolution (ADR) has a strong presence in the DR landscape and numerous corporations are making good use of these processes to avoid litigation. ADR is seen as a legitimate alternative and is routinely incorporated into commercial contracts. It has even been adopted as a specialist area in some corporations. It was suggested that even though most commercial disputes are now resolved without adjudication, legislative provisions encouraging mediation and arbitration should be retained. It was stated that there are many high-quality neutrals and the advancement of training and push for mediator accreditation should continue.

The focus on problem-solving is important to preserve, as is confidentiality and the emphasis on self-determination, particularly through the purposeful use of joint sessions. Maintaining the scope for parties to choose their preferred arbitrator and/or mediator was also considered important. From a judicial perspective, the ability for parties to sue and appeal was viewed as significant, as was the continued trend towards judicial case management. Enforceability of judgements and awards was perceived as key for certainty and finality. From a constitutional perspective, the enshrinement of judicial independence via Article 3 is highly valued.



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

Many identified that parties are often unaware of the range of DR options available, and it was suggested more work needs to be done around describing the defining features of each process, including the advantages and disadvantages of each. It was stated that this type of work may help lawyers deepen their understanding of ADR and gain greater insight into the circumstances in which non-adversarial options may prove valuable to clients. Others raised the possibility of identifying ‘best practice’, including case studies or examples that could be shared across the courts. Further, some wondered if ‘zealous lawyering’ might be redefined to accommodate a greater emphasis on problem-solving.

In-house counsel were perceived as playing an important role in promoting these types of changes. A greater emphasis on continuous education was identified as a small but important change for neutrals. It was suggested as beneficial to include a focus on procedural elements, such as court rules, along with content relating to specialist subject matter. Also noted was the need for greater transparency around training and qualifications for mediators and arbitrators.

Some argue that the lack of mandatory training is an obstacle for the sector. It was also stated that improvements need to be made in relation to diversity within mediation and arbitration panels. Some suggested only minor changes would be required to institutionalize mediation so as to facilitate greater uptake of ADR. For example, by encouraging or even mandating that lawyers and parties prioritize mediation prior to litigation.

Others viewed the routine inclusion of mediation clauses as an easy way to embed non-adversarial approaches. It was also suggested that increasing flexibility for neutrals, such as allowing arbitrators greater scope to promote settlement, may be another small way to initiate change. The use of technology, such as online dispute resolution (ODR), is highlighted as an important and simple step towards overcoming some impediments to access to justice.



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

One of the major challenges identified was the disproportionate role discovery plays in DR processes. There were numerous calls for a staged discovery process that, in the first instance, limited discovery to that which was proportionate to the needs of parties using a non-adversarial process. It was suggested that should mediation fail, that a second, more onerous discovery phase could be enlivened.

In the same vein, it was suggested that a major obstacle to change is that some in the legal profession have a vested interest in maintaining a litigious culture. This is because some practitioners or firms have a 'brand' which is closely tied to adjudicative processes. It may also be that some will have fee structures that disincentivize early resolution. It was suggested that major changes would be required in order to rethink what it means for litigation and arbitration to be time- and cost-effective. It was stated this would also involve identifying or creating mechanisms that promote early resolution. Some perceived it would be even more challenging to embed mediation as a mandatory first step in resolving commercial disputes. Others raised the possibility that resistance to ADR may be attributable to perceived variability or lack of certainty about the quality of mediators.

The lack of diversity amongst providers was also identified as a major obstacle. Either way, many seemed to think that ignorance surrounding ADR is one of the major challenges for commercial DR and that this is particularly so because it contradicts the existing social and customary approaches to resolving disputes. This being the case, the routine inclusion of pre-dispute and ADR clauses in contracts was seen as difficult to achieve in the short term. Also, it was suggested that any efforts to improve lawyers' ADR knowledge and skills by embedding ADR into law school curricula and bar exams are likely to face significant obstacles.

Others highlighted that challenges with access to justice become increasingly likely when parties have little alternative other than to navigate highly complex, time-consuming and expensive adversarial processes to resolve disputes. This issue was seen as particularly problematic for consumers where class actions are prohibited, and mandatory use of arbitration precludes the right of appeal.

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 DR 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.

Issues were also raised about the time and complexity of constituting arbitral panels, including the appointment of the Chair. The increased incidence of cost-shifting was cited as impacting negatively on access to justice.

From the perspective of those operating internationally, the lack of a mediation enforcement mechanism was considered a major challenge, particularly where it prevents the acceptance of mediation as a legitimate option for resolving international commercial disputes. Irrespective of jurisdiction, overcoming the lack of effective reporting mechanisms and hard data on what really works was perceived as extremely challenging yet essential to implementing lasting change within the current landscape.



Obstacles and challenges that appear impossible to change

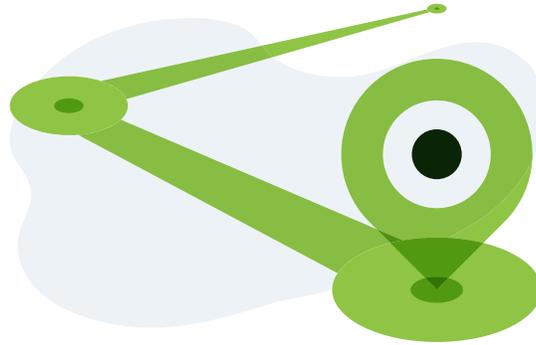
There is divided opinion about the notion that something is impossible to change. Some adopted a 'nothing is impossible' mindset, whereas others identified a number of elements likely to remain permanent features of the commercial DR landscape. The first feature identified is the adversarial nature of the current system and law firms who litigate for a living. While there was some suggestion that this unshifting commitment to the current paradigm may be the bastion of veteran lawyers, there was also a view that public perception of litigation and the adversarial mindset of parties are likely to remain constant.

Next, dealing with 'bad actors' determined to 'game the system' was seen as inevitable and part of processes that bring to bear some of the more challenging aspects of human nature. Additionally, it was conceded that an inherent feature of DR is disagreement between parties on the merits of a claim or the facts at issue, and this is not going to change. From a practical perspective, challenges such as reconciling jurisdictional differences, insufficient public funding and court resources, varying quality of judges, and high legal fees are all considered an inescapable part of the justice system.

Finally, it was noted that the tension between the public policy role of the courts and the benefits of out-of-court DR is unlikely to ever be completely reconciled.

VISION

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

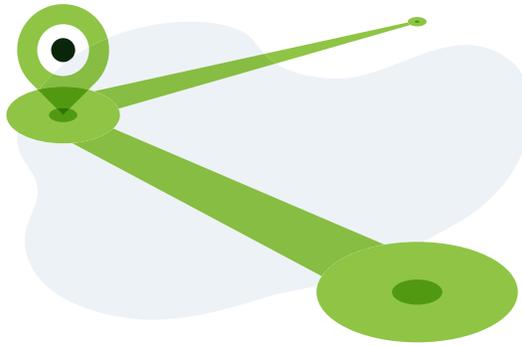


Vision for the future of commercial DR in the short term (1–5 years)

At this stage the primary focus is on education for lawyers, members of the judiciary, business professionals and parties. Initiatives include hands-on mediation training for lawyers including exposure to the full range of DR processes, best practice strategies for business executives and ADR awareness programs for the general market.

Legislators are introducing provisions to promote the uptake of ADR during the initial stages of disputes. These may include mandatory mediation or compulsory ADR protocols. Legislators have also ensured that agreements are enforceable. Alternatively, the use of ADR may be incentivized through mechanisms such as tax credits. Online platforms and minimum communication requirements also prove helpful. It was not indicated what these minimum requirements are.

Another strategy to promote ADR involves developing a mechanism that provides parties and/or lawyers with advice about options for resolving disputes. This may include a referral pathway.

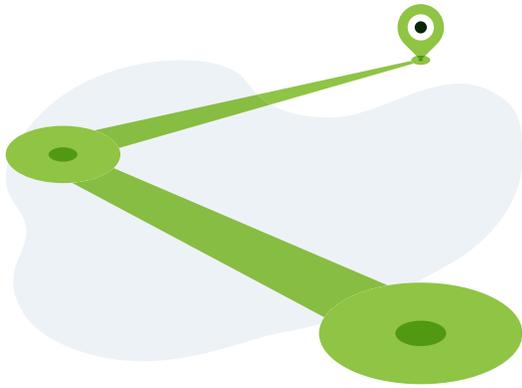


Vision for the future of commercial DR in the medium term (6–10 years)

At this stage the ADR landscape has become more systematized. Education for lawyers, judiciary, business and the public remains a strong focus. As a result, the negative perception of ADR is shifting and business is starting to genuinely appreciate its value. Negotiation, collaboration and civics education programs have made their way into schools so that students have a greater understanding of a range of mechanisms available for resolving conflict.

Legislators have embedded a variety of provisions promoting ADR, including mandatory mediation, legal ethics requirements and expectations around parties' engagement in pre-dispute processes. Artificial Intelligence (AI) or technology-based solutions have become an important part of the process and have advanced to the point where parties can test the merits of their case before approaching a lawyer.

Alternatively, ADR experts are available to provide advice about the best-suited DR processes for a given case and it may be that this understanding has led to the development of industry-specific DR processes.



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

This final stage sees the rise of the ADR expert. They may hold a role in law firms and provide specific advice about the resolution of disputes. Alternatively, they may be part of an open-door courthouse and provide advice to parties about the best-suited DR process for the given circumstance.

Technology is embedded in the ADR landscape and some industries have their own specific ADR platforms. Importantly, ongoing analysis of the data generated from these platforms allows continuing research and evaluation of ADR to ensure future initiatives are evidence-based. There is an emphasis on analyzing the interaction between ADR processes and the courts to develop a better understanding of how to capture and redirect parties towards services that promote early resolution. State and Federal commercial courts may have become privatized and run similarly to AAA, JAMS and CPR, with published decisions that are redacted to maintain party privacy.

Overall, there is increased confidence in the judicial system and ADR practitioners are perceived as professionals that are held accountable to high standards.

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>.

