



Analysis of GPC Singapore 2016 Delegate Discussion Questions

Session 2: The relationship between parties' expectations and current practices in commercial dispute resolution processes

The hierarchy below is a synthesis of the open text responses from 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.

Table 1: GPC Singapore – 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.

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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 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 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

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THE GPC SERIES DATA COLLECTION

The GPC Series Core Questions comprise of 24 questions over four sessions. Each session comprises of five multiple choice questions (MCQs) and one open text question (OTQ). Respondents to these questions belonged to one of four stakeholder groups: parties, advisors, providers and influencers.

METHODOLOGY BEHIND ANALYSIS OPEN TEXT RESPONSES

Delegates in Singapore sat in approximately one hundred groups of two to four stakeholders to discuss the above question Q2.6. Each group was then asked to submit their responses using the GPC App.

These responses were then coded by analysts who identified patterns of responses about the wants or expectations from parties who are operating at different levels of experience in commercial dispute resolution.

ANALYSIS OF OPEN TEXT RESPONSES

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) from the Singapore GPC, 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.

**To access the voting results from the
GPC Series Singapore 2016, please [click here](#)**

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