



## MEDIA RELEASE

# GLOBAL POUND CONFERENCE: CLIENTS CALL FOR MORE COLLABORATION WITH ADVISORS OVER DISPUTES

January 2017

Users of dispute resolution are calling for more collaboration with their advisers when it comes to resolving a matter, according to data just released from the Global Pound Conference (GPC) series.

Recent findings reveal that 46% of regular users of dispute resolution want their legal teams to work collaboratively with parties to navigate the resolution of disputes. Conversely, when lawyers were asked the same question as to what role they think parties want them to take in the dispute resolution process, 59% said that clients wanted them to be primarily advocates in the matter.

The GPC series, which was launched in March 2016, has gathered data from more than 650 delegates so far across seven GPC conferences including: Geneva, Lagos, Madrid, Mexico City, New York, Singapore and Toronto. We have also just hosted our eighth event in Austin, Texas, on 26 January 2017 but this data is not included in these findings. At each event, participants are being asked 20 core questions and told to rank their preferences by order of priority. All figures are based on participants who self-selected at the event.

From those surveyed so far, users (in-house counsel and business executives whose companies and organisations find themselves embroiled in commercial disputes) have said that their highest priority in selecting which dispute resolution process to use is efficiency. Significantly, they rate efficiency higher than they do the advice given by their advisers on choice of process.

Other interesting themes starting to emerge from the GPC series so far include:

- Of those lawyers surveyed so far, 49% say that when they are advising a client, the choice of process they take is primarily driven by wanting to attain the desired outcome requested by the client and only 15% say that any recommendations they make are based on cost.
- 59% of users say that the primary responsibility for parties to understand their dispute resolution process options rests with in-house counsel; a similar

**Conference Organiser:**

Kenes Group  
Rue François-Versonnex 7  
1207 Geneva, Switzerland  
Tel: +41 22 908 0488  
Email: [info@GlobalPoundConference.org](mailto:info@GlobalPoundConference.org)



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percentage of external lawyers see this as their role, apparently reflecting different perspectives on whose advice matters.

- 46% of users surveyed so far want dispute resolution providers to provide guidance on the process options for resolving the matter, with only 17% saying they want providers to make the decisions as to the process used.
- Both users and lawyers believe that changes in legislation that improve the enforcement of settlements will assist the future of commercial dispute resolution, with 48% and 38% placing this as their highest priority respectively.
- Both users (48%) and lawyers (59%) think that to promote better access to justice, Governments have the primary responsibility to act (and not the users themselves or other stakeholders in the dispute resolution community including providers).
- 46% of users believe that technology to enable faster and cheaper procedures should be prioritised to improve dispute resolution with all other stakeholders sharing that view.
- 55% of lawyers think that the outcome of a dispute is driven by the rule of law, whereas 53% of non-adjudicative providers (mediators, conciliators etc) say that it should be all about consensus. Users seem to weight both factors approximately equally.

Chief Global Litigation Counsel at GE Oil & Gas Michael McIlwrath, who is chairman of the Central Organising Group for the GPC Series, said:

*"One of the most interesting findings generated by the GPC Series so far is the apparent disconnect between the views of Users (in house lawyers and business executives at organisations who are parties to commercial disputes) and the Advisor stakeholder group (primarily private practice lawyers) concerning the role that Advisers should play in dispute resolution processes. This of course is the kind of data we want to reveal as we can then start working on bridging the gaps where we see any areas of disconnect to ensure we have the right dispute resolution tools for users going forward."*

Alexander Oddy, Partner and Head of Alternative Dispute Resolution (ADR) at Herbert Smith Freehills, added:

*"Make no mistake, the GPC series is about the users – in house counsel and business executives whose companies and organisations find themselves embroiled in commercial disputes. Only by listening to this constituency can*

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*those whose livelihood depends a greater or lesser extent on the existence of such conflicts – lawyers, neutrals of all varieties, academics and even judges (and national courts) – provide a service that matches the demands of the customer in the 21st century."*

John Fisher, who leads PwC's Disputes Practice, commented:

*"Some really interesting data is starting to emerge, which flag areas of the dispute resolution process that could be improved. Of course these thoughts are interim in nature and reflect the views of only those attendees who have participated in the GPC series so far. We're excited to see how the global series progresses."*

The GPC was launched in Singapore on 17 March 2016 and will play host to more than 5,000 people, in 40 cities, across 31 countries worldwide – culminating in London on 6 July 2017.

As well as gathering valuable data from each conference, the GPC will create the opportunity for all stakeholders involved in commercial dispute resolution – judges, commercial parties/corporate counsel, arbitrators, mediators, dispute resolution institutions, government officials, and academics - to meet and identify trends and cultural preferences in a way that has not been possible through any previous studies.

The GPC Series, which is inspired by the International Mediation Institute (IMI), is being sponsored by Herbert Smith Freehills, the Singapore International Dispute Resolution Academy, PwC, JAMS, Shell; AkzoNobel; the Beijing Arbitration Commission (BAC); the International Centre for Dispute Resolution (ICDR); the China International Economic and Trade Arbitration Commission (CIETAC) and the American Arbitration Association (AAA).

There has also been a GPC event, hosted in Austin, Texas, on 26 January 2017 and the data has not been included in these findings. The next upcoming GPC event will be hosted in Hong Kong on 23 February 2017.

To see more upcoming events or to view the data generated so far, please visit the website: <http://www.globalpoundconference.org/>

Social Media: [Facebook](#), [LinkedIn](#), [Twitter](#): @GpcSeries #GPCseries

**ENDS**

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### NOTES TO EDITORS

#### History of the Pound Conference:

The seminal event that led to the birth of modern dispute resolution systems was the Pound Conference in St Paul, MN, USA in April 1976 whose theme was: Agenda for 2000AD - The Need for Systematic Anticipation.”

Professor Frank E.A. Sander of Harvard Law School proposed that alternative forms of dispute resolution should be used to reduce reliance on conventional litigation, and overcome reluctance to use other dispute resolution options. The 1976 Pound Conference is credited with having sparked many changes in the US justice system in the decades that followed, including the creation of the “multi-door courthouse” to provide more procedural choices to disputants.

The Global Pound Conference Series aims to build a global conversation around developing dispute resolution techniques in the tradition of the original Pound Conference.

#### ENDS

#### About Herbert Smith Freehills

Operating from over 26 offices across Asia Pacific, EMEA and North America, Herbert Smith Freehills is at the heart of the new global business landscape providing premium quality, full-service legal advice. We provide many of the world's most important organisations with access to market-leading dispute resolution, projects and transactional legal advice, combined with expertise in a number of global industry sectors, including energy, natural resources, infrastructure, technology and financial services. [www.herbertsmithfreehills.com](http://www.herbertsmithfreehills.com)

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#### Media contact(s):

Corinne McPartland

Tel: +44 (0)20 7466 2057

Mob: +44 (0)7795196882

Email: [corinne.mcpartland@hsf.com](mailto:corinne.mcpartland@hsf.com)

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