

GLOBAL POUND CONFERENCE SERIES – REDEFINING DISPUTE RESOLUTION

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Guides

Most dispute resolution still has as its frame of reference an adversarial process (litigation or arbitration) based on asserted legal rights with the lawyer fighting their client's corner tenaciously. However, with the lawyers of Generation Y, Millennials and Generation Z growing into positions of influence within corporates and throughout the dispute resolution community, the concept of collaboration and use of technology in a way that would have been unthinkable to the litigators of a generation ago may already be an accessible reality to a community that has grown up on crowd-funded solutions and sharing through social media.

The call for more efficiency and collaboration puts into question whether traditional dispute resolution processes meet the needs of corporate and civil users. Finding a new way to resolve a dispute requires thought and engagement to bring appropriate resolution in acceptable timeframes and at realistic costs. Corporate users may need to communicate their priorities, expectations and underlying interests to lawyers more clearly. In turn, The 21st century lawyer needs to deliver dispute resolution process design, collaboration to secure efficient results, as well as traditional tough representation when called for. Greater emphasis on collaboration between in-house and external lawyers, and between disputing parties, will lead the way for more efficient resolution of commercial disputes.

REDEFINING DISPUTE RESOLUTION

The premise mentioned above, was at the heart of the Global Pound Conference Series – a unique and ambitious initiative to inform how civil and commercial disputes are resolved in the 21st century. The series brought together over 4000 people from across the spectrum of dispute resolution stakeholders, at 28 conferences spanning 24 countries worldwide.

Herbert Smith Freehills has teamed up with PwC, IMI (International Mediation Institute) to identify key insights that emerge from the extensive voting data collected during the series, with a focus on the needs of corporate users of dispute resolution. This ground-breaking report challenges the traditional and fundamental notions of what clients want and how lawyers should represent their clients in a dispute. It identifies four key global themes and four notable regional differences.

GLOBAL THEMES EMERGING FROM THE VOTING DATA REVEAL:

Key Global Themes



Efficiency is the key priority of Parties in choice of dispute resolution processes.



Global interest in the use of pre-dispute protocols and mixed-mode dispute resolution (combining adjudicative and non-adjudicative processes).



Parties expect greater collaboration from Advisors in dispute resolution.



In-house counsel are the agents to facilitate organisational change. External lawyers are the primary obstacles to change.

The GPC data also highlights the important role technology has to play in realising much sought after efficiencies and collaboration. This is not limited to electronic discovery and filing. Dispute management tools and online dispute resolution also have the capacity to change radically the way disputes are resolved over the next decade. Advancement in data analysis enables advisers and legal teams to review and investigate large amounts of data quickly, and assess risk in ever more sophisticated ways. Social tools and online platforms are making it easier for lawyers to work more closely with each other and with their clients.

These early insights show the potential of the GPC Series to inform further studies and discussions across the world. For further information to help shape your own conflict management processes download your copy of the report [here](#).

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[Improving Conflict Management](#)

KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



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