

Kluwer Mediation Blog

Research on Dispute Resolution Clauses by Maryam Salehijam

Anna Howard (Centre for Commercial Law Studies, Queen Mary University of London) · Thursday, February 23rd, 2017

Maryam Salehijam, a PhD researcher at the Transnational Law Centre of the University of Ghent, is undertaking research on the familiarity of legal professionals (including lawyers and third-party neutrals) with dispute resolution clauses which provide for non-binding ADR mechanisms such as mediation and conciliation. Maryam's research focuses on legal professionals from the following jurisdictions: Austria, Australia, England & Wales, Germany, Singapore, the Netherlands, and the United States.

Maryam has prepared a short questionnaire which can be accessed [here](#). Please find below a description by Maryam of her research. We invite those of you who are legal professionals in the relevant jurisdictions to take a few minutes to contribute to Maryam's research.

By Maryam Salehijam:

?Call to Participate in a Questionnaire on Dispute Resolution Clauses

There is a lack of clarity regarding the obligations that arise from dispute resolution agreements with a mediation/conciliation component. In order to reduce this uncertainty, a chapter of the BOF funded PhD research of Maryam Salehijam (supervisor: Professor Maud Piers) from the Transnational Law Center at the University of Ghent focuses on the question "What are the parties' obligations under an ADR agreement?"

To answer this question, the research is divided into two stages: the first stage involves a questionnaire that assesses the familiarity of legal professionals –including lawyers and third-party neutrals- in selected jurisdictions (Austria, Australia, England & Wales, Germany, Singapore, the Netherlands, and the United States) with dispute resolution clauses calling for non-binding ADR mechanisms such as mediation/conciliation. Moreover, the questionnaire provides willing participants the opportunity to copy and paste a model or previously utilized dispute resolution clause. In the second stage, the clauses gathered as well as clauses extracted from other sources will be content coded using the software NVivo in order to determine which obligations tend to be reoccurring in the majority of the clauses under analysis.

The questionnaire targets individuals who have experience with commercial dispute resolution. The participation in the short questionnaire will require minimum effort, as most questions only require a simple mouse-click. Please note that the information entered in the survey is kept

anonymous unless indicated to the contrary by the participants. Moreover, as the analysis takes place on an aggregated level, the findings will not disclose personally identifiable information. Accordingly, the information provided will only serve scientific purposes.

To complete the questionnaire, please click [here](#) to access the survey. The closing date of the survey is 29th April 2017.

If you wish to provide the model/previously used dispute resolution clauses without completing the questionnaire, please email Maryam Salehijam at maryam.salehijam@ugent.be

Maryam Salehijam

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