

# THE GPC BALTIMORE REPORT

Local findings from North America

GPC Series 2016-2017

An International Mediation Institute project

Supported by the AAA-ICDR Foundation

December 2019



International Mediation Institute



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Project funded by the AAA-ICDR Foundation.

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

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

## MESSAGE FROM THE GPC BALTIMORE LOC

The Mid-Atlantic Global Pound Conference brought together an interdisciplinary, engaged group of 100 attendees and 20 panelists at the University of Maryland Francis King Carey School of Law.

The Baltimore LOC would like to thank the Maryland Judiciary's Mediation and Conflict Resolution Office (MACRO) and the Center for Dispute Resolution at Maryland Carey Law (C-DRUM) for their leadership as co-hosts, without whom the event would not have happened. Other generous sponsors included Baker Donelson (silver sponsor), ADR Maryland (bronze sponsor), and the Maryland State Bar Association Alternative Dispute Resolution Section (patron sponsor).

The Baltimore LOC would like to thank the attendees and panelists whose participation generated insightful discussion and meaningful contributions toward the future of ADR in Maryland and globally. We also express our gratitude to following individuals and organizations for their leadership and support.

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- Nancy Welsh, Professor of Law, William Trickett Faculty Scholar, Penn State University, Dickinson Law
- John A. Wolf, Shareholder, Baker Donelson

(This list reflects members' employment at the time of the conference)

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## EXECUTIVE SUMMARY

### KEY THEMES FROM THE BALTIMORE GPC

Commercial dispute resolution (DR) in Baltimore is characterized by a generational shift towards the use of alternative dispute resolution (ADR) supported by a strong contingent of practitioners with specific subject matter expertise.

Successful outcomes are associated with creative approaches employed by mediators, who work actively with parties to clarify goals and minimize time and costs. However, while there is a growing focus on relationship management and problem-solving, ongoing inflexibility and 'one size fits all' processes frustrate those looking for more sophisticated approaches to resolving their disputes.



#### Strengths

- Fair and transparent practices allow parties to be well-informed and to feel heard
- The generational shift towards ADR is welcomed
- The range of flexible DR options available
- Lawyers who account for parties' psychological needs
- Skilled mediators with subject matter expertise, employ goal-appropriate mediation models
- Highly prepared practitioners who are tenacious in assisting parties to work through impasses
- Judicial willingness to enforce arbitral awards
- Lawyers who are skilled at advocacy within a mediation context



#### Limitations

- Lack of knowledge around DR alternatives leads to unrealistic expectations
- Perceived mediator bias or failure to add value to process
- Complex and institutionalized arbitral processes with limited transparency or avenues for appeal
- Passive providers who are unable to contain parties or prevent them from causing unnecessary delay
- Lawyers and providers who focus on the 'bottom line'
- Limited focus on the role of self-determination
- Failure to manage hybrid processes that require providers to 'switch hats'
- Rambo lawyers

## EXECUTIVE SUMMARY CONT'D



### Priorities for your jurisdiction

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Developing strategies to raise awareness of ADR, with a focus on promoting its accessibility

Developing mechanisms for matching parties and their disputes with the most appropriate DR forum, e.g. DR Hubs

Improving the quality and diversity of mediators, including specialist training for providers that offer hybrid processes

Encouraging the use of dispute clauses in commercial contracts to promote negotiation, compromise and the use of ADR options

Reviewing arbitration to reduce complexity and minimize unnecessary delays

Developing strategies to remove financial, linguistic and cultural barriers to DR

Advocating for the mandatory inclusion of ADR as part of the litigation process

Encouraging collaboration between lawyers, parties and DR practitioners to create flexible processes matched to the needs of parties and their dispute

Advocating for the inclusion of ADR as part of the mandatory curriculum in law schools



## 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.

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### 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 Baltimore Report contains a synthesis of responses to 13 open text questions answered by 60 focus groups spread across Sessions 1-4.

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

**Needs, Wants and Expectations:**

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

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

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

**Vision:** The vision for commercial DR in Baltimore 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

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

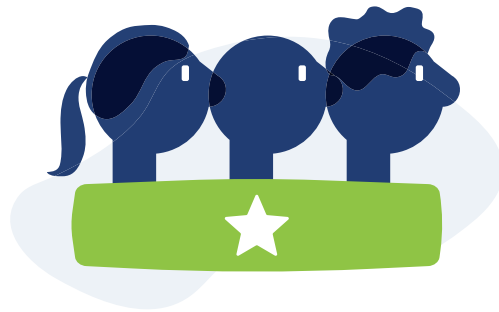
The approach taken draws directly on the responses provided by the focus groups and each of the four sections is best read as a collective statement from those who participated.

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

## NEEDS, WANTS AND EXPECTATIONS

This section offers a picture of parties using commercial DR in Baltimore. 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 Baltimore, less experienced parties are often focused on winning, whereas the most dispute-savvy users are more likely to take business relationships into account when trying to resolve disputes.

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### **Profile 1: Inexperienced or unsophisticated parties**

At this level, parties are often focused on winning. They want someone to listen to their story and make a determination that they are right, and the other party is wrong. They may seek vindication and the opportunity to prevail over their opponent. This will typically include a monetary reward or the avoidance of a financial penalty. To achieve this, they are willing to rely on lawyers to guide them through the process and help them identify interests. Many may even want lawyers to make decisions for them. This is particularly difficult when they are unwilling to compromise.

Some parties see the process as an opportunity to meet emotional or psychological needs. They may harbor expectations for a sense that justice has been served or that somehow the process will make them whole again. While some parties at this level have elevated expectations about what they can achieve, others may feel overwhelmed or unsure whether they can trust the process. Those who have not been involved in mediation may be surprised to learn that unlike litigation, it is not based on rules or fact-finding and that the mediator is not a decision-maker.

Either way, parties tend to want the matter resolved through a process that is fair, mitigates risk, progresses quickly, and is low cost. For many, it is also important that the process is confidential. It was suggested that sometimes what parties at this level want may differ from what their lawyers want.



## **Profile 2: Moderately experienced or sophisticated parties**

Parties have a strong focus on speed, efficiency and fairness when resolving disputes. The main point of difference from the previous level is that parties are in a better position to make informed choices about which DR process to pursue given the nature of the dispute, the goals to be achieved and the risks they are trying to mitigate.

Parties are beginning to consider combining processes such as mediation and arbitration to maximize opportunities for efficiency and expediency. They are becoming more conscious about the selection of the mediator and/or arbitration panels. For example, when choosing neutrals, these parties typically seek someone with expertise in guiding parties through cost-effective and timely processes that provide the opportunity for parties to be heard and take an active role in generating and negotiating outcomes. This becomes increasingly significant as parties shift towards a greater appreciation of the importance of relationships and communication in the commercial landscape.

Such insights can serve to temper unrealistic expectations and help parties become open to the potential for compromise. This may have a significant impact on the way they approach discussions about compensation and the need for vindication, or the way they assess what constitutes a good outcome.

Despite this new capacity for a more flexible approach to DR, parties continue to maintain a desire for some level of predictability. For example, they expect that any process they select will be fair and that communications made during mediation will remain confidential.

## 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

At this level, parties are aware of the importance of relationships in business and take steps to preserve them when trying to resolve disputes. Typically, these parties want to be active participants and often have a role in both designing the process and generating options for resolution. They are likely to prioritize strategies that facilitate timely and efficient use of resources with minimal disruption to business. Within this context, they are open to entertaining creative solutions and may accept losses to maintain an important relationship.

Parties take a broader view of the dispute and are likely to consider the issue and its resolution from a range of perspectives or risk profiles. For example, they may consider the consequences of the dispute for both internal and external stakeholders. Within this context, the need for confidentiality and enforceability may become important drivers of decision-making.

Even so, parties at this level continue to pursue monetary remedies. The difference from the previous level is that they will have made an informed assessment as to whether it is commercially sound to do so. Parties at this level often have more realistic expectations about the process and the prospect of success. They also have high expectations of neutrals and, where possible, will consider a range of factors when engaging a third party. They want someone with the experience and flexibility to provide expert guidance tailored to their needs and the nuances of the dispute.

Parties also expect neutrals to be thoroughly prepared, capable of uncovering interests and employing rigorous testing of assumptions and proposals. As with parties at other levels, they desire fairness, a sense of predictability, and may obtain a degree of satisfaction when their position is vindicated or a just outcome is reached.

## THE MARKET

This section describes how the commercial DR market in Baltimore meets parties' expectations. Practices identified as problematic include those that resulted in excessive costs and those that failed to provide access to the information parties need to form realistic expectations. In contrast, lawyers who are skilled at advocacy within a mediation context were identified as leading the field.

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### **Current practices that fall below party expectations**

It is not only DR processes that can be disappointing for parties. It is also the approach that some lawyers and neutrals take within the process. Time and cost are the main contributors to parties' unmet expectations in relation to litigation. In particular, it is the time that it takes to reach a resolution through the courts and the amount of money (lawyers' fees) required to see the matter through. The unpredictability of litigation and the lack of control that parties retain over the process are also sources of disappointment. Some go as far as to suggest that litigation is the DR process most likely to fail to meet parties' expectations.

Arbitration, on the other hand, falls short of expectations when it fails to fulfill its potential as a more cost-effective option. Some argue that arbitration can be just as expensive as litigation. Further, arbitration is not always as quick or efficient as parties expect. This can be particularly the case when arbitrators are not assertive enough to streamline the process or limit the scope of certain procedures such as extensive use of e-discovery.



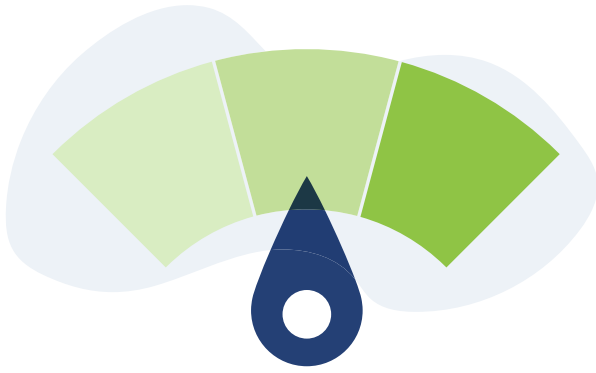
Arbitration is also perceived as falling short when parties are unable to appeal what appears to be a poor decision. For practitioners and providers of litigation and arbitration, a myopic focus on the quantum or bottom line may be shortsighted if they want to meet the expectations of parties.

Mediation falls short when parties feel that the mediator is biased or fails to add value to the process. This includes practices such as being too inactive, simply relaying offers, being overly evaluative, where they think they know everything about the case or being overly technical and where their subject matter expertise gets them 'caught in the weeds'.

Judge mediators were identified as particularly vulnerable to disappointing parties when they 'flip the judge switch' and become authoritarian, when they do not allow enough time for a proper settlement process, or where parties are unsure of the extent to which settlement conferences may interfere with future rulings. Many suggested that mediators who use a one-size-fits-all approach, either always facilitative or always evaluative, were more likely to fall short of parties' expectations.

It was identified that some parties will have little knowledge of DR and may mistakenly harbor expectations that are unrealistic, not realizing that 'mediators are not magicians'. They may not understand the role of self-determination in mediation and may be surprised when mediators do not make decisions, convince the other side or provide them with answers. Current practices fail to meet parties' expectations when parties do not have access to information which they need to form realistic expectations.

Finally, it was suggested that lawyers and practitioners who do not take the time to find out the parties' needs or goals, do not enable parties to be active participants in resolving disputes, or who are unprepared or are ill-equipped to work together are less likely to meet the expectations of parties involved in commercial DR.



### **Current practices that meet party expectations**

Irrespective of the process, practices that meet party expectations are highly dependent on the extent to which lawyers have sufficiently managed those expectations. Where this is achieved, parties tend to have specific expectations around costs, timeliness, flexibility, control and potential outcomes regardless of whether they pursue litigation, arbitration, mediation or a combination of processes. For example, if engaging in litigation they may have realistic expectations about the time and cost involved and may balance this with the potential to set a precedent and be awarded an enforceable outcome or seek an appeal if they believe there has been a judicial error.

If pursuing arbitration, parties may expect to forgo their rights of appeal in order to meet their desire for a more flexible and streamlined process that is not bound by the rules of evidence. If pursuing mediation, parties may appreciate the opportunity to maximize options that center on self-determination while accepting that any agreement reached cannot be used as a precedent for others who may have similar disputes. In contrast, some suggested that irrespective of the DR process, parties' expectations are met when practices are perceived to be fair and transparent and enable parties to be heard. It was proposed that lawyers who advocate or account for these and other psychological needs are more likely to meet parties' expectations. To this extent, it appears to be accepted that parties expect lawyers and providers to listen carefully to assist them in achieving their DR goals.

There are a numerous mediator behaviors identified as meeting parties' expectations. These include mediators who have subject matter expertise, use mediation models that fit with parties' DR objectives — for example, facilitative for relationship-focused disputes or evaluative for transactional disputes — and who persist past parties' initial reluctance to negotiate.

## Recommendations

### General:

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

### Business:

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

### Lawyers and Providers:

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

### Influencers:

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

Finally, mediators operating in the current market who are prepared, can take control of the process, are adept at problem-solving, know how to exhaust all options, and can draw on their understanding of adjudicative processes to reality-test parties' assumptions and proposals tend to meet the expectations of the parties with whom they work.



## Current practices that exceed party expectations

Practices that exceed parties' expectations often involve a mediated outcome that parties feel is fair, which they can live with, and if possible, repairs or maintains relationships. Such outcomes arise irrespective of whether parties have pursued litigation, arbitration or mediation. Often these agreements contain novel or creative solutions developed by the parties with the assistance or input of the neutral. Within this context, parties' expectations are exceeded when their lawyers and neutrals are highly prepared, genuinely understand the facts and the subtext of the dispute, and are tenacious in assisting parties work through impasses.

Parties are impressed by lawyers who are skilled at advocacy within a mediation context. These lawyers and neutrals also take time to make sure that parties have a clear understanding of the processes in which they will be involved, including the importance of avoiding a zero-sum mindset. Where a mediated outcome is not suitable, parties' expectations will be exceeded when they feel they have had a full and fair opportunity to be heard. Their expectations are also often surpassed when the process provides a new or greater appreciation of their own case or what it is like to walk in the shoes of the other party.

Finally, parties are appreciative of lawyers and neutrals who take active steps to minimize delay and contain costs.

## OBSTACLES AND CHALLENGES

This section describes the obstacles and challenges present in Baltimore'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.

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### Things that do not need to change

There is a range of elements that are functioning well and do not need to change in commercial DR. One of the foundational features is the range of DR options available to parties and the flexibility with which these processes can be adapted to suit their needs. Mediation is perceived as an effective, efficient and often preferable process that enables parties to participate. In fact, there are government programs that ensure access to low-cost and no-cost alternative dispute resolution (ADR). There is growing acknowledgement that there is a generational shift towards ADR. This is deemed a good thing. There is scope for lawyers to be involved in the process and the fact that mediators do not require accreditation is seen as a means of ensuring flexibility. Praise was also given to judicial willingness to enforce arbitral awards.



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

There are a range of obstacles and challenges that could be addressed through small changes. The main challenge identified was the lack of party knowledge or understanding about options for DR. To overcome this, it may prove important to address the extent to which lawyers are required to advise parties regarding all their DR options. Some suggest that an increased use of DR clauses in commercial contracts may be one way to raise awareness and promote ADR options.

There was a lack of consensus around whether the use of mandatory court-ordered mediation is a simple strategy that will address this lack of awareness. However, this lack of agreement may herald the growing appreciation there can sometimes be substantial differences between parties and as such they will have distinctly different needs. This highlights the challenge with a one-size-fits-all approach, and it is likely that a combination of small changes will be required to accommodate the differing obstacles identified. For example, for education programs to be effective they will need to account for the different needs of 'Mom and Pop' parties compared to those of large multi-nationals.

Following on from this, issues such as costs of the neutral and drawn-out procedural elements (such as discovery) can be a barrier for some. For others, concerns about lack of standardized competency among neutrals leaves them wary.





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

Several major challenges are identified as very difficult to overcome. The two central themes are inflexibility and lack of transparency. For example, the use of institutionalized processes such as pre-dispute arbitration. This process is perceived to skew outcomes and offer little protection to consumers. This is because big business can be disincentivized to identify trends and/or remedy systemic issues, as the number and outcomes of such arbitrations are not a matter of public record. To this extent, it was argued that this mandatory approach has created conditions where consumer faith in DR is inadvertently undermined by a few players acting in bad faith.

The use of mediation by courts as the sole option is perceived as equally problematic as it is similarly a one-size-fits-all approach. Thus, one of the main challenges is the inability of the system to take a flexible approach so that parties can be directed to the most appropriate DR process for the dispute. Such a mechanism has previously been described as the 'multi-door courthouse' and it was suggested that this type of innovation may be required to address the major challenges identified. In addition, model DR clauses might draw on the philosophy of the multi-door courthouse.

Strategies to discourage 'Rambo lawyers' and improve the quality and diversity of mediators would be inherent in such an overhaul and would be essential for increasing trust in ADR processes. The removal of financial, linguistic and cultural barriers was also identified as vital to ensure access to justice for marginalized parties and overall public benefit. The increased trust and confidence in processes that are properly matched to parties and their disputes may also serve to address major challenges associated with the lack of enforceability of mediated/negotiated agreements.

## Recommendations

### General:

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

### Business:

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

### Lawyers:

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

### Providers:

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

### Influencers:

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



## Obstacles and challenges that appear impossible to change

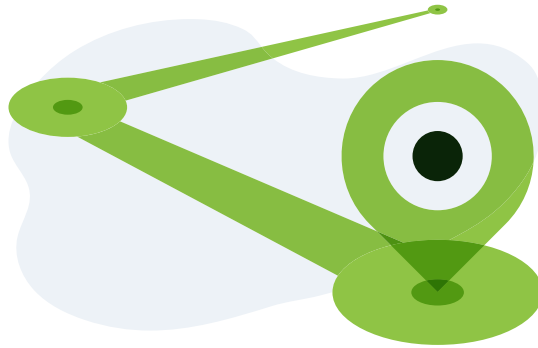
There are several challenges and obstacles identified as impossible to change. The first is the adversarial culture and mindset of lawyers and parties. Moreover, it is perceived that the justice system structurally incentivizes an uncooperative approach to conflict resolution. There is also recognition that ADR is not a panacea and that there can be negative consequences due to the lack of transparency implicit within confidential processes.

Issues with inherent bias and/or lack of skill when selecting neutrals or drafting awards are seen as but two of the inalienable shortcomings of human nature. Even so, there is an unwavering optimism about the use of ADR despite what appear to be perennial issues with power, privilege and resourcing that prohibit access to justice for many.

## VISION

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

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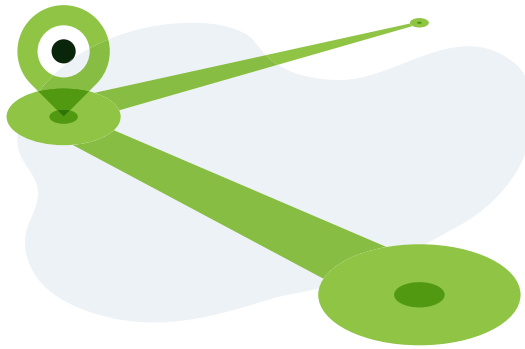


### **Vision for the future of commercial DR in the short term (1–5 years)**

Steps have been taken to raise awareness and promote the use of ADR. This may include a dedicated marketing strategy. Dialogue has commenced to make negotiation and ADR mandatory requirements for law school curricula, continuing legal education (CLE) for lawyers and professional development for judges. ADR is actively promoted by the courts and corporations make growing use of ADR provisions within agreements. There is also an increased appetite for collaboration. While awareness grows and the new generation of practitioners emerges, legislators consider making ADR a mandatory part of the court process.

Specific business courts have emerged that include mandatory ADR processes prior litigation. Consumer and employment arbitration are present. There is diversity among practitioners and basic standards of practice have been defined, though it was not clear from the data to what or to whom the standards are related. Cost schedules for lawyers involved in court-ordered mediation are standardized and in place.

Technology plays an important role in ADR marketing and education. It also has a role in promoting greater access. The data did not specify who received access or what the access was. Confidentiality is an ongoing feature of the commercial DR landscape.

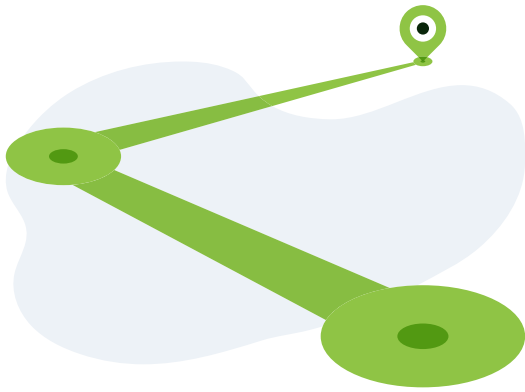


### **Vision for the future of commercial DR in the medium term (6–10 years)**

ADR is becoming embedded into the judicial system. It is recognized as a distinct legal service and practitioners are governed by codes of conduct and robust accreditation practices. ADR has also found a place as a mandatory subject in all law schools and has become widely recognised as an important inclusion in many other college programs.

The focus on education over the years means that ADR is viewed by many as the first step when attempting to resolve a dispute. This first step may be legislated or incorporated as part of corporate governance culture.

Courts have started to develop ADR hubs to provide support and education about the benefits of mediation for those who have turned to the courts to resolve their disputes. Technology is playing an increasingly important role in providing access to ADR.



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

DR is embedded throughout the community and features prominently within outreach programs, schools and higher education. This is supported by advertising across social media platforms and the availability of mediation success stories.

The justice system has been revised and ADR is both institutionalized and enshrined as the first port of call. ADR providers are recognized as highly skilled professionals have equal status with legal professionals. These ADR professionals are easily accessible either because there are many local practitioners, or because they can provide their services through ODR.

By this stage, the initial apprehension of trial lawyers towards ADR has eased and there is increased collaboration between lawyers, parties and DR practitioners to help parties determine the best approach for their dispute.

### **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 ground-breaking 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>.

## NOTES



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

