GLOBAL POUND CONFERENCE SERIES 2016-17

SHAPING THE FUTURE OF DISPUTE RESOLUTION & IMPROVING ACCESS TO JUSTICE

LOCAL VOTING RESULTS

TORONTO VOTING RESULTS

OCTOBER 15, 2016

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Session 1

Session 1 – Demographic Results

Which category of stakeholder will you vote as today?

(If your regular practice involves several of these options, please select the one in which you have primarily been involved).

À quelle catégorie d'intervenant appartenez-vous ?

(Si votre activité habituelle inclut plusieurs de ces activités, veuillez sélectionner celle que vous exercez à titre principal).

(46)

Party (user of dispute resolution services): A person or in-house counsel involved in commercial disputes / Partie (utilisateur des services de règlement de litiges): Une personne impliquée dans des litiges commerciaux (5) 10.87%

Advisor: An external lawyer or consultant to a party Conseiller : Un avocat ou un conseil d'une partie (10)

Adjudicative Provider: A judge, arbitrator, or organisation providing their services / Autorité de résolution de litiges contraignante :: Un juge, un arbitre, une organisation fournissant ces services (8) 17.39%

Non-Adjudicative Provider: A conciliator, mediator or organisation providing such services / Autorité de résolution de litiges non-contraignante : un conciliateur un médiateur une organisation fournissant ces services (18) 39.13%

Influencer: A researcher, educator, employee/representative of government, or any other person not in categories 1-4 above / Personne influente : un chercheur, un enseignant, un fonctionnaire / représentant du gouvernement autre personne non (5) 10.87%

Session 1 , Question 1 – Group Results

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

(Pease rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

Quels sont les résultats que les parties souhaitent le plus souvent avant de commencer un processus de règlement de litiges commerciaux ?

(258)

2.Financial (e.g. damages, compensation, etc.) / Financiers (par exemple des dommages-intérêts, une indemnisation, etc.) (101) 77.00%

1.Action-focused (e.g. prevent action or require an action from one of the parties) / Actions (par exemple empêcher une action ou exiger une action de l'une des parties) (81) 61.00%

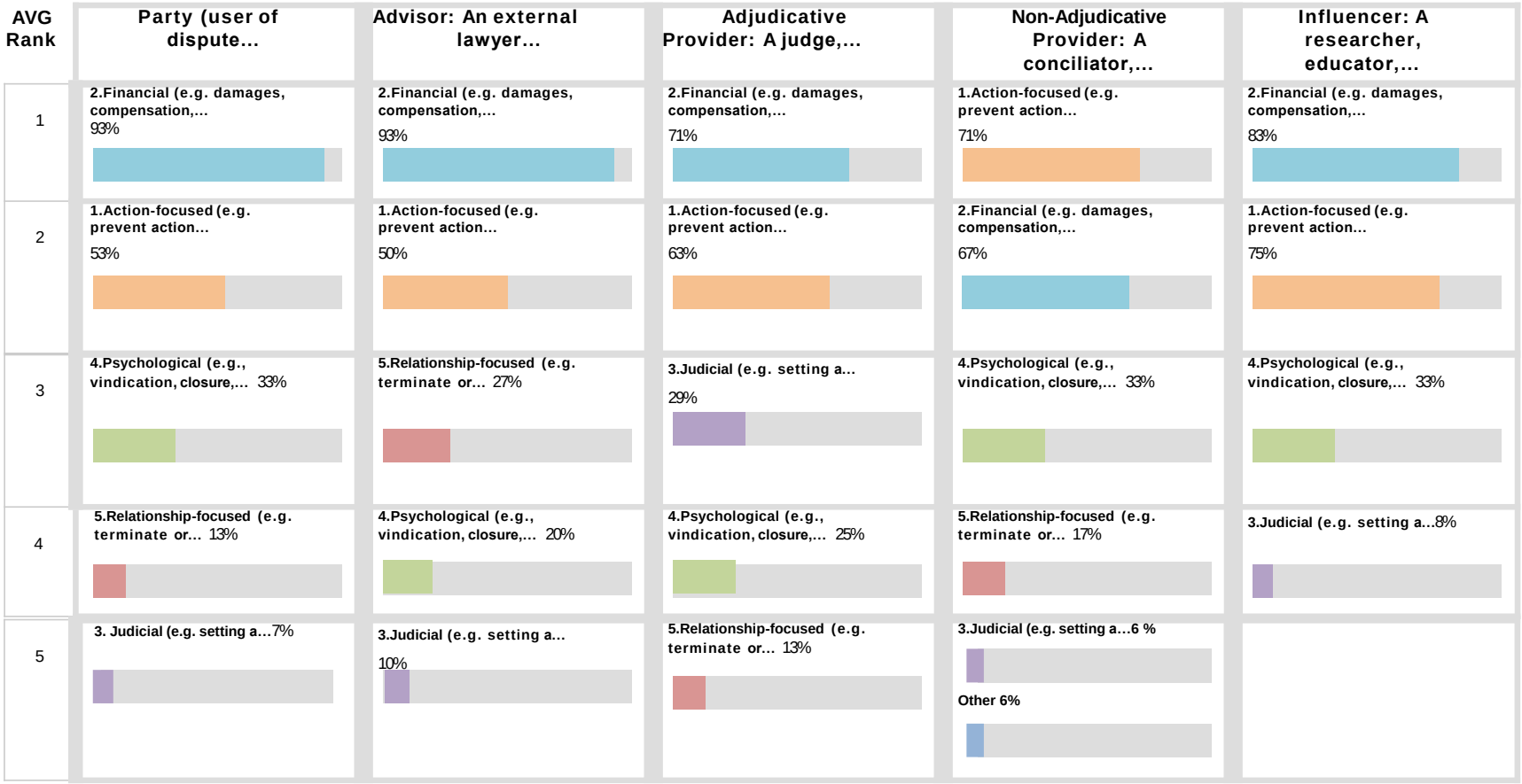
4.Psychological (e.g., vindication, closure, being heard, procedural fairness) / Psychologiques (par exemple, argumentation, résolution, être entendu, équité procédurale) (37) 28.00%

5.Relationship-focused (e.g. terminate or preserve a relationship) / Relationnels (par exemple mettre fin ou préserver une relation) (21) 16.00%

3.Judicial (e.g. setting a legal precedent) / Judiciaires (par exemple créer un précédent) (15) 11.00%

Other (3) 2.00%

Session 1, Question 1 – Cross sorted Results



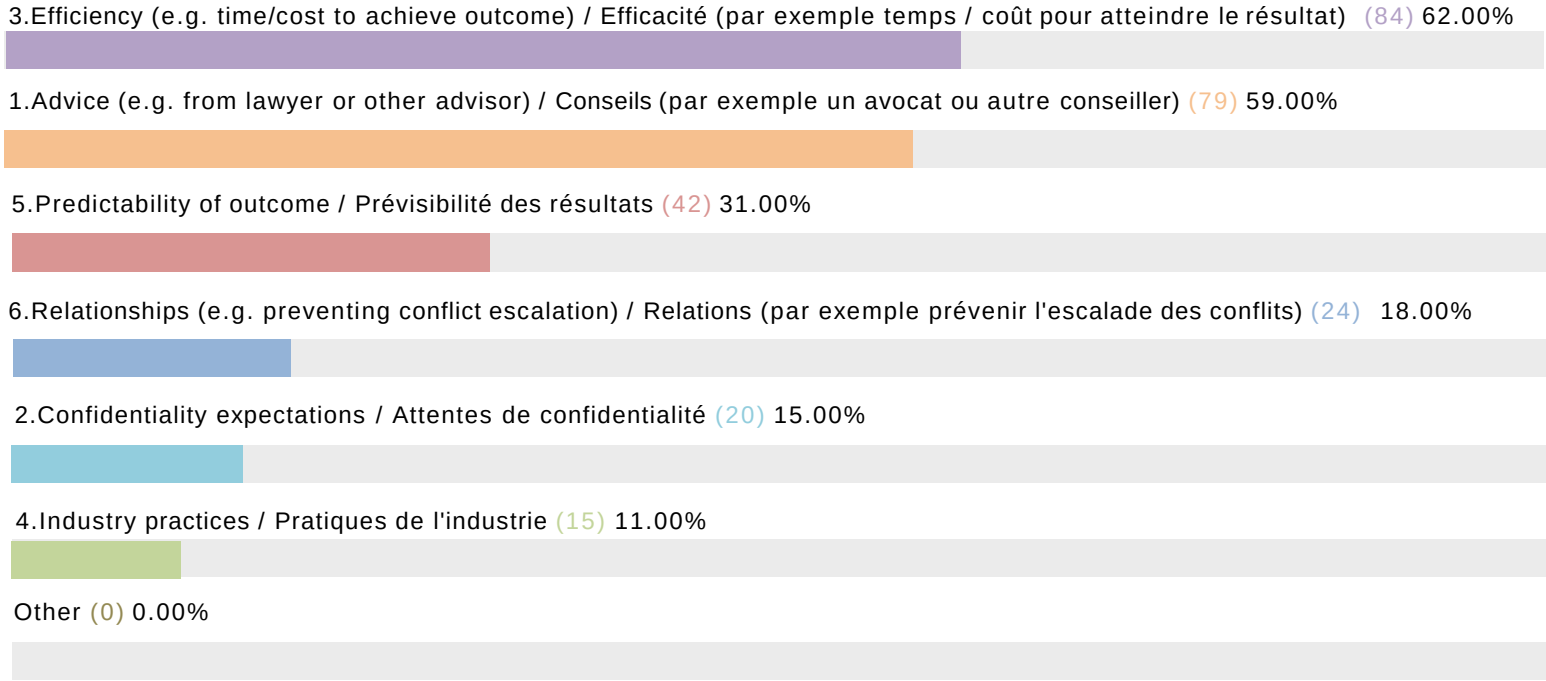
Session 1, Question 2 – Demographic Results

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?

(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

Lorsque les parties impliquées dans des litiges commerciaux choisissent le(s) type(s) de procédure(s) de règlement des litiges à utiliser, lequel des éléments suivants a le plus d'influence ?

(Veuillez classer vos 3 réponses préférées par ordre de priorité : '1'= 3 points, '2'= 2 points, '3' = 1 point)
(264)



Session 1, Question 2 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
1	3.Efficiency (e.g. time/cost to...67%	1.Advice (e.g. from lawyer...70%	3.Efficiency (e.g. time/cost to...75%	3.Efficiency (e.g. time/cost to...58%	3.Efficiency (e.g. time/cost to...80%
2	1.Advice (e.g. from lawyer...53%	3.Efficiency (e.g. time/cost to...53%	1.Advice (e.g. from lawyer...58%	1.Advice (e.g. from lawyer...56%	1.Advice (e.g. from lawyer...60%
3	6.Relationships (e.g. preventing conflict... 40%	5.Predictability of outcome /...23%	5.Predictability of outcome /...38%	5.Predictability of outcome /...42%	2.Confidentiality expectations / Attentes... 33%
4	5.Predictability of outcome /...27%	2.Confidentiality expectations / Attentes... 20% 4.Industry practices / Pratiques...20%	6.Relationships (e.g. preventing conflict... 17%	6.Relationships (e.g. preventing conflict... 21%	4.Industry practices / Pratiques...13% 5.Predictability of outcome /...13%
5	2.Confidentiality expectations / Attentes... 13%	6.Relationships (e.g. preventing conflict... 13%	4.Industry practices / Pratiques...8%	2.Confidentiality expectations / Attentes... 13%	
6			2.Confidentiality xpectations / Attentes...4%	4.Industry practices / Pratiques...10%	

Session 1, Question 3 – Demographic Results

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

(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

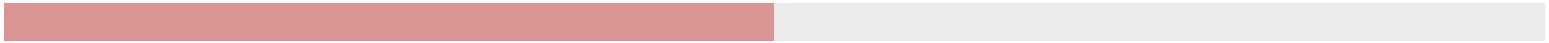
Lorsque des juristes ou avocats font des recommandations aux parties sur les options de procédure de règlement des litiges commerciaux, lequel des suivants a le plus d'influence

Veuillez classer vos 3 réponses préférées par ordre de priorité : '1'= 3 points , '2'= 2 points, '3' = 1 point)

(270)

1.Familiarity with a particular type of dispute resolution process /Familiarité avec un type particulier de mode de règlement des litiges (79) 57.00%

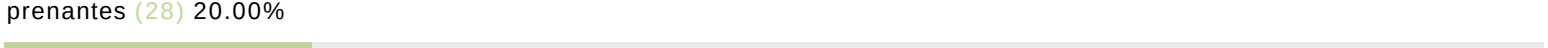
5.The type of outcome requested by the party (e.g. money, an injunction, etc.) / Le type de résultat demandé par la partie (par exemple de l'argent, une injonction, etc.) (69) 50.00%



3.Impact on costs/fees the lawyer can charge / Impact sur les coûts / frais que l'avocat peut facturer (62) 45.00%

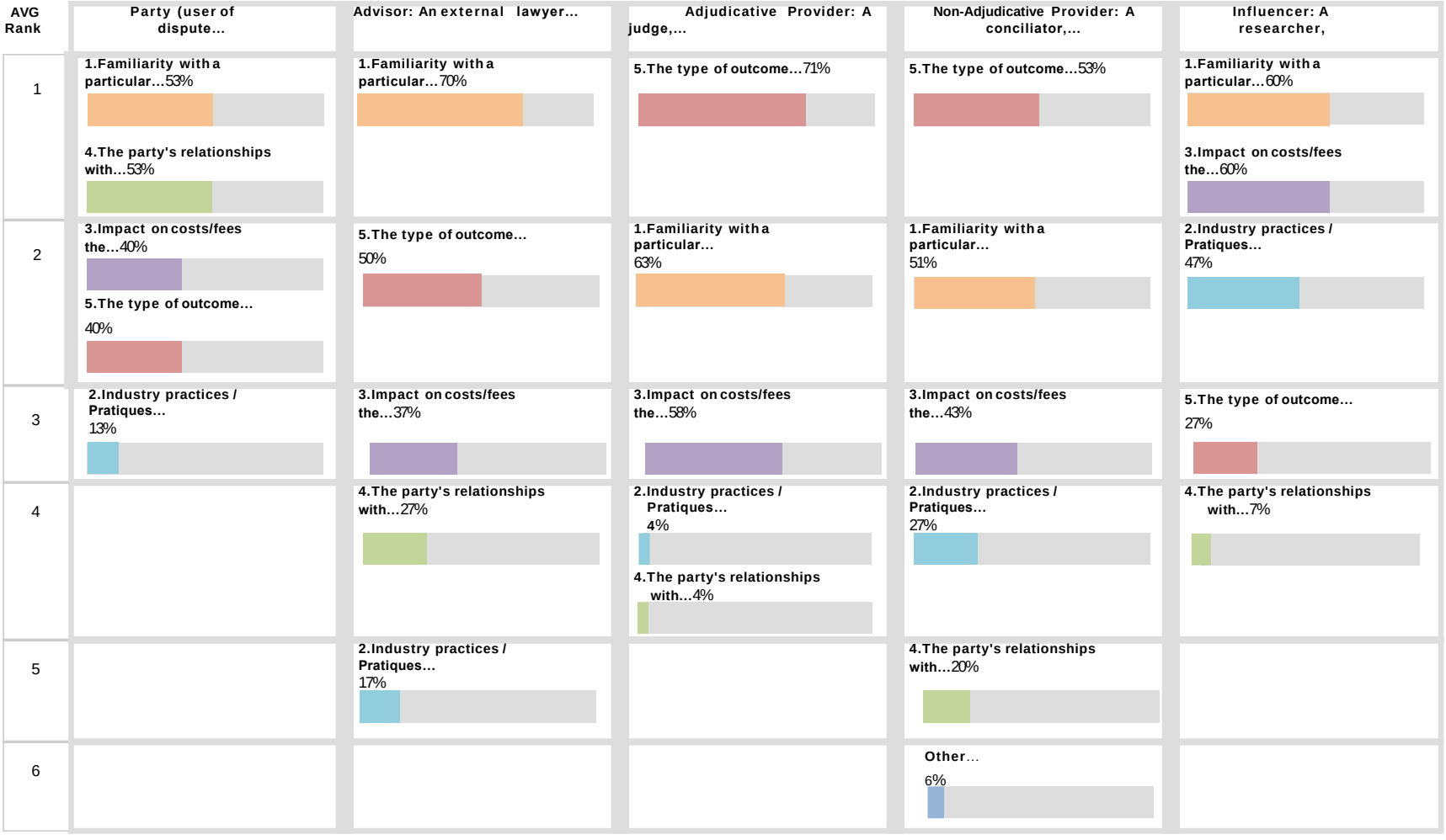
2.Industry practices / Pratiques de l'industrie (29) 21.00%

4.The party's relationships with the other party(ies) or stakeholders / Les relations de la partie avec l'(les) autre(s) partie(s) ou parties prenantes (28) 20.00%



Other (3) 2.00%

Session 1, Question 3 – Cross Sorted Results



Session 1, Question 4 – Demographic Results

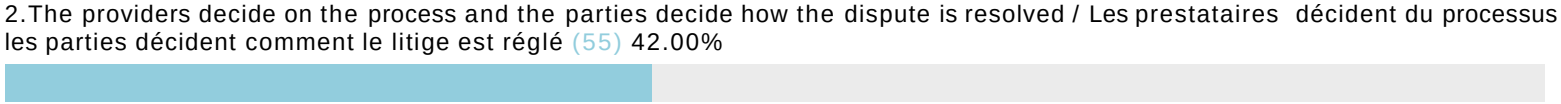
What role do parties involved in commercial disputes want providers to take in the dispute resolution processes?

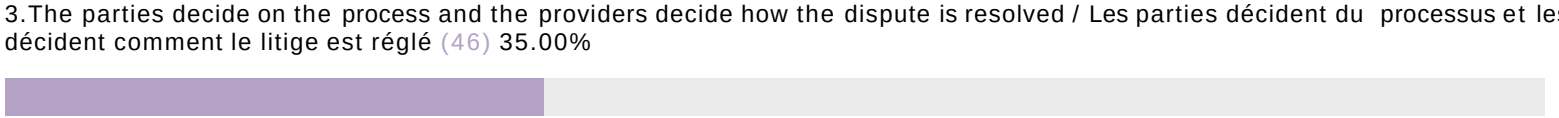
(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

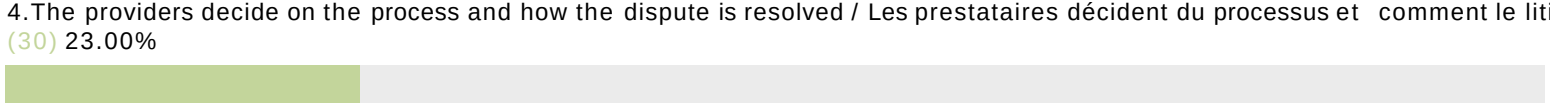
Quel rôle les parties impliquées dans des litiges commerciaux souhaitent que les prestataires jouent dans le processus de règlement des litiges ?

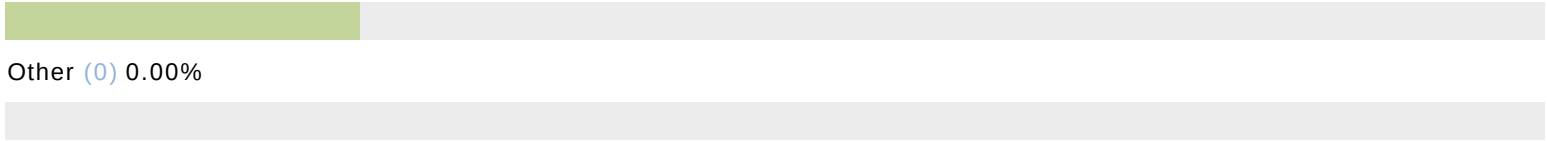
Veuillez classer vos 3 réponses préférées par ordre de priorité : '1'= 3 points , '2'= 2 points, '3' = 1 point)

(258)

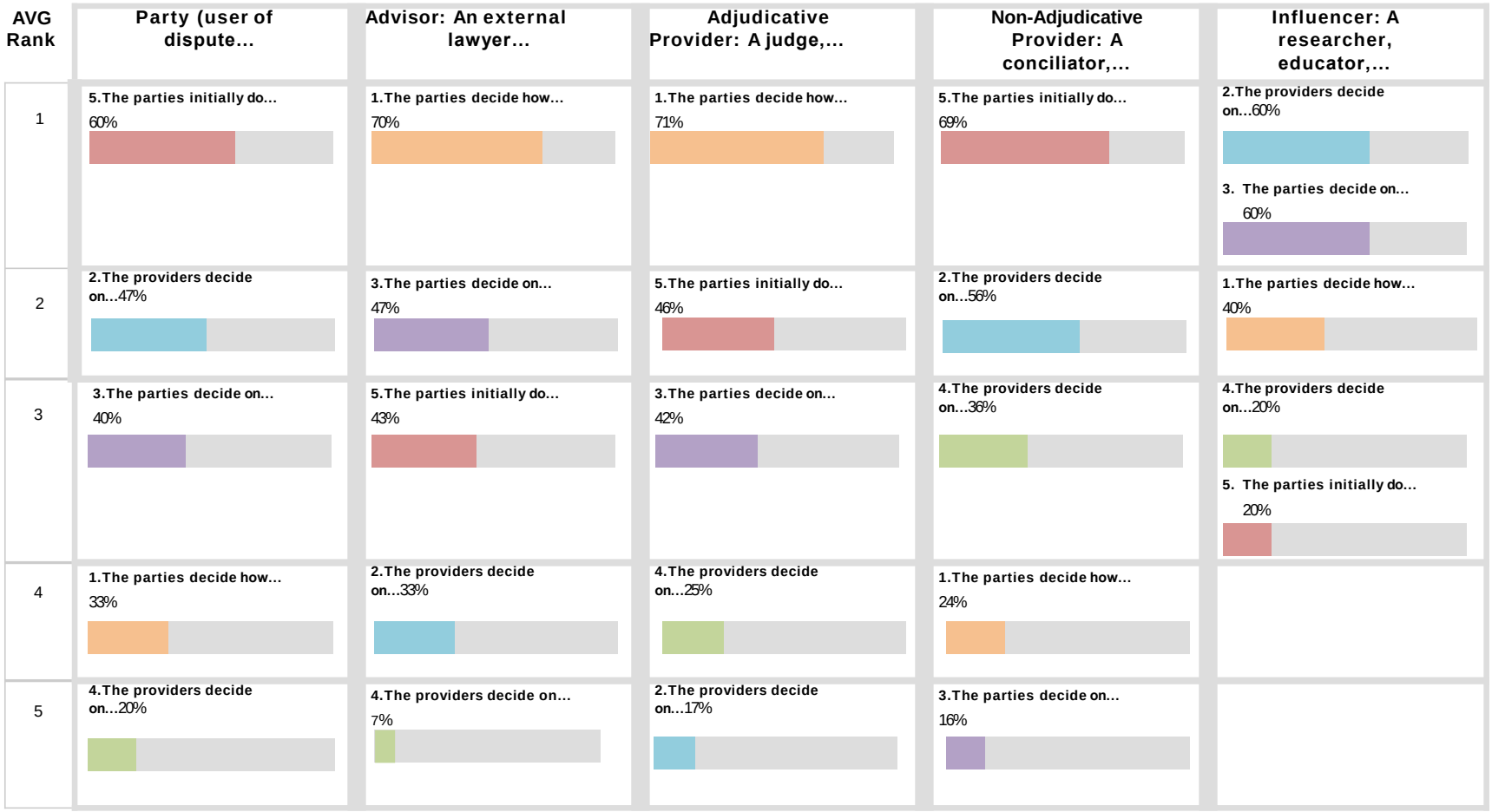








Session 1, Question 4 – Cross Sorted Results



Session 1, Question 5 – Demographic Results

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

(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

Quel rôle les parties impliquées dans des litiges commerciaux souhaitent-elles typiquement que les conseils (à savoir, juriste ou avocat) jouent dans le processus de règlement des litiges ?

Veuillez classer vos 3 réponses préférées par ordre de priorité : '1'= 3 points , '2'= 2 points, '3' = 1 point)
(246)

5.Speaking for parties and/or advocating on a party's behalf / Pouvoir de demander des actions au nom d'une partie parler pour les parties et/ou défendre au nom d'une partie. (70) 56.00%

4.Working collaboratively with parties to navigate the process. May request actions on behalf of a party / Travailler en collaboration avec les parties pour avancer dans le processus de règlement. (68) 54.00%

2.Acting as advisors and accompanying parties but not interacting with other parties or providers / Rôle de conseillers, accompagner les parties, mais ne pas interagir avec d'autres parties ou fournisseurs (47) 37.00%

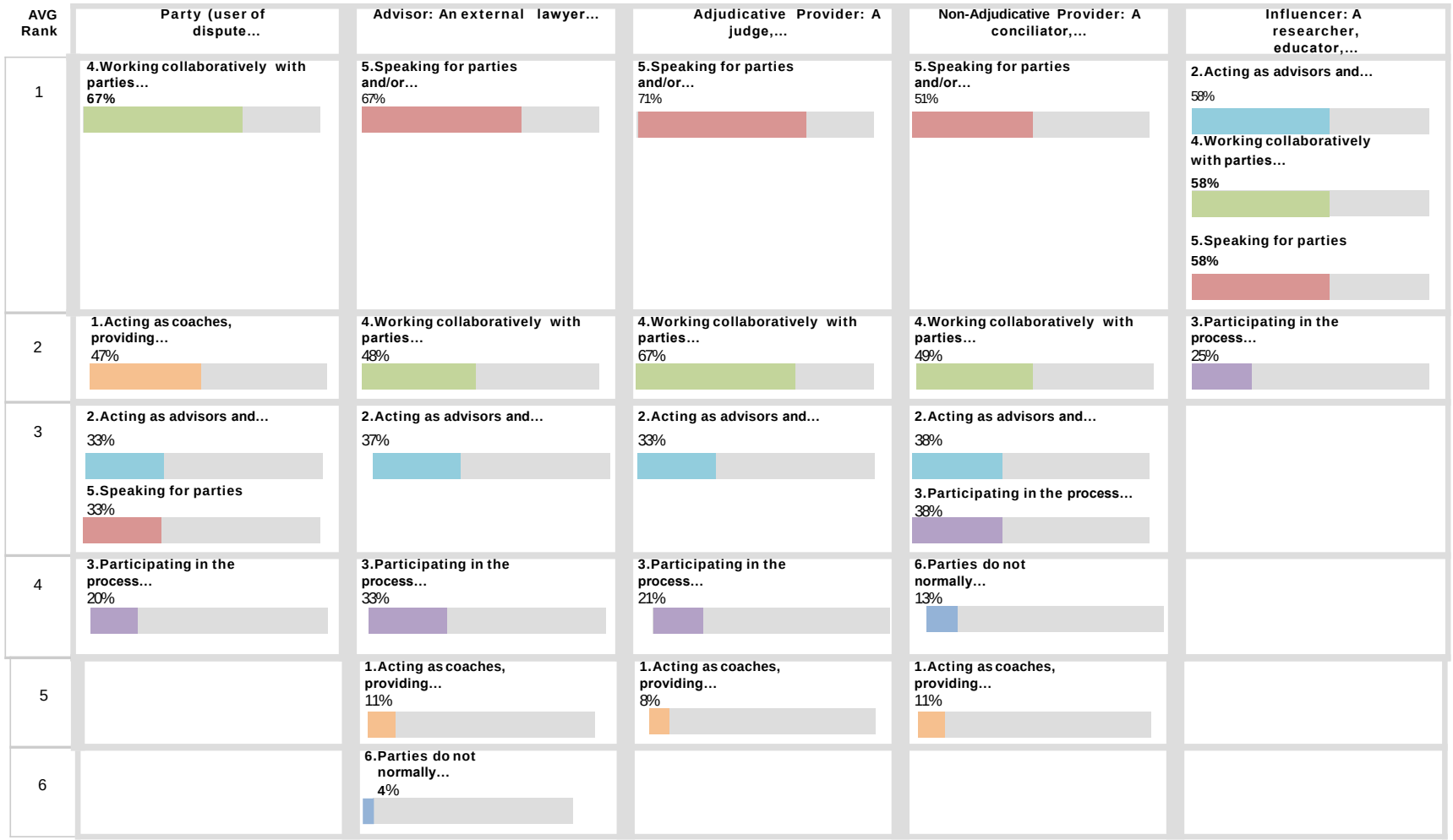
3.Participating in the process by offering expert opinions, not acting on behalf of parties / Participer au processus en offrant des avis d'experts, ne pas agir au nom des parties (37) 29.00%

1.Acting as coaches, providing advice but not attending / Rôle de coach, fournir des conseils, mais ne pas assister (17) 13.00%

6.Parties do not normally want lawyers to be involved / Les parties ne veulent généralement pas que les avocats soient impliqués (7) 6.00%

Other (0) 0.00%

Session 1, Question 4 – Cross Sorted Results



Word Cloud – Session 1

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

Make a Question or Comment – Session 1

QUESTION ASKED	VOTES
How can you forget this, Schafler?	4
Our group has a questions...Can someone explain how the percentages work in the aggregate data as it is signifantly over 100%? Thanks,	3
The point was raised that only (or mostly) users are looking at *relationships*. Should ADR providers focus more on relational aspects of disputes? At what stage, or in what way should that come about?	2
this is a test. can you hear me, monit? joe	2

Session 2

Session 2 – Demographic Results

Which category of stakeholder will you vote as today?

(If your regular practice involves several of these options, please select the one in which you have primarily been involved).

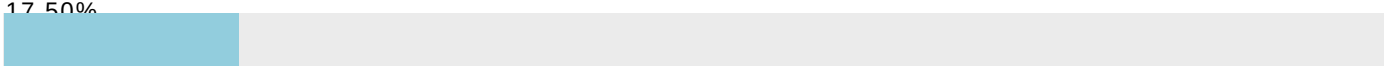
À quelle catégorie d'intervenant appartenez-vous ?

(Si votre activité habituelle inclut plusieurs de ces activités, veuillez sélectionner celle que vous exercez à titre principal).

(40)

Party (user of dispute resolution services): A person or in-house counsel involved in commercial disputes / Partie (utilisateur des services de règlement de litiges) : Une personne impliquée dans des litiges commerciaux (3) 7.50%

Advisor: An external lawyer or consultant to a party Conseiller : Un avocat ou un conseil d'une partie (7) 17.50%



Adjudicative Provider: A judge, arbitrator, or organisation providing their services / Autorité de résolution de litiges contraignante :: Un juge, un arbitre, une organisation fournissant ces services (10) 25.00%

Non-Adjudicative Provider: A conciliator, mediator or organisation providing such services / Autorité de résolution de litiges non-contraignante : un conciliateur un médiateur une organisation fournissant ces services (14) 35.00%

Influencer: A researcher, educator, employee/representative of government, or any other person not in categories 1-4 above / Personne influente : un chercheur, un enseignant, un fonctionnaire / représentant du gouvernement autre personne non (6) 15.00%

Session 2, Question 1 – Demographic Results

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

(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

Quels sont les résultats que les autorités de résolution de litiges ont tendance à favoriser lors de la résolution de litiges commerciaux ?

(Veuillez classer vos 3 réponses préférées par ordre de priorité : '1'= 3 points , '2'= 2 points, '3' = 1 point)

(222)

2.Financial (e.g. damages, compensation, etc.) / Financiers (par exemple des dommages-intérêts, une indemnisation, etc.) (81) 71.00%

1.Action-focused (e.g. prevent action or require an action from one of the parties) / Actions (par exemple empêcher une action ou exiger une action de l'une des parties) (68) 60.00%

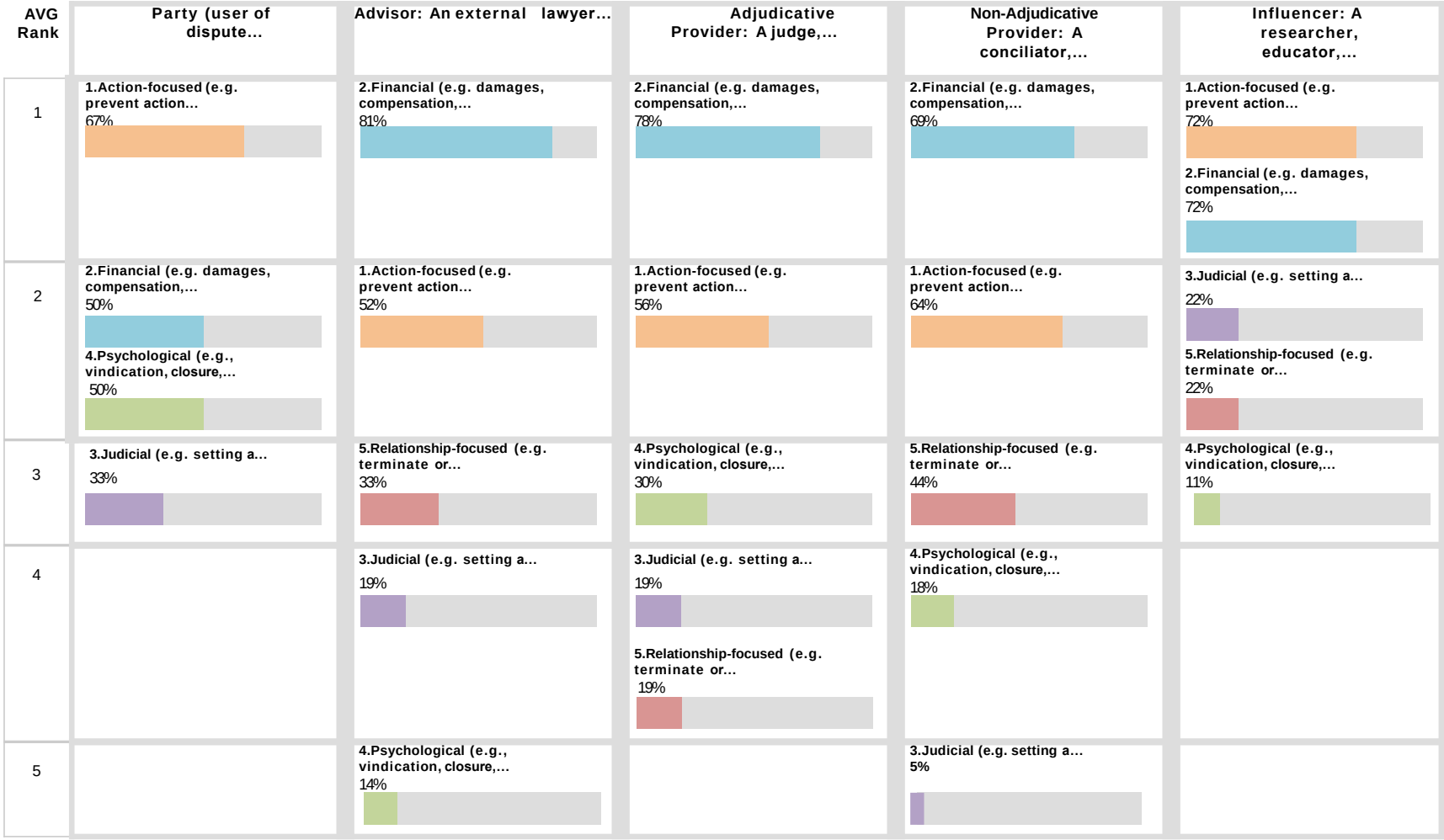
5.Relationship-focused (e.g. terminate or preserve a relationship) / Relationnels (par exemple mettre fin ou préserver une relation) (33) 29.00%

4.Psychological (e.g., vindication, closure, being heard, procedural fairness) / Psychologiques (par exemple, argumentation, résolution, être entendu, équité procédurale) (23) 20.00%

3.Judicial (e.g. setting a legal precedent) / Judiciaires (par exemple créer un précédent) (17) 15.00%

Other (0) 0.00%

Session 2, Question 1 – Cross Sorted Results



Session 2, Question 2 – Demographic Results

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

(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

Le résultat d'un litige commercial est déterminé principalement par lequel des éléments suivants ?

(Veuillez classer vos 3 réponses préférées par ordre de priorité : '1'= 3 points , '2'= 2 points, '3' = 1 point)

(234)

4.Rule of Law: findings of fact and law or other norms / État de droit : Conclusions de fait et de droit ou d'autres normes (70) 58.00%

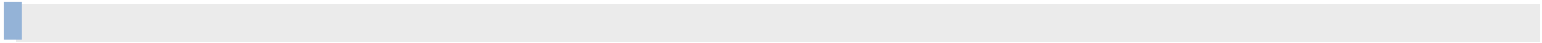
1.Consensus: the parties' subjective interests / Consensus: les intérêts subjectifs des parties (62) 52.00%

3.Equity: general principles of fairness / Équité: principes généraux d'équité (48) 40.00%

2.Culture: based cultural and/or religious norms / Culture: sur la base des normes culturelles et/ou religieuses (31) 26.00%

5.Status: deferring to authority/hierarchies / Statut: s'en remettre aux autorités / hiérarchies Autres : (veuillez préciser) (22) 18.00%

Other (1) 1.00%



Session 2, Question 2 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
1	1.Consensus: the parties' subjective... 67% 4.Rule of Law: findings... 67%	4.Rule of Law: findings... 76%	4.Rule of Law: findings... 78%	1.Consensus: the parties' subjective... 60%	1.Consensus: the parties' subjective... 56%
2	3.Equity: general principles of... 33%	1.Consensus: the parties' subjective... 52%	3.Equity: general principles of... 44%	4.Rule of Law: findings... 43%	4.Rule of Law: findings... 50%
3	2.Culture: based cultural and/or... 22%	3.Equity: general principles of... 48%	1.Consensus: the parties' subjective... 37%	3.Equity: general principles of... 38%	3.Equity: general principles of... 39%
4	5.Status: deferring to authority/hierarchies... 11%	5.Status: deferring to authority/hierarchies... 14%	2.Culture: based cultural and/or... 26%	2.Culture: based cultural and/or... 33%	2.Culture: based cultural and/or... 33%
5		2.Culture: based cultural and/or... 10%	5.Status: deferring to authority/hierarchies... 15%	5.Status: deferring to authority/hierarchies... 26%	5.Status: deferring to authority/hierarchies... 17%
6					Other 6%

Session 2, Question 3 – Demographic Results

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

(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

Dans les litiges commerciaux, qu'obtient-on en participant à un processus non juridictionnel (médiation ou conciliation) (qu'il soit volontaire ou involontaire - par exemple ordonné par le tribunal) ?

(Veuillez classer vos 3 réponses préférées par ordre de priorité : '1'= 3 points , '2'= 2 points, '3' = 1 point)
(234)

5.Retaining control over the outcome / Conserver le contrôle sur le résultat (63) 53.00%

3.Improving or restoring relationships / Amélioration ou rétablissement des relations (50) 42.00%

1.Better knowledge of the strengths/weaknesses of the case or likelihood of settlement / Meilleure connaissance des forces / faiblesses du cas ou de la probabilité de règlement. (48) 40.00%

4.Reduced costs and expenses / Frais et dépenses réduits (46) 38.00%

2.Compliance (e.g. avoiding cost sanctions, meeting contractual obligations) / Conformité (par exemple, en évitant des sanctions de coûts, en respectant des obligations contractuelles) (20) 17.00%

6.Tactical/strategic advantage (e.g. delay) / Avantage tactique / stratégique (par exemple retard) (7) 6.00%

Other (0) 0.00%

Session 2, Question 3 – Cross Sorted Results

Session 2, Question 4 – Demographic Results

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?

(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

Qui est le principal responsable qui s'assure que les parties impliquées dans des litiges commerciaux comprennent leurs options de règlement, et les conséquences possibles de chaque mode avant de décider lequel utiliser ?

(Veuillez classer vos 3 réponses préférées par ordre de priorité : '1'= 3 points , '2'= 2 points, '3' = 1 point)
(216)

2.External lawyers / Avocats (69) 62.00%

4.In-house lawyers / Abogados internos (45) 41.00%

1.Adjudicative Providers: judges and arbitrators or their organisations / Prestataires de l'arbitrage : les juges, arbitres ou leurs organisations (36) 32.00%

5.Non-Adjudicative Providers: mediators and conciliators or their organisations / Juristes Prestataires non juridictionnels : médiateurs et conciliateurs ou leurs organisations (31) 28.00%

6.Parties (non-legal personnel) / Parties (personnel non juridique) (19) 17.00%

3.Governments/ministries of justice / Gouvernements / ministères de la Justice (16) 14.00%

Other (0) 0.00%

Session 2, Question 4 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
1	3.Governments/ministries of justice /... 56% 5.Non-Adjudicative Providers: mediators and... 56%	2.External lawyers / Avocats...67%	2.External lawyers / Avocats...70%	2.External lawyers / Avocats...64%	2.External lawyers / Avocats...60%
2	1.Adjudicative Providers: judges and.... 44% 2.External lawyers / Avocats...44%	1.Adjudicative Providers: judges and... 44%	1.Adjudicative Providers: judges and... 48%	4.In-house lawyers / Abogados... 49%	4.In-house lawyers / Abogados... 47%
3		4.In-house lawyers / Abogados... 39%	4.In-house lawyers / Abogados... 44%	5.Non-Adjudicative Providers: mediators 28%	1.Adjudicative Providers: judges and... 33%
4		5.Non-Adjudicative Providers: mediators and...	5.Non-Adjudicative Providers: mediators and...19%	6.Parties (non-legal personnel) /...26%	5.Non-Adjudicative Providers: mediators 27%
5		6.Parties (non-legal personnel) /... 17%	6.Parties (non-legal personnel) /... 11%	3.Governments/ministries of justice /... 18%	6.Parties (non-legal personnel) /... 20%
6			3.Governments/ministries of justice/...7%	1.Adjudicative Providers: judges 15%	3.Governments/ministries of justice 13%

Session 2, Question 5 – Demographic Results

Currently, the most effective commercial dispute resolution processes usually involve which of the following?
(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

À l'heure actuelle, les processus les plus efficaces de règlement des litiges commerciaux impliquent habituellement lequel des énoncés suivants ?
(210)

2.Combining adjudicative and non-adjudicative processes (e.g. arbitration/litigation with mediation/conciliation) / Combinaison de processus juridictionnels et non juridictionnels (par exemple arbitrage / contentieux avec médiation/conciliation) (63) 58.00%

5.Pre-dispute or pre-escalation processes to prevent disputes / Processus préalable au litige ou escalade visant à prévenir les litiges (57) 53.00%

4.Non-adjudicative dispute resolution methods (mediation or conciliation) / Méthodes de résolution des litiges non juridictionnels (médiation ou conciliation) (38) 35.00%

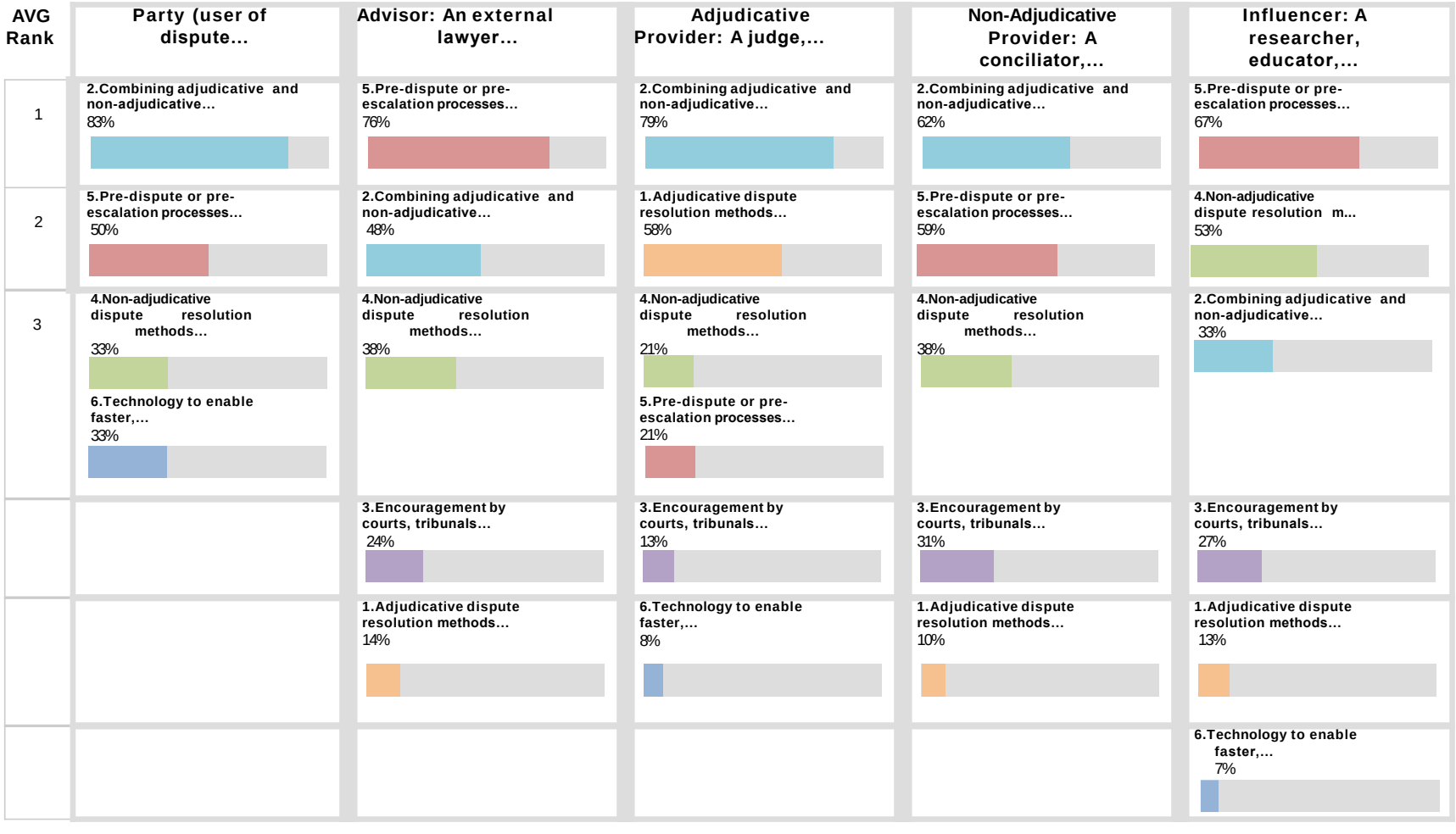
3.Encouragement by courts, tribunals or other providers to reduce time and/or costs / Encouragement par les tribunaux ou d'autres fournisseurs à réduire le temps et/ou les coûts (24) 22.00%

1.Adjudicative dispute resolution methods (litigation or arbitration) / Méthodes de règlement des litiges (contentieux ou arbitrage) (23) 21.00%

6.Technology to enable faster, cheaper procedures, (e.g. Online Dispute Resolution, electronic administration, remote hearings) / Technologie pour permettre des procédures plus rapides, des procédures moins coûteuses (par exemple règlement des litiges en (5) 5.00%

Other (0) 0.00%

Session 2, Question 5 – Cross Sorted Results



Word Cloud – Session 2

What words would you use to describe what can be done to exceed parties' expectations?

Make a Question or Comment – Session 2

QUESTION ASKED	VOTES
Comment Whether a process meets or exceeds a party's expectations depends mainly on what those expectations are. If expectations are low (or realistic) they are more likely to be met. If unrealistic, likely to be unmet. This depends in part on sophistication of parties and in part on how well advisors set the expectations.	2

Session 3

Session 3 – Demographic Results

Which category of stakeholder will you vote as today?

(If your regular practice involves several of these options, please select the one in which you have primarily been involved).

À quelle catégorie d'intervenant appartenez-vous ?

(Si votre activité habituelle inclut plusieurs de ces activités, veuillez sélectionner celle que vous exercez à titre principal).

(29)

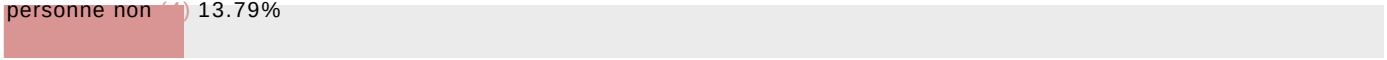
Party (user of dispute resolution services): A person or in-house counsel involved in commercial disputes / Partie (utilisateur des services de règlement de litiges) : Une personne impliquée dans des litiges commerciaux (4) 13.79%

Advisor: An external lawyer or consultant to a party Conseiller : Un avocat ou un conseil d'une partie (5) 17.24%

Adjudicative Provider: A judge, arbitrator, or organisation providing their services / Autorité de résolution de litiges contraignante :: Un juge, un arbitre, une organisation fournissant ces services (4) 13.79%

Non-Adjudicative Provider: A conciliator, mediator or organisation providing such services / Autorité de résolution de litiges non-contraignante : un conciliateur un médiateur une organisation fournissant ces services (12) 41.38%

Influencer: A researcher, educator, employee/representative of government, or any other person not in categories 1-4 above / Personne influente : un chercheur, un enseignant, un fonctionnaire / représentant du gouvernement autre personne non (4) 13.79%



Session 3, Question 1 – Demographic Results

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

(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

Quels sont les principaux obstacles ou défis auxquels font face les parties lorsqu'elles souhaitent résoudre des litiges commerciaux ?

(Veuillez classer vos 3 réponses préférées par ordre de priorité : '1'= 3 points , '2'= 2 points, '3' = 1 point)

(156)

2.Financial or time constraints / Contraintes financières ou de temps (53) 68.00%

4.Insufficient knowledge of options available to resolve disputes / Connaissance insuffisante des options disponibles pour résoudre les litiges (43) 55.00%

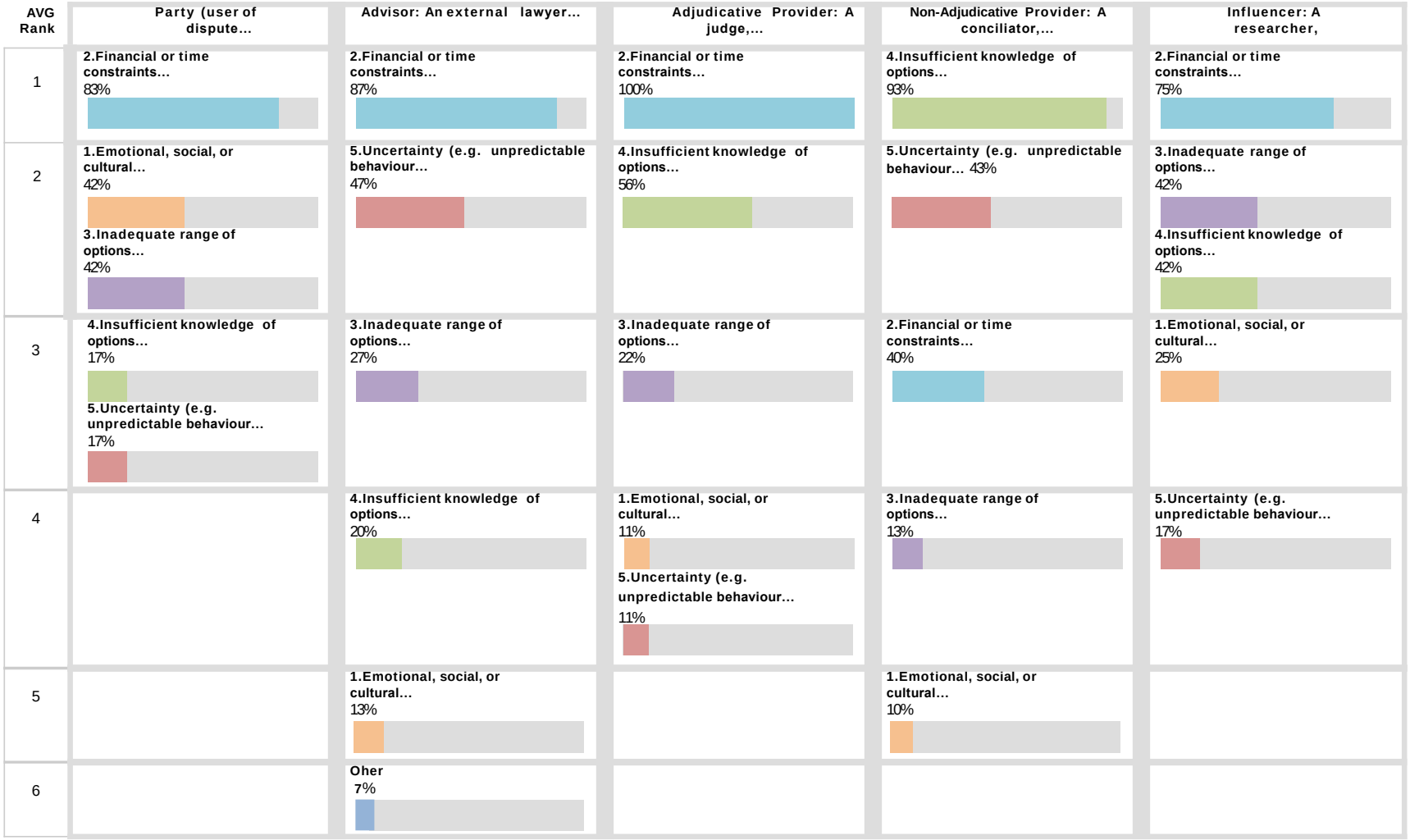
5.Uncertainty (e.g. unpredictable behaviour or lack of confidence in providers) / Incertitude (par exemple un comportement imprévisible ou un manque de confiance vis-à-vis des autorités de résolution de litiges) (25) 32.00%

3.Inadequate range of options available to resolve disputes / Options disponibles inadaptées pour résoudre les litiges (20) 26.00%

1.Emotional, social, or cultural constraints / Contraintes émotionnelles, sociales ou culturelles (14) 18.00%

Other (1) 1.00%

Session 3, Question 1 – Cross Sorted Results



Session 3, Question 2 – Demographic Results

To improve the future of commercial dispute resolution, which of the following processes and tools should be prioritised?
(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

Pour améliorer l'avenir de la résolution des litiges commerciaux, lesquels des processus et outils suivants devraient être prioritaires ?
(Veuillez classer vos 3 réponses préférées par ordre de priorité : '1'= 3 points , '2'= 2 points, '3' = 1 point)
(162)

5.Pre-dispute or pre-escalation processes to prevent disputes / Processus préalable au litige ou escalade visant à prévenir les litiges (52) 62.00%

2.Combining adjudicative and non-adjudicative processes (e.g. arbitration/litigation with mediation/conciliation) / Combinaison de processus juridictionnels et non juridictionnels (par exemple arbitrage / contentieux avec médiation/conciliation) (30) 36.00%

4.Non-adjudicative dispute resolution methods (mediation or conciliation) / Méthodes de résolution des litiges non juridictionnelles (médiation ou conciliation) (30) 36.00%

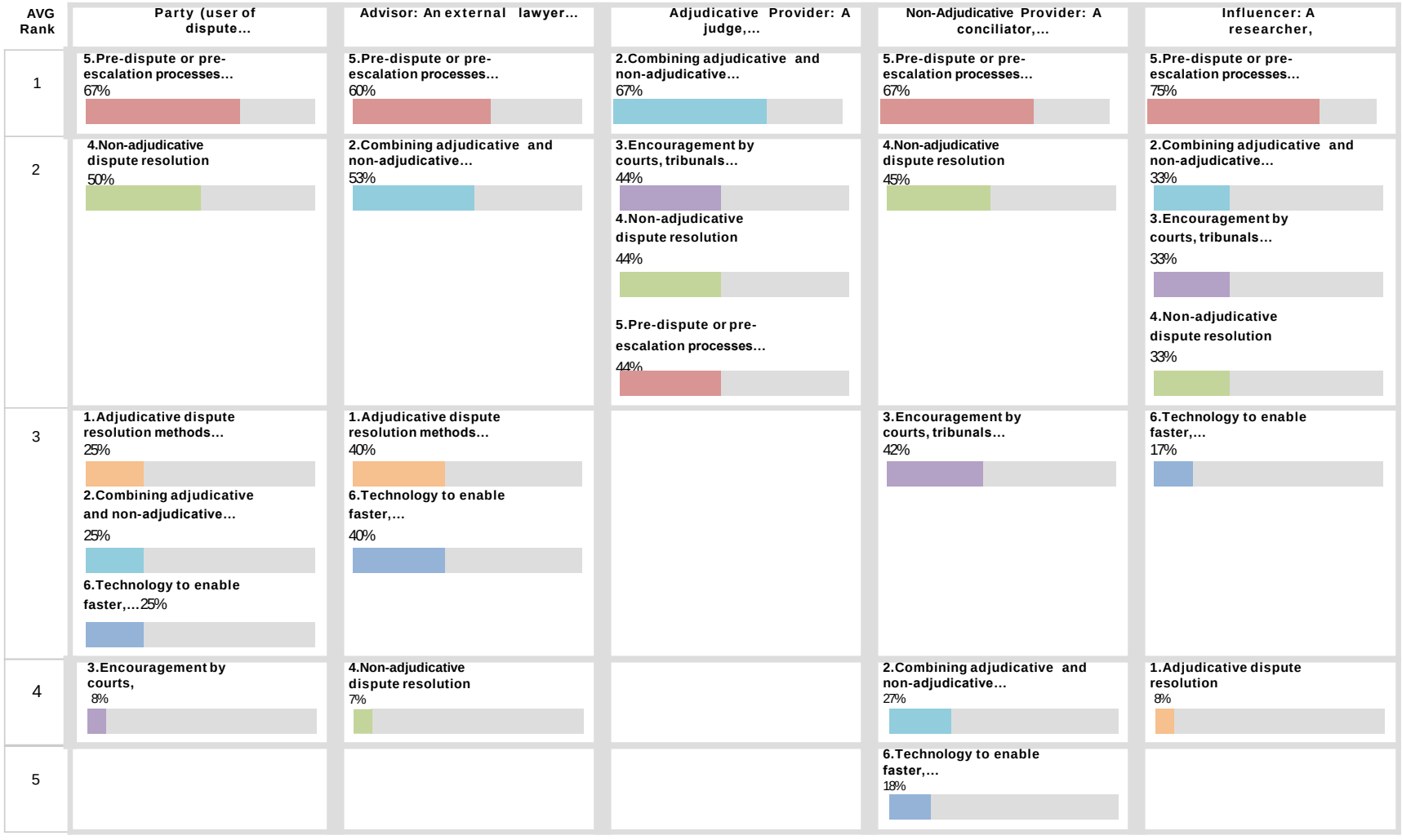
3.Encouragement by courts, tribunals or other providers to reduce time and/or costs / Encouragement par les tribunaux ou d'autres fournisseurs à réduire le temps et/ou les coûts (23) 27.00%

6.Technology to enable faster, cheaper procedures, (e.g. Online Dispute Resolution, electronic administration, remote hearings) / Technologie pour permettre des procédures plus rapides, des procédures moins coûteuses (par exemple Règlement des litiges en (17) 20.00%

1.Adjudicative dispute resolution methods (litigation or arbitration) / Méthodes de règlement des litiges (contentieux ou arbitrage) (10) 12.00%

Other (0) 0.00%

Session 3, Question 2 – Cross Sorted Results



Session 3, Question 3 – Demographic Results

Which of the following areas would most improve commercial dispute resolution?
(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

Lequel des domaines suivants améliorerait le plus la résolution des litiges commerciaux
(Veuillez classer vos 3 réponses préférées par ordre de priorité : '1'= 3 points , '2'= 2 points, '3' = 1 point)
(162)

5.Use of protocols promoting non-adjudicative processes before adjudicative processes (e.g. opt-out) / Utilisation des protocoles favorisant les modes non juridictionnels avant les modes juridictionnels (par exemple désengagement) (45) 54.00%

3.Legislation or conventions that promote recognition and enforcement of settlements, including those reached in mediation / Législation ou conventions favorisant la reconnaissance et l'exécution des règlements, y compris ceux obtenus dans la médiation (37) 44.00%

1.Accreditation or certification systems for dispute resolution providers / Des systèmes d'accréditation ou de certification pour les pestataires2 de règlement des litiges (29) 35.00%

2.Cost sanctions against parties for failing to try non-adjudicative processes (e.g. mediation or conciliation) before litigation/arbitration. / Des sanctions financières contre les partis pour le non-respect des tentatives de règlement par des processus (29) 35.00%

4.Quality control and complaint mechanisms applicable to dispute resolution providers / Mécanismes de contrôle de la qualité et de plainte applicables aux prestataires 3 de règlement des litiges (18) 21.00%

6. Rules governing third party funding / Règles régissant le financement5 par de tiers (3) 4.00%

Other (1) 1.00%

Session 3, Question 3 – Cross Sorted Results

Session 3, Question 4 – Demographic Results

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

(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

Quelles parties prenantes sont susceptibles d'être les plus résistantes au changement dans la pratique du règlement des litiges commerciaux ?

(Veuillez classer vos 3 réponses préférées par ordre de priorité : '1'= 3 points , '2'= 2 points, '3' = 1 point)

(162)

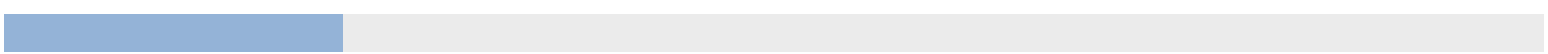
2.External lawyers / Avocats (57) 70.00%

1.Adjudicative Providers: judges and arbitrators or their organisations / Prestataires de l'arbitrage : les juges, arbitres ou leurs organisations (29) 36.00%

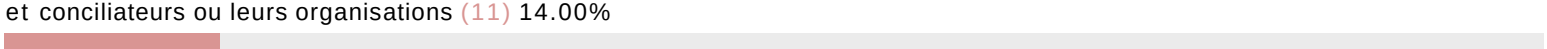
4.In-house lawyers / Abogados internos (27) 33.00%

3.Governments/ministries of justice / Gouvernements / ministères de la Justice (20) 25.00%

6.Parties (non-legal personnel) / Parties (personnel non juridique) (18) 22.00%



5.Non-Adjudicative Providers: mediators and conciliators or their organisations / Juristes Prestataires non juridictionnels : médiateurs et conciliateurs ou leurs organisations (11) 14.00%



Other (0) 0.00%

Session 3, Question 4 – Cross Sorted Results

AVG Rank	Party (user of dispute…	Advisor: An external lawyer…	Adjudicative Provider: A judge,…	Non-Adjudicative Provider: A conciliator,…	Influencer: A researcher, educator,…
1	2.External lawyers / Avocats… 75%	2.External lawyers / Avocats… 60%	2.External lawyers / Avocats… 56%	2.External lawyers / Avocats… 73%	2.External lawyers / Avocats… 83%
2	1.Adjudicative Providers: judges and…. 50%	6.Parties (non-legal personnel) /… 40%	1.Adjudicative Providers: judges and… 44%	4.In-house lawyers / Abogados… 36%	4.In-house lawyers / Abogados… 58%
3	5.Non-Adjudicative Providers: mediators 42%	1.Adjudicative Providers: judges and… 27% 4.In-house lawyers / Abogados… 27% 5.Non-Adjudicative Providers: mediators 27%	3.Governments/ministries of justice /… 33% 6.Parties (non-legal personnel) /… 33%	3.Governments/ministries of justice /… 33%	1.Adjudicative Providers: judges and… 42%
4	4.In-house lawyers / Abogados… 25%	3.Governments/ministries of justice /… 20%	5.Non-Adjudicative Providers: mediators 22%	1.Adjudicative Providers: judges and… 30%	3.Governments/ministries of justice /… 17%
5	3.Governments/ministries of justice /… 8%		4.In-house lawyers / Abogados… 11%	6.Parties (non-legal personnel) /… 27%	

Session 3, Question 5 – Demographic Results

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

(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

Quelles parties prenantes sont susceptibles d'être les plus influentes pour susciter un changement dans la pratique du règlement des litiges commerciaux ?

Veuillez classer vos 3 réponses préférées par ordre de priorité : '1'= 3 points , '2'= 2 points, '3' = 1 point)

(162)

3.Governments/ministries of justice / Gouvernements / ministères de la Justice (44) 52.00%

4.In-house lawyers / Avocats (26) 31.00%

6.Parties (non-legal personnel) / Parties (personnel non juridique) (26) 31.00%

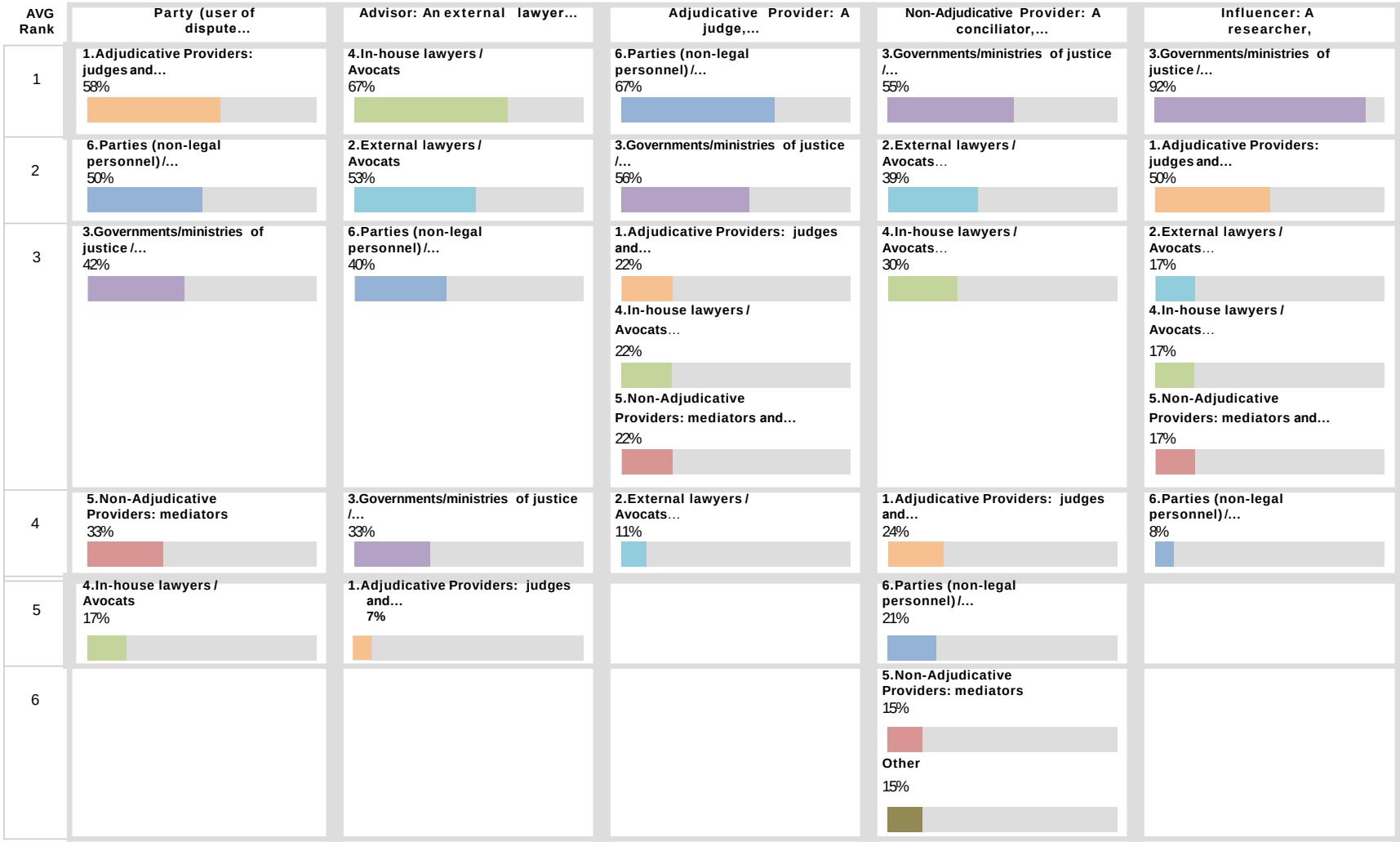
1.Adjudicative Providers: judges and arbitrators or their organisations / Prestataires d'arbitrage : les juges et les arbitres ou leurs organisations (24) 29.00%

2.External lawyers / Avocats (24) 29.00%

5.Non-Adjudicative Providers: mediators and conciliators or their organisations / Fournisseurs non juridictionnels : médiateurs et conciliateurs ou leurs organisations (13) 15.00%

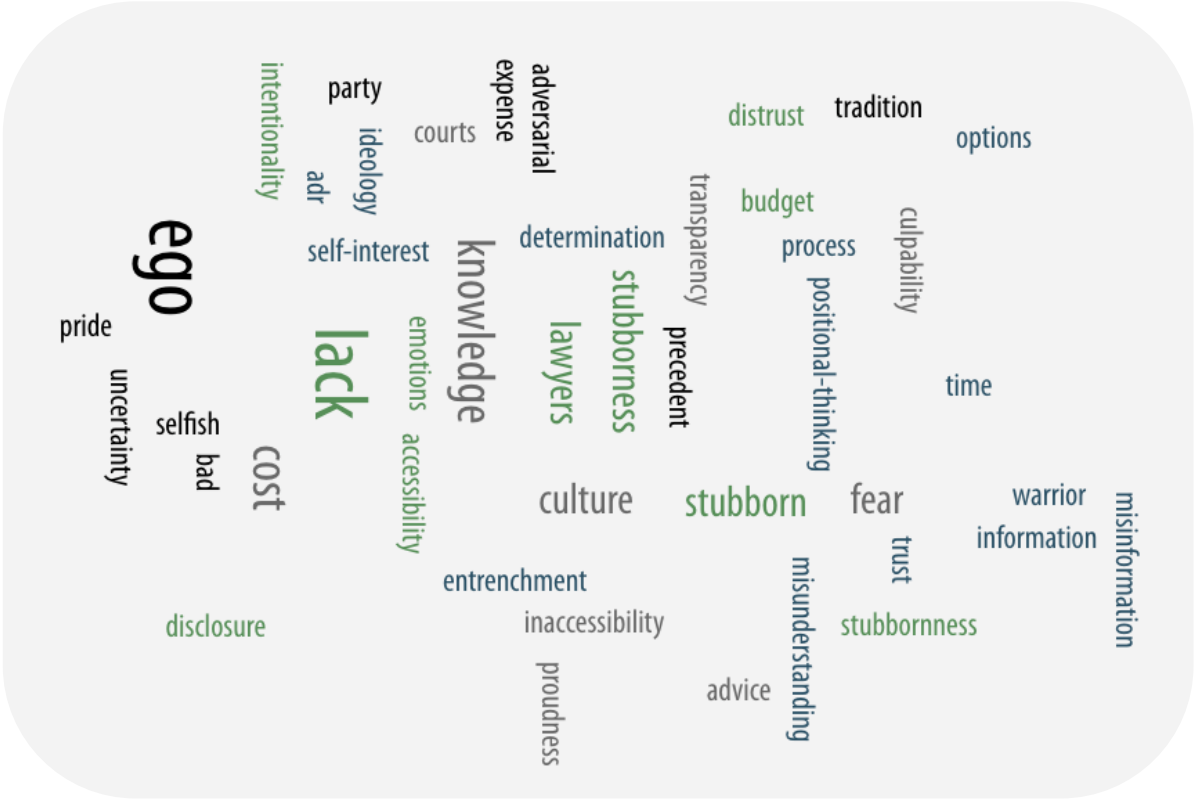
Other (5) 6.00%

Session 3, Question 5 – Cross Sorted Results



Word Cloud – Session 3

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



Session 4

Session 4 – Demographic Results

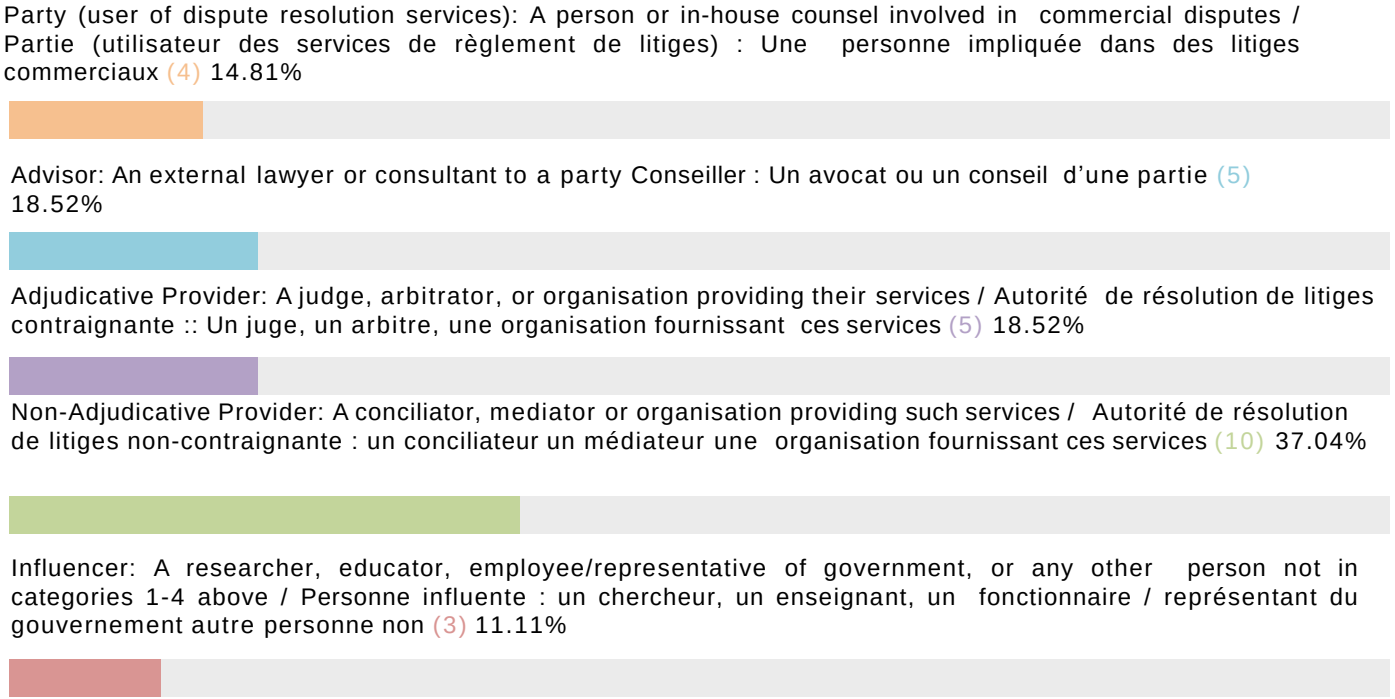
Which category of stakeholder will you vote as today?

(If your regular practice involves several of these options, please select the one in which you have primarily been involved).

À quelle catégorie d'intervenant appartenez-vous ?

(Si votre activité habituelle inclut plusieurs de ces activités, veuillez sélectionner celle que vous exercez à titre principal).

(27)



Session 4, Question 1 – Demographic Results

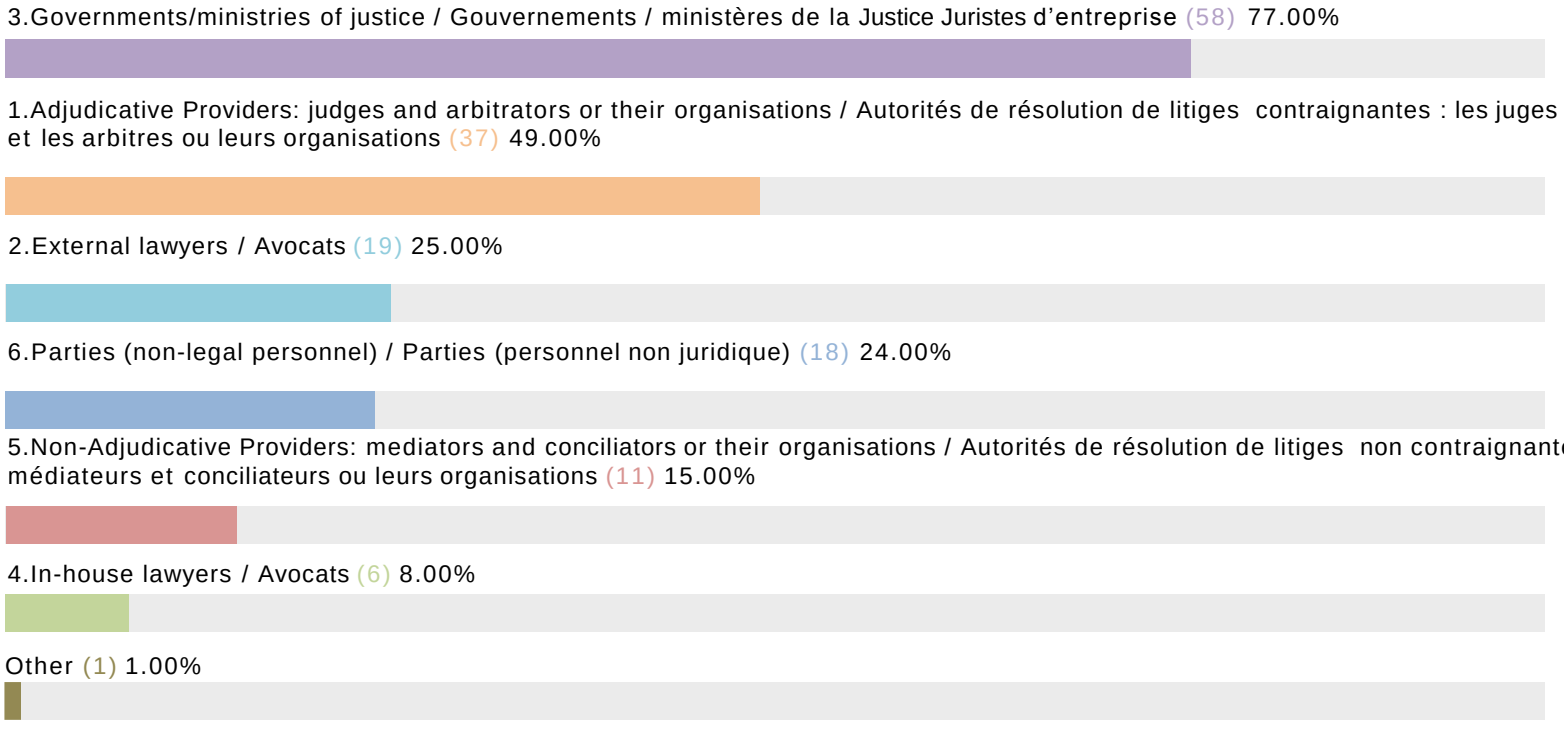
Who has the greatest responsibility for taking action to promote better access to justice in commercial dispute resolution?

(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

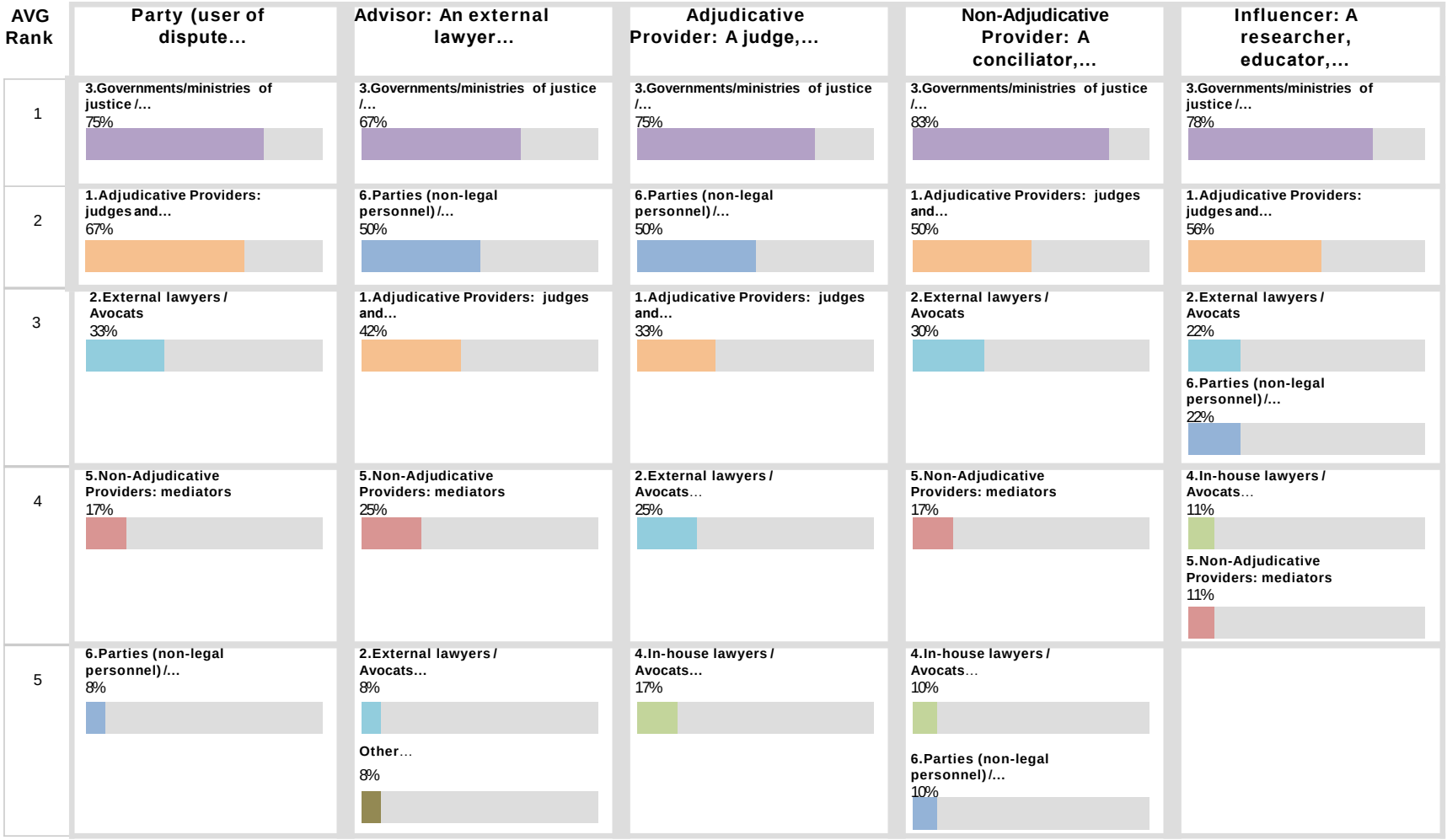
A qui incombe la responsabilité de prendre des mesures pour promouvoir un meilleur accès à la justice dans la résolution de litiges commerciaux ?

(Veuillez classer vos 3 réponses préférées par ordre de priorité : '1'= 3 points , '2'= 2 points, '3' = 1 point)

(150)



Session 4, Question 1 – Cross Sorted Results



Session 4, Question 2 – Demographic Results

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

(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

Quel est le moyen le plus efficace pour améliorer la compréhension des parties de leurs options pour le règlement des litiges commerciaux ?

(Veuillez classer vos 3 réponses préférées par ordre de priorité : '1'= 3 points , '2'= 2 points, '3' = 1 point)

(150)

2.Education in business and/or law schools and the broader business community about adjudicative and non- adjudicative dispute resolution options / Formation dans des écoles de commerce et/ou de droit et la communauté des affaires en général sur les option (68) 91.00%

1.Creating collaborative dispute resolution centres or hubs to promote awareness / Création de centres collaboratifs de règlement des litiges ou centres pour sensibiliser les parties aux options disponibles (29) 39.00%

3.Procedural requirements for all legal personnel and parties to declare they have considered non-adjudicative dispute resolution options before initiating arbitration or litigation / Exigences de procédures internes pour l'ensemble du personnel (21) 28.00%

4.Providing access to experts to guide parties in selecting the most appropriate dispute resolution process(es) / Fournir un accès à des experts pour guider les parties dans le choix du processus de règlement des litiges le(s) plus approprié(s) (17) 23.00%

5.Requiring parties to attempt non-adjudicative options (i.e., mediation or conciliation) before initiating litigation or arbitration / Exiger que les parties essayent des options non juridictionnelles (notamment médiation ou conciliation) avant de (14) 19.00%

Other (1) 1.00%

Session 4, Question 2 – Cross Sorted Results

AVG Rank	Party (user of dispute…	Advisor: An external lawyer…	Adjudicative Provider: A judge,…	Non-Adjudicative Provider: A conciliator,…	Influencer: A researcher, educator,…
1	2.Education in business and/or… 83%	2.Education in business and/or… 92%	2.Education in business and/or… 92%	2.Education in business and/or… 90%	2.Education in business and/or… 100%
2	4.Providing access to experts… 50%	1.Creating collaborative dispute resolution… 58%	1.Creating collaborative dispute resolution… 42%	1.Creating collaborative dispute resolution… 30%	1.Creating collaborative dispute resolution… 56%
3	3.Procedural requirements for all… 42%	5.Requiring parties to attempt… 25%	3.Procedural requirements for all…25% 5.Requiring parties to attempt… 25%	3.Procedural requirements for all…27% 4.Providing access to experts… 27% 5.Requiring parties to attempt… 27%	3.Procedural requirements for all… 44%
4	1.Creating collaborative dispute resolution… 25%	3.Procedural requirements for all… 8% 4.Providing access to experts… 8% Other… 8%	4.Providing access to experts… 17%		

Session 4, Question 3 – Demographic Results

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

(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

Pour encourager un meilleur accès à la justice pour les personnes impliquées dans des litiges commerciaux, sur quoi les décideurs, les gouvernements et les administrateurs devraient-ils concentrer leur attention ?

(Veuillez classer vos 3 réponses préférées par ordre de priorité : '1'= 3 points , '2'= 2 points, '3' = 1 point)
(156)

3.Pre-dispute or early stage case evaluation or assessment systems using third party advisors who will not be involved in subsequent proceedings / Systèmes d'évaluation ou d'appréciation préalables au litige ou à un stade liminaire à l'aide de conseillers (50) 64.00%

5.Use of protocols promoting non-adjudicative processes (mediation or conciliation) before adjudicative processes / Utilisation des protocoles favorisant les modes non juridictionnels (médiation ou conciliation) avant les modes juridictionnels (38) 49.00%

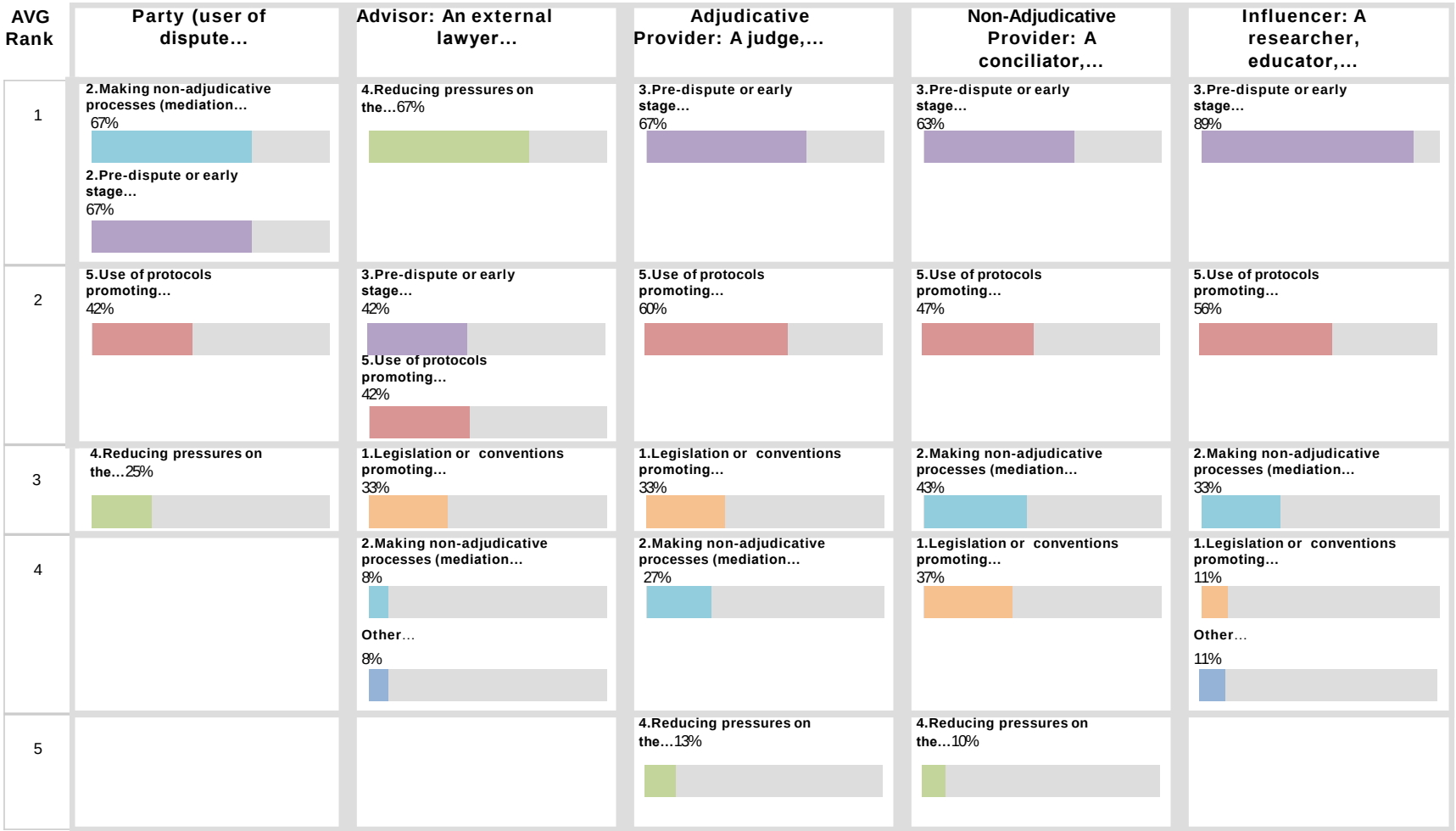
2.Making non-adjudicative processes (mediation or conciliation) compulsory and/or a process parties can "opt-out" of before adjudicative processes can be initiated / Rendre les processus non juridictionnels (médiation ou conciliation) obligatoires et/ou a (29) 37.00%

1.Legislation or conventions promoting recognition and enforcement of settlements including those reached in mediation / Législation ou conventions favorisant la reconnaissance et l'exécution des règlements, y compris ceux obtenus dans le cadre de la méd (21) 27.00%

4.Reducing pressures on the courts to make them more efficient and accessible / Réduction des pressions sur les tribunaux pour les rendre plus efficaces et plus accessibles (16) 21.00%

Other (2) 3.00%

Session 4, Question 3 – Cross Sorted Results



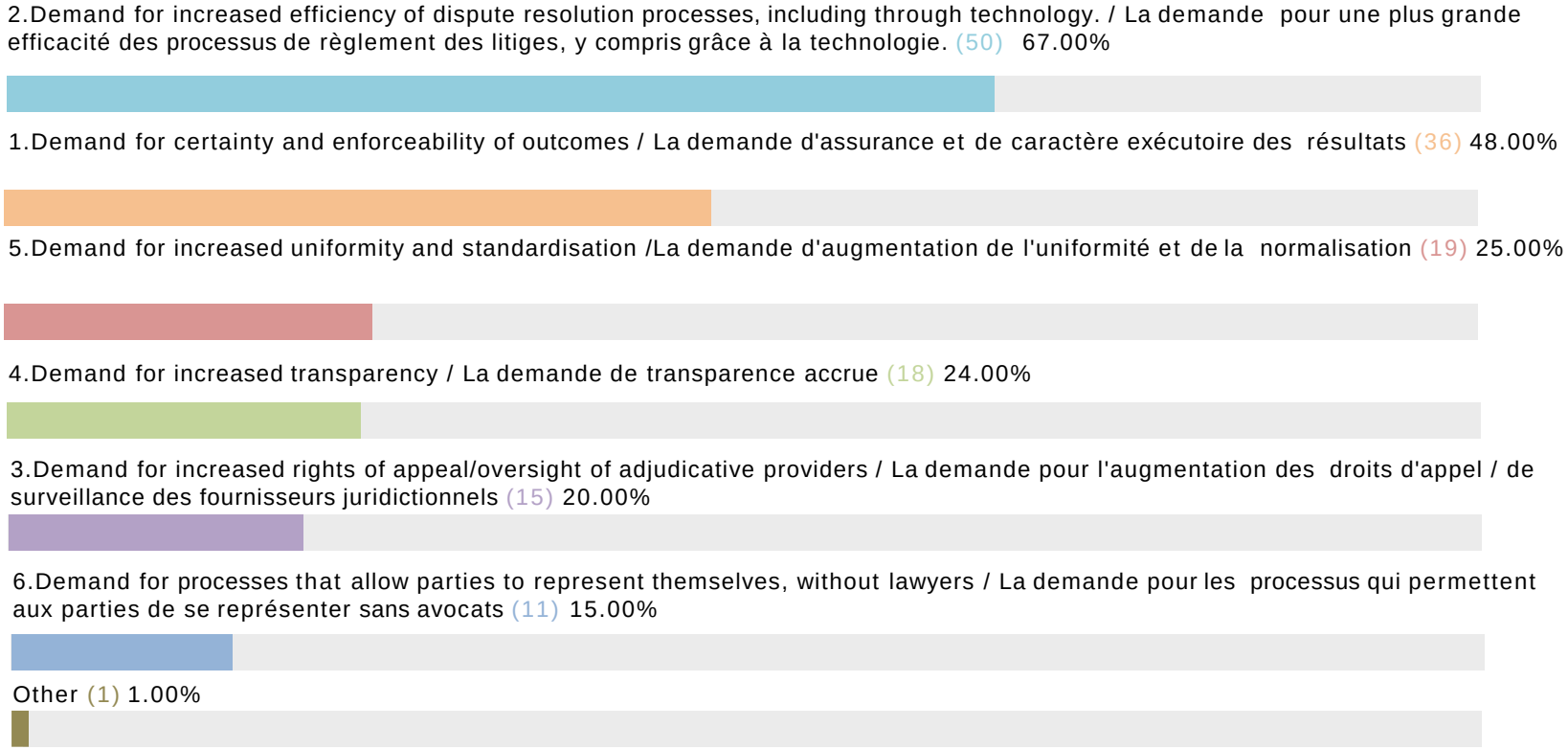
Session 4, Question 4 – Demographic Results

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

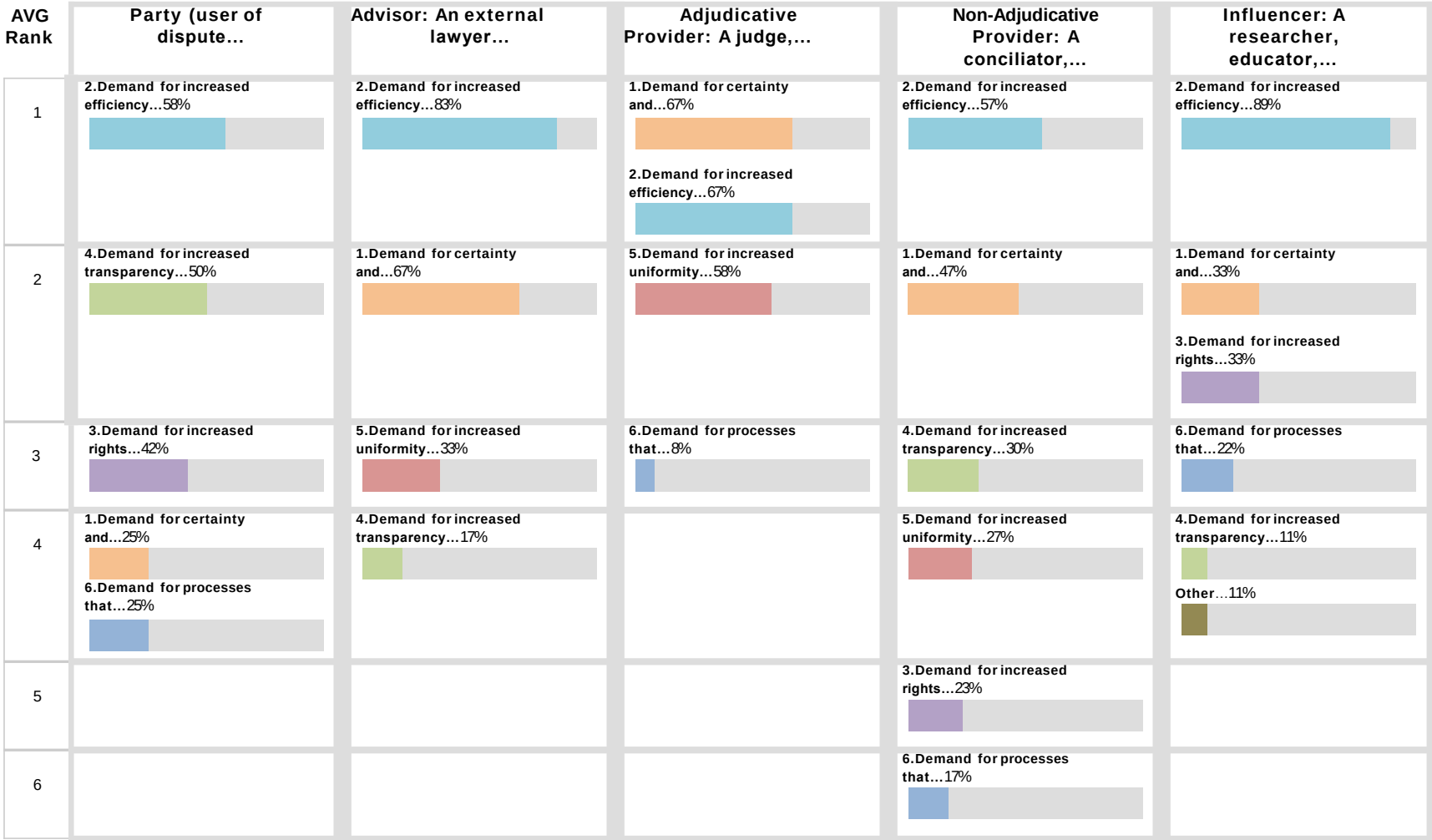
(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

Lequel des éléments suivants aura l'impact le plus significatif sur les futures règles et code de conduite pour la résolution des litiges commerciaux ?

(Veuillez classer vos 3 réponses préférées par ordre de priorité : '1'= 3 points , '2'= 2 points, '3' = 1 point)
(150)



Session 4, Question 4 – Cross Sorted Results



Session 4, Question 5 – Demographic Results

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

(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

Quelles innovations / tendances auront l'influence la plus importante sur l'avenir de la résolution des litiges commerciaux ?

(Veuillez classer vos 3 réponses préférées par ordre de priorité : '1'= 3 points , '2'= 2 points, '3' = 1 point)
(150)

1.Changes in corporate attitudes to conflict prevention / Les changements dans l'attitude des entreprises sur la prévention des conflits (51) 68.00%

3.Greater emphasis on collaborative instead of adversarial processes for resolving disputes / Un plus grand accent sur les processus collaboratifs au lieu des processus accusatoires de règlement des litiges (38) 51.00%

2.Enhanced understanding regarding how people behave and resolve conflict (e.g. from brain and social sciences) / Une meilleure compréhension sur la façon dont les gens se comportent et résolvent les conflits (par exemple études des modes de pensée et de (28) 37.00%

6.Technological innovation (e.g. on-line dispute resolution) (16) 21.00%

4.Greater emphasis on personal wellbeing and stress reduction of parties / Un plus grand accent sur le bien-être personnel et la réduction du stress des parties (9) 12.00%

5.Harmonisation of international laws and standards for dispute resolution systems / Harmonisation des législations et des normes internationales pour les systèmes de règlement des litiges (8) 11.00%

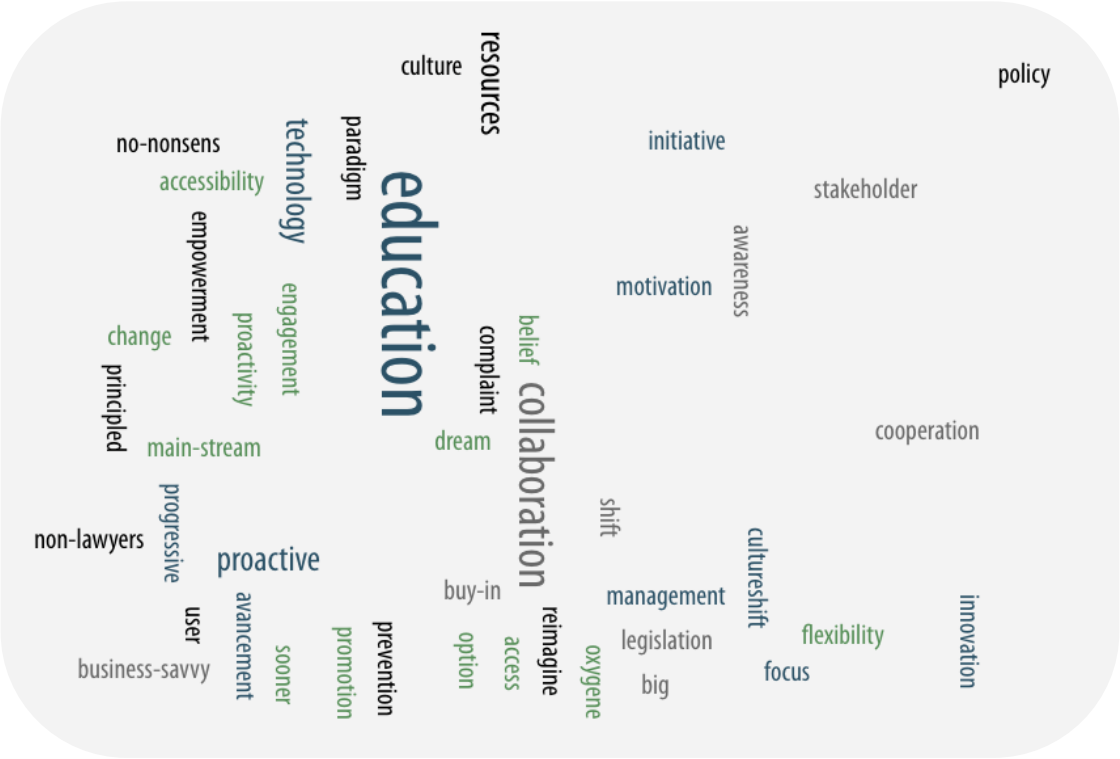
Other (0) 0.00%

Session 4, Question 5- Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher,
1	1.Changes in corporate attitudes... 9	1.Changes in corporate attitudes... 9	2.Enhanced understanding regarding how... 8	1.Changes in corporate attitudes... 7	2.Enhanced understanding regarding how... 7
2	3.Greater emphasis on collaborative... 6	2.Enhanced understanding regarding how... 4	3.Greater emphasis on collaborative... 5	3.Greater emphasis on collaborative... 5	3.Greater emphasis on collaborative... 5
3	2.Enhanced understanding regarding how...	3.Greater emphasis on collaborative... 2 6.Technological innovation (e.g. on-line... 2	1.Changes in corporate attitudes... 3	6.Technological innovation (e.g. on-line... 4	1.Changes in corporate attitudes... 4
4	5.Harmonisation of international laws... 1	4.Greater emphasis on personal... 8 5.Harmonisation of international laws... 8	4.Greater emphasis on personal... 1	5.Harmonisation of international laws... 1	4.Greater emphasis on personal... 2
5			6.Technological innovation (e.g. on-line... 8	4.Greater emphasis on personal... 1	
6				2.Enhanced understanding regarding how... 1	

Word Cloud – Session 4

What words would you use to describe the changes to focus on in the future?



Make a Question or Comment – Session 4

QUESTION ASKED	VOTES
Seems like resources and education are key!	1

THANK YOU