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Global Pound Conference Miami Report Released

Rick Weiler (Weiler ADR Inc.) · Monday, January 6th, 2020



On January 3rd, the [International Mediation Institute](#) (IMI) released the first of eight documents reporting on the [Global Pound Conference](#) (GPC) events held in North America between 2016-17. IMI promises to release the remaining six-city reports, including the GPC Toronto Report, plus the GPC North America Report during January.

While it's hard to understand why it's taken so long to get these reports out, the [GPC Miami Report](#) makes for interesting reading.

Initiated by IMI, the GPC Series 2016-17 was a collection of 28 conferences held in 22 countries across the globe. It was conceived as an opportunity for members of the commercial community to come together and engage in dialogue about commercial dispute resolution, as well as collect actionable data that could be used to challenge the status quo.

A suite of eight GPC North America reports has been created as part of an IMI project funded by the [AAA-ICDR Foundation](#). These reports focus on the findings from the data collected at GPC events across North America between 2016-17. All the documents will be made available on the IMI website.

The Miami Report's Executive Summary notes, "Commercial dispute resolution (DR) in Miami is associated with strong ethical standards, access to a range of DR processes, and knowledgeable practitioners. Party expectations are met on numerous levels thanks to a focus on a range of

practices that prioritize early intervention and efficient resolution. Even so, the industry faces a number of challenges moving forward including an over-emphasis on discovery and excessive costs and delays.” “High ethical standards” was recognized as a strength while “Difficulty overcoming the litigious mindset” was identified as a limitation. “Improving cost-effectiveness of DR processes” is noted as a priority for Miami.

The Miami Report looks at the needs, wants, and expectations of parties using commercial dispute resolution in the city and divides those users into three groups by level of experience or sophistication. It then turns to consider how the commercial dispute resolution market in Miami met parties’ expectations. Practices identified as problematic include those which result in excessive costs, time delays, and lack of civility. In contrast, arbitrators who take a collaborative approach were recognized as leading the field. Somewhat surprisingly, in considering shortfalls in the market, the Report says, “It was also stated that general competence of advisors/practitioners is an issue.” At the same time, practices that exceed party expectations focused on “practitioners with specialist expertise.”

The Obstacles and Challenges section of the Report is perhaps the most interesting. The identified obstacles and challenges are categorized as “easy”, “difficult” and “impossible” to overcome. Within the “impossible” category, the Report noted, “The immutability of human nature was named as the primary obstacle. Within this context, perceived greed, bias, stupidity, and the extent to which emotions drive the process were all deemed realities that must be accepted.”

The final “Vision” section of the Miami Report looks at recommended steps for the short, medium, and long term. Education is identified as a critical component to achieving a vision for commercial dispute resolution. The Miami Report concludes with a call to action with recommended steps, asking, “Consider the role you want to play or the contribution you want to make to the future of commercial DR.....[and] Build in accountability to ensure that your vision for the future is achieved.”

Notwithstanding the lag in issuing these reports, the IMI and AAA-ICDR Foundation are to be commended for this initiative, which, hopefully, will spur further action to advance commercial DR.

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