



**GLOBAL POUND
CONFERENCE SERIES**
2016-17

SHAPING THE FUTURE OF DISPUTE RESOLUTION
& IMPROVING ACCESS TO JUSTICE



LOCAL VOTING RESULTS



MADRID VOTING RESULTS

OCTOBER 20, 2016

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CONFERENCE SERIES
2016-17

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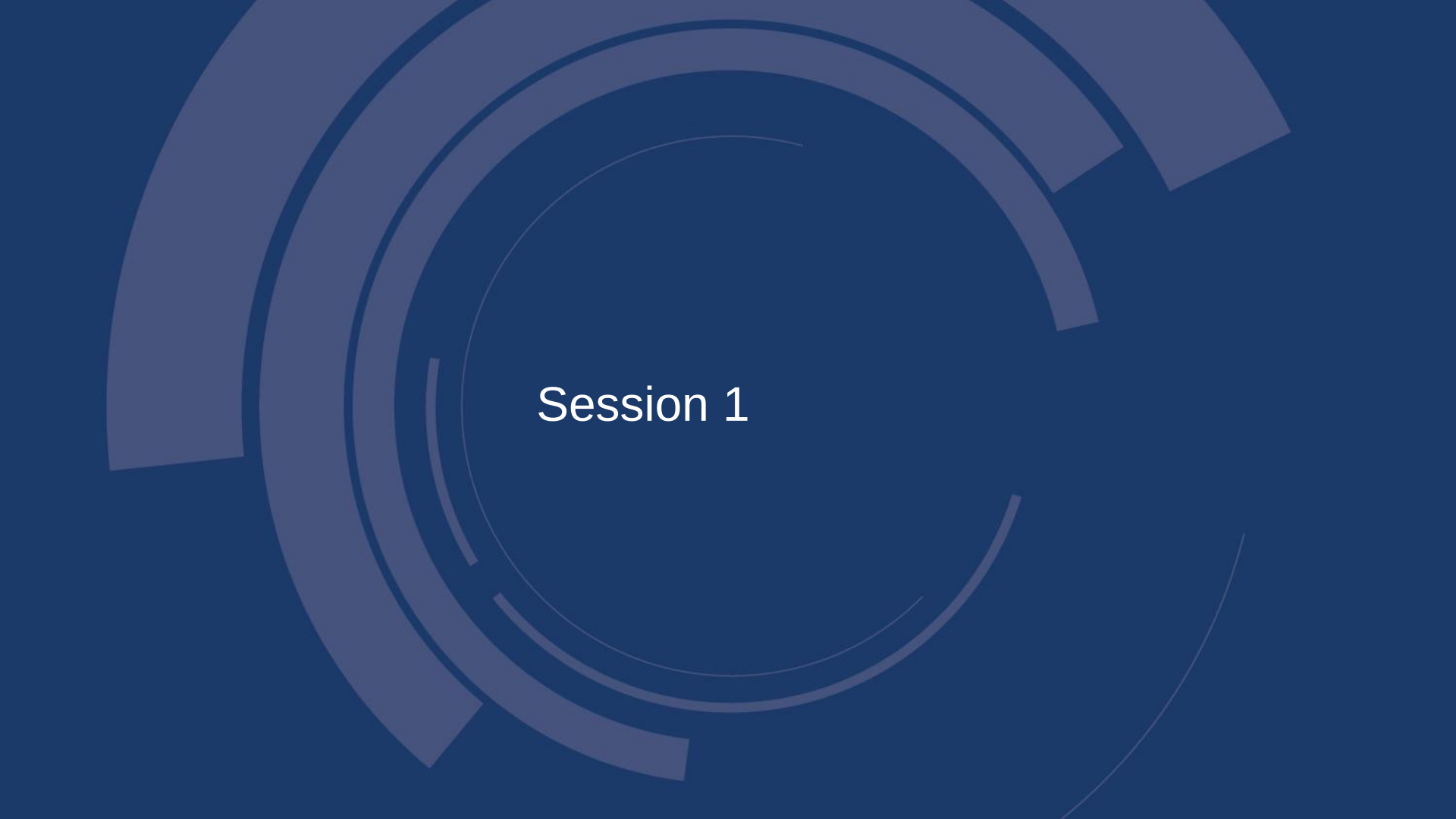
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Session 1

Session 1 – Demographic Results

Which category of stakeholder will you vote as today?
(If your regular practice involves several of these options, please select the one in which you have primarily been involved).

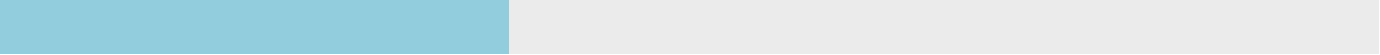
¿En qué categoría votará el día de hoy?
(Si su práctica habitual consiste en varias de estas opciones, por favor seleccione en el que ha estado mayormente involucrado).

(61)

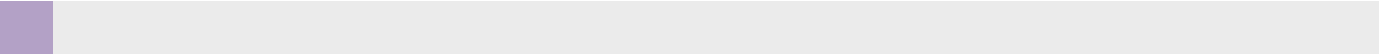
Party (user of dispute resolution services): A person or in-house counsel involved in commercial disputes / Usuario (usuario del servicio de resolución de controversias): Una persona de negocios o un abogado in-house involucrado en controver (14) 22.95%



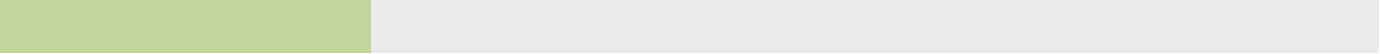
Advisor: An external lawyer or consultant to a party / Financiero (p.ej. indemnización, compensación) / Asesor: Un abogado externo o un consultor para una de las partes. (23) 37.70%



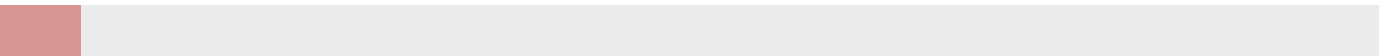
Adjudicative Provider: A judge, arbitrator, or organisation providing their services / Autoridad jurisdiccional: Un juez, árbitro u organizacion que preste tales servicios. (3) 4.92%



Non-Adjudicative Provider: A conciliator, mediator or organisation providing such services / Autoridad no jurisdiccional: Un conciliador, mediador u organizacion que preste tales servicios. (17) 27.87%



Influencer: A researcher, educator, employee/representative of government, or any other person not in categories 1-4 above / Influenciador: Un investigador, educador, empleado/representante del gobierno, o cualquier otra persona que no encua (4) 6.56%



Session 1, Question 1 – Group Results

What outcomes do parties most often want before starting a process in commercial civil dispute resolution?
(Pease rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

¿Qué resultados buscan las partes, con más frecuencia, antes de empezar un proceso de solución de controversias en materia civil y/o mercantil?
(Por favor clasifique sus respuestas en orden de sus prioridades: '1ro elección'= 3 puntos, '2do'= 2puntos, '3ra' = 1punto)

(324)

1.Action-focused (e.g. prevent action or require an action from one of the parties) / Enfocado a la acción (p.ej. evitar una acción o reclamar una acción de una de las partes) (107) 64.00%



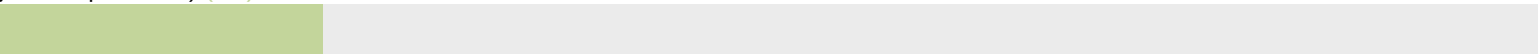
2.Financial (e.g. damages, compensation, etc.) / Financiero (p.ej. indemnización, compensación) (104) 62.00%



5.Relationship-focused (e.g. terminate or preserve a relationship) / Enfocado a la relación (p.ej. terminar o preservar una relación) (62) 37.00%



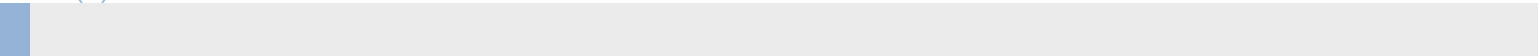
4.Psychological (e.g., vindication, closure, being heard, procedural fairness) / Psicológico (p.ej. reivindicación, cierres, ser escuchado, justicia procesal) (35) 21.00%



3.Judicial (e.g. setting a legal precedent) / Judicial (p.ej. establecer un precedente legal) (12) 7.00%



Other (4) 2.00%



Session 1, Question 1 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
1	1.Action-focused (e.g. prevent action... 73%	1.Action-focused (e.g. prevent action... 71%	2.Financial (e.g. damages, compensation... 89%	2.Financial (e.g. damages, compensation... 58%	2.Financial (e.g. damages, compensation... 89%
2	2.Financial (e.g. damages, compensation... 48% 5.Relationship-focused 48%	2.Financial (e.g. damages, compensation... 70%	1.Action-focused (e.g. prevent action... 78%	1.Action-focused (e.g. prevent action... 54%	1.Action-focused (e.g. prevent action... 56%
3	4.Psychological (e.g., vindication, closure,... 18%	5.Relationship-focused (e.g. terminate or... 41%	5.Relationship-focused (e.g. terminate or... 22%	4.Psychological (e.g., vindication, closure,... 40%	4.Psychological (e.g., vindication, closure,... 22% 5.Relationship-focused 22%
4	Other 9%	4.Psychological (e.g.,vindication 11%	4.Psychological (e.g.,vindication 11%	5.Relationship-focused 33%	3.Judicial (e.g. setting a... 11%
5	3.Judicial (e.g. setting a... 3%	3.Judicial (e.g. setting a... 6%		3.Judicial (e.g. setting a... 13%	
6				Other 2%	

Session 1, Question 2 – Group Results

When parties involved in commercial disputes are choosing the type(s) of dispute resolution process(es) to use, which of the following has the most influence?

(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

Quando las partes están eligiendo qué medio de solución de controversias van a usar, ¿cuál de los siguientes tiene mayor influencia?

(330)

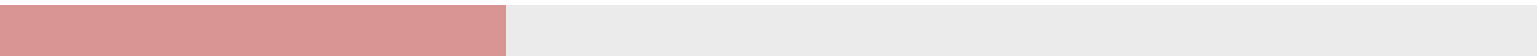
1.Advice (e.g. from lawyer or other advisor) / Asesoramiento (p. ej. De un abogado u otro asesor) (109)63.00%



3.Efficiency (e.g. time/cost to achieve outcome) / Eficiencia (p. ej. Tiempo/costo para conseguir el resultado) (101) 58.00%



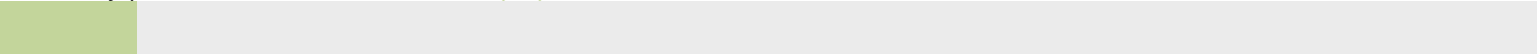
5.Predictability of outcome / Predictibilidad del resultado (57) 33.00%



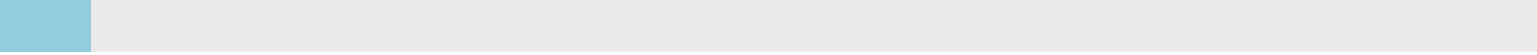
6.Relationships (e.g. preventing conflict escalation) / Relaciones (p. ej. Prevenir que el conflicto se agrave) (37) 21.00%



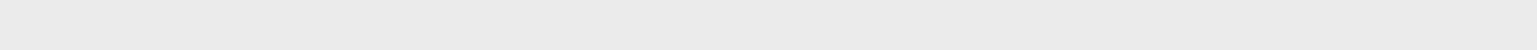
4.Industry practices / Prácticas del sector (16) 9.00%



2.Confidentiality expectations / Expectativas de confidencialidad (10) 6.00%



Other (0) 0.00%



Session 1, Question 2 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
1	3.Efficiency (e.g. time/cost to... 64% 	3.Efficiency (e.g.time/cost to... 68% 	1.Advice (e.g. from lawyer... 100% 	1.Advice (e.g. from lawyer... 77% 	1.Advice (e.g. from lawyer... 83%
2	6.Relationships (e.g. preventing conflict... 45% 	1.Advice (e.g. from lawyer... 62% 	5.Predictability of outcome 44% 	3.Efficiency (e.g.time/cost to... 56% 	3.Efficiency (e.g.time/cost to.. 67%
3	1.Advice (e.g. from lawyer... 42% 	5.Predictability of outcome 33% 	3. Efficiency (e.g.time/cost to.. 22% 4. Industry practices /practicas 22% 	5.Predictability of outcome 38% 	5.Predictability of outcome 42%
4	5.Predictability of outcome 27% 	6.Relationships (e.g. preventing conflict... 24% 	6.Relationships (e.g. preventing conflict... 24% 	4.Industry practices 15% 	4.Industry practices 8%
5	2.Confidentiality expectations 12% 	2.Confidentiality expectations 8% 		6.Relationships 13% 	
6	4.Industry practices 9% 	4.Industry practices 5% 		2.Confidentiality expectations 2% 	

Session 1, Question 3 – Group Results

When lawyers (whether in-house or external) make recommendations to parties about procedural options for resolving commercial dispute, which of the following has the most influence?

(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

Cuando los abogados (internos o externos) recomiendan a las partes distintos procedimientos de resolucion de controversias, ¿cuál de los siguientes tiene mayor influencia?

(Por favor clasifique sus respuestas en orden de sus prioridades: '1ro elección'= 3 puntos, '2do'= 2puntos, '3ra' = 1punto)

(318)

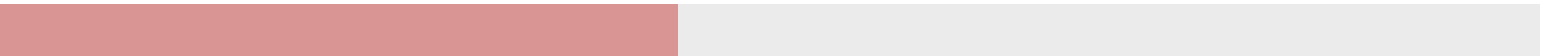
1.Familiarity with a particular type of dispute resolution process / Familiaridad con un tipo de medio de solución de controversias. (89) 53.00%



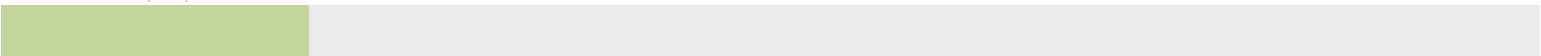
3.Impact on costs/fees the lawyer can charge / Impacto en costos/honorarios que el abogado puede cobrar (86) 51.00%



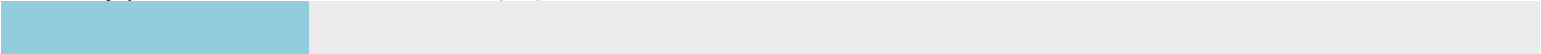
5.The type of outcome requested by the party (e.g. money, an injunction, etc.) / El resultado solicitado por la parte (p. ej. Dinero, mandato judicial, etc) (74) 44.00%



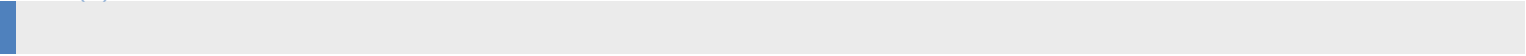
4.The party's relationships with the other party(ies) or stakeholders / La relación de una de las partes con la otra parte o con algún interesado. (34) 20.00%



2.Industry practices / Prácticas del sector (33) 20.00%



Other (2) 1.00%



Session 1, Question 3 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
1	1.Familiarity with a particular... 63%	5.The type of outcome... 57%	1.Familiarity with a particular... 100%	1.Familiarity with a particular... 65%	3.Impact on costs/fees the... 89%
2	3.Impact on costs/fees 47% 5.The type of outcome... 47%	3.Impact on costs/fees 52%	5.The type of outcome... 44%	3.Impact on costs/fees 58%	1.Familiarity with a particular... 44%
3	4.The party's relationships 23%	1.Familiarity with a particular... 41%	3.Impact on costs/fees 33%	5.The type of outcome... 40%	2.Industry practices / 33%
4	2.Industry practices 20%	4.The party's relationships with 25%	2.Industry practices 11% 4.The party's relationships with 11%	2.Industry practices 17% 4.The party's relationships with 17%	4.The party's relationships with 22%
5		2.Industry practices 24%		Other 4%	5.The type of outcome 11%

Session 1, Question 4 – Group Results

What role do parties involved in commercial disputes want providers to take in the dispute resolution processes?
(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

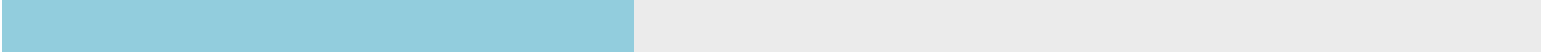
¿Qué rol buscan las partes que los proveedores del servicio de solución de controversias asuman en el proceso para resolver su controversia?

(330)

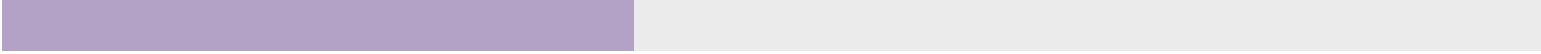
5.The parties initially do not have a preference but seek guidance from the providers regarding optimal ways of resolving their dispute / Las partes en un principio no tienen ninguna preferencia pero buscan la guía de los proveedores de servicio para b (98) 56.00%



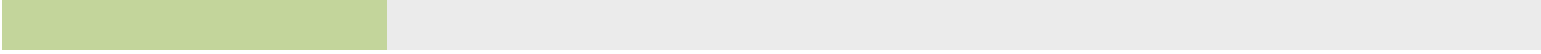
2.The providers decide on the process and the parties decide how the dispute is resolved / Los proveedores de servicio y las partes deciden cómo se resuelve la controversia (72) 41.00%



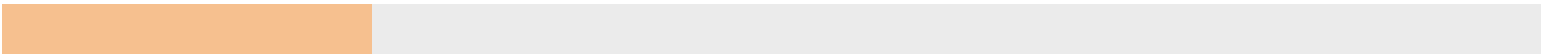
3.The parties decide on the process and the providers decide how the dispute is resolved / Las partes deciden sobre el proceso y los proveedores de servicio deciden cómo se resuelve la controversia. (71) 41.00%



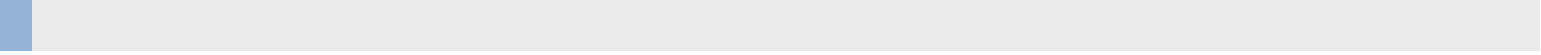
4.The providers decide on the process and how the dispute is resolved / Los proveedores de servicio deciden sobre el proceso y cómo se resuelve la controversia. (43) 25.00%



1.The parties decide how the process is conducted and how the dispute is resolved (the providers just assist) / Las partes deciden cómo se conduce el proceso y cómo se resuelve la controversia (los proveedores de servicio solo los asisten) (42) 24.00%



Other (4) 2.00%



Session 1, Question 4 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
1	5.The parties initially do... 76%	3.The parties decide on... 52% 5.The parties initially do... 52%	2.The providers decide on... 56%	5.The parties initially do... 63%	5.The parties initially do... 58%
2	3.The parties decide on... 52%	2.The providers decide on... 44%	1.The parties decide how... 44% 3.The parties decide on... 44%	2.The providers decide on... 42%	1.The parties decide how... 42% 2.The providers decide on... 42%
3	2.The providers decide on... 42%	4.The providers decide on... 32%	5.The parties initially do... 33%	1.The parties decide how... 33% 4.The providers decide on... 33%	3.The parties decide on... 33%
4	1.The parties decide how... 21%	1.The parties decide how 16%	4.The providers decide on... 22%	3.The parties decide on... 27%	4.The providers decide on... 25%
	4.The providers decide on... 6%	Other 3%		Other 2%	
	Other 2%				

Session 1, Question 5 – Group Results

What role do parties involved in commercial disputes typically want lawyers (i.e., in-house or external counsel) to take in the dispute resolution processes?

¿Qué papel buscan comunmente las partes que los abogados (internos o externos) desempeñen para abordar procesos de solución de controversias?

(312)

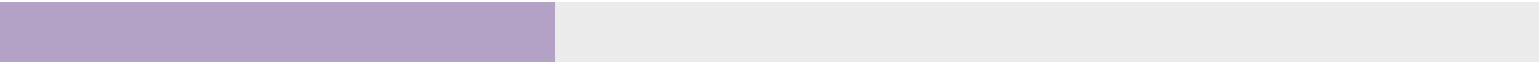
4.Working collaboratively with parties to navigate the process. May request actions on behalf of a party / Colaborar con las partes,



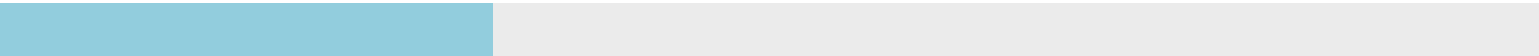
5.Speaking for parties and/or advocating on a party's behalf / Hablar por las partes y/o abogar por la defensa de una de las partes. (88)



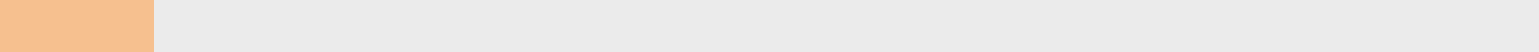
3.Participating in the process by offering expert opinions, not acting on behalf of parties / Participar en el proceso, ofreciendo opiniones de expertos, pero no actuando en nombre de las partes. (60) 36.00%



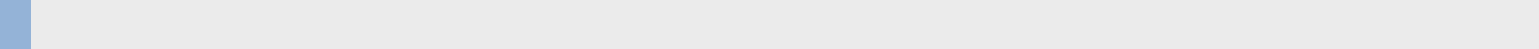
2.Acting as advisors and accompanying parties but not interacting with other parties or providers / Actuar como asesores y acompañar a las partes en el proceso pero no interactuar con otra parte o con los prestadores de servicios. (53) 32.00%



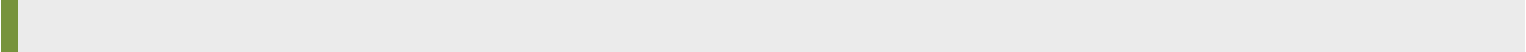
1.Acting as coaches, providing advice but not attending / Actuar como instructores, dan consejos pero no asistir (16) 10.00%



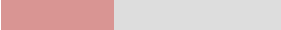
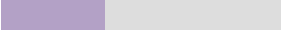
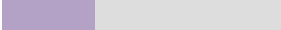
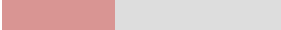
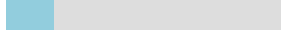
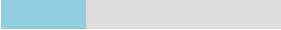
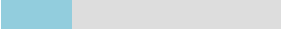
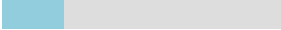
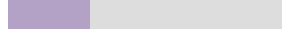
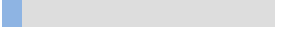
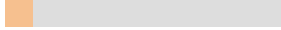
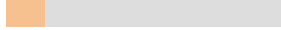
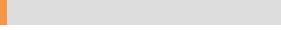
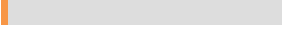
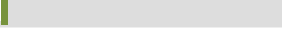
6.Parties do not normally want lawyers to be involved / Las partes normalmente no quieren que los abogados se involucren. (3) 2.00%



Other (1) 1.00%



Session 1, Question 5 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
1	3.Participating in the process 63% 	5.Speaking for parties 73% 	4.Working collaboratively with parties... 89% 	2.Acting as advisors and... 57% 	4. Working collaboratively with parties... 67%  5. Speaking for parties 67% 
2	4.Working collaboratively with parties 57% 	4.Working collaboratively with parties 56% 	5.Speaking for parties 56% 	4.Working collaboratively with parties 55% 	1.Acting as coaches, providing 25%  3.Participating in the process 25% 
3	5.Speaking for parties 40% 	3.Participating in the process 37% 	3.Participating in the process 33% 	5.Speaking for parties 40% 	2.Acting as advisors and... 17% 
4	2.Acting as advisors and... 30% 	2.Acting as advisors and... 25% 	2.Acting as advisors and... 22% 	3.Participating in the process 29% 	
5	6.Parties do not normally 7% 	1.Acting as coaches, providing 10% 		1.Acting as coaches, providing 14% 	
6	1.Acting as coaches, providing... 3% 			6.Parties do not normally... 2%  Other 2% 	

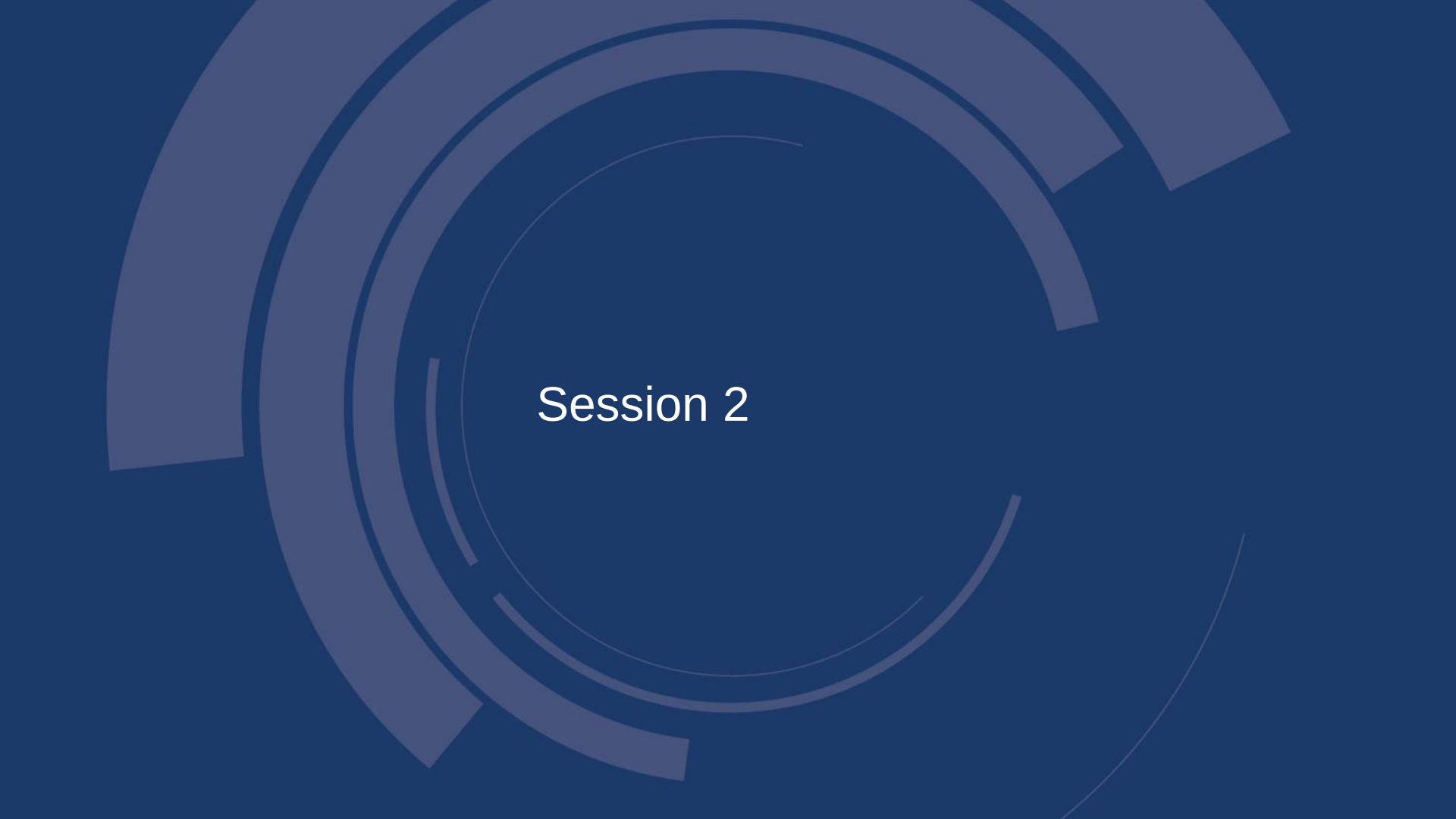
Word Cloud – Session 1

What words would you use to describe a sophisticated commercial party?



Make a Question or Comment – Session 1

QUESTION ASKED	VOTES
¿Las partes no quieren pactar, o sus abogados no les han asesorado suficientemente sobre nuevas vías de diálogo asistido?	7
Para los asesores internos que han participado en mediación: esperaban un resultado positivo? Lo tuvieron? Recomendarían tomar una política corporativa de impulso de la mediación?	5
Para que los abogados recomienden la mediación a sus clientes, ¿cuántos han participado en un proceso de mediación empresarial y la conocen suficientemente?	5
Llama la atención que sea poco valorada la preservación de la relación de las partes, incluso para los usuarios. parece que cuando hay una disputa se rompe la confianza para siempre?	4
Por favor entrar aquí sus comentarios o preguntas	3
NO HAY PREGUNTAS?!	3
Al amparo del marco legislativo actual que ha comentado D. Álvaro Cuesta, cómo actúa o puede actuar el juez de primera instancia para derivar a las partes a la mediación y en qué fases, además de la audiencia previa? Y en instancias superiores, también cabría esa derivación?	3
Entiendo que los resultados muestran como creemos que son las cosas actualmente aunque estemos convencid@s que deberían ser de otra forma	2
El hecho de que el primer factor de elección de sistema de resolución de disputas sea el consejo del abogado no es determinante porque el abogado va a convencer a su cliente de uno u otro sistema con los criterios de eficiencia coste/tiempo, predictibilidad.	2
Llama la atención que incluso entre usuarios la opción más votada es que inicialmente no hay una preferencia clara sobre proceso y la forma de resolverlo.	2
La respuesta a la última pregunta refleja el peso de la mediación porque en la mediación el peso recae más en la parte que en el abogado. Parece que contratando un abogado externo el cliente descansa y se puede desentender del problema, porque un experto se ocupa del mismo. la mediación exige que las partes tomen el asunto directamente y decidan de forma directa el resultado. es más exigente para ellas, pero les permite un control real sobre el resultado.	1



Session 2

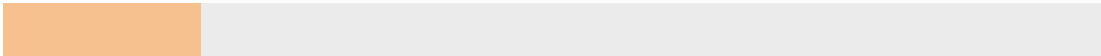
Session 2 – Demographic Results

Which category of stakeholder will you vote as today?
(If your regular practice involves several of these options, please select the one in which you have primarily been involved).

¿En qué categoría votará el día de hoy?
(Si su práctica habitual consiste en varias de estas opciones, por favor seleccione en el que ha estado mayormente involucrado).

(50)

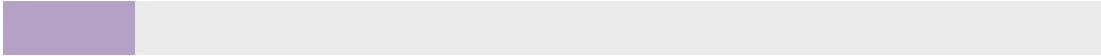
Party (user of dispute resolution services): A person or in-house counsel involved in commercial disputes /
Usuario (usuario del servicio de resolucio



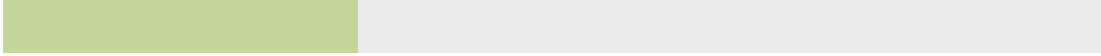
Advisor: An external lawyer or consultant to a party / Asesor: Un abogado externo o un consultor para una de las partes. (16) 32.00%



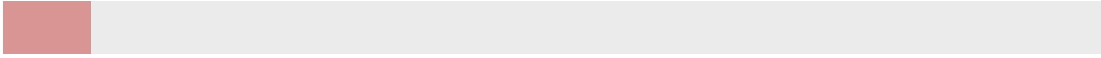
Adjudicative Provider: A judge, arbitrator, or organisation providing their services /
Autoridad jurisdiccional: Un juez, árbitro u organizacion que preste tales servicios. (6) 12.00%



Non-Adjudicative Provider: A conciliator, mediator or organisation providing such services /
Autoridad no jurisdiccional: Un conciliador, mediador u organizacion que preste tales servicios. (15) 30.00%



Influencer: A researcher, educator, employee/representative of government, or any other person not in categories 1-4 above /
Influenciador: Un investigador, educador, empleado/representante del gobierno, o cualquier otra persona que no encua (4) 8.00%



Session 2, Question 1 – Group Results

What outcomes do providers tend to prioritise in commercial dispute resolution?
(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

¿Qué resultados tienden a priorizar los prestadores del servicio?
(Por favor clasifique sus respuestas en orden de sus prioridades: '1ro elección'= 3 puntos, '2do'= 2puntos, '3ra' = 1 punto)

(288)

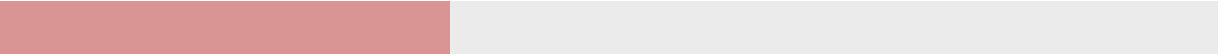
1.Action-focused (e.g. prevent action or require an action from one of the parties) /
Enfocado a la acción (p.ej. evitar una acción o reclamar una accion de una de las partes) (103) 66.00%



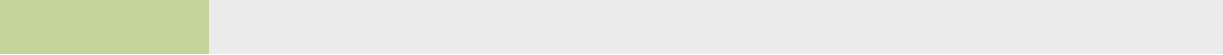
2.Financial (e.g. damages, compensation, etc.) / Financiero (p.ej. indemnización, compensación) (76)49.00%



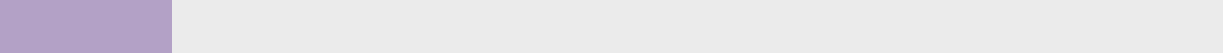
5.Relationship-focused (e.g. terminate or preserve a relationship) /
Enfocado a la relación (p.ej. terminar o preservar una relación) (58) 37.00%



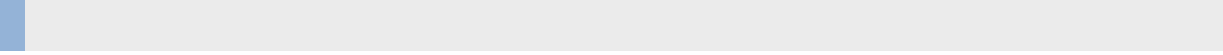
4.Psychological (e.g., vindication, closure, being heard, procedural fairness) /
Psicológico (p.ej. reivindicación, cierres, ser escuchado, justicia procesal) (26) 17.00%



3.Judicial (e.g. setting a legal precedent) / Judicial (p.ej. establecer un precedente legal) (22) 14.00%



Other (3) 2.00%



Session 2, Question 1 – Cross Sorted Results

AVG Rank	Party (user of dispute...)	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
1	1.Action-focused (e.g. prevent action... 81%)	1.Action-focused (e.g. prevent action... 67%)	1.Action-focused (e.g. Prevent action... 72%)	1.Action-focused (e.g. Prevent action... 76%)	2.Financial (e.g. damages, compensation... 58%) 5.Relationship-focused (e.g. terminate or... 56%)
2	2.Financial (e.g. damages, compensation,... 67%)	2.Financial (e.g. damages, compensation,... 58%)	2.Financial (e.g. damages, compensation,... 61%)	5.Relationship-focused (e.g. terminate or... 52%)	1.Action-focused (e.g. prevent action... 44%)
3	3.Judicial (e.g. setting a... 22%) 5.Relationship-focused e.g. terminate or... 22%	5.Relationship-focused e.g. terminate or... 40%	5.Relationship-focused (e.g. terminate or... 33%)	2.Financial (e.g. damages, compensation,... 33%)	4.Psychological (e.g., vindication, closure,... 33%)
4	4.Psychological (e.g., vindication, closure,... 7%)	4.Psychological (e.g., vindication, closure,... 9%)	3.Judicial (e.g. setting a... 22%)	4.Psychological (e.g., vindication, closure,... 24%)	3.Judicial (e.g. setting a... 11%)
5		3.Judicial (e.g. setting a... 17%)	4.Psychological (e.g., vindication, closure,... 11%)	3.Judicial (e.g. setting a... 7%) Other 7%	

Session 2, Question 2 – Group Results

The outcome of a commercial dispute is determined primarily by which of the following?

(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

En mi experiencia, el resultado de una controversia de orden civil y/o mercantil se determina principalmente por:

((Por favor clasifique sus respuestas en orden de sus prioridades: '1ro elección'= 3 puntos, '2do'= 2puntos, '3ra' = 1punto)

(288)

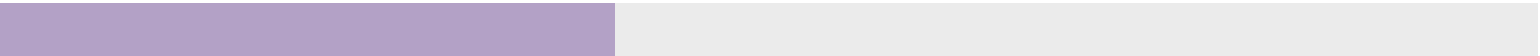
4.Rule of Law: findings of fact and law or other norms / Estado de Derecho: conclusiones de hecho y de derecho y otras normas. (94) 59.00%



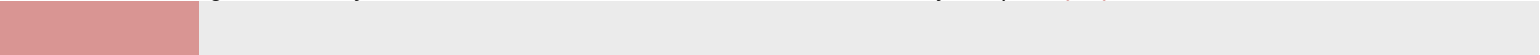
1.Consensus: the parties' subjective interests / Consenso: interés subjetivo de las partes. (90) 57.00%



3.Equity: general principles of fairness / Equidad: principios generales de justicia. (64) 40.00%



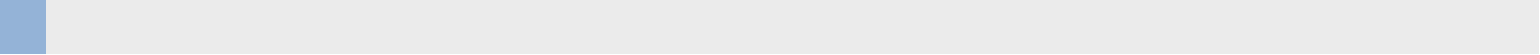
5.Status: deferring to authority/hierarchies / Estatus: se defiende a la autoridad/jerarquía. (20) 13.00%



2.Culture: based cultural and/or religious norms / Cultura: fundado en normas culturales y/o religiosas. (16) 10.00%



Other (4) 3.00%



Session 2, Question 2 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
1	4.Rule of Law: findings... 74%	1.<u>Consensus</u>: the parties' subjective... 67%	1.<u>Consensus</u>: the parties' subjective... 67%	4.Rule of Law: findings... 67%	4.Rule of Law: findings... 78%
2	3.<u>Equity</u>: general principles of 56%	4.Rule of Law: findings... 58%	4.Rule of Law: findings... 61%	1.<u>Consensus</u>: the parties' subjective... 64%	1.<u>Consensus</u>: the parties' subjective... 56% 3.<u>Equity</u>: general principles of 56%
3	1.<u>Consensus</u>: the parties' subjective ... 52%	3.<u>Equity</u>: general principles of 50%	3.<u>Equity</u>: general principles of 44%	3.<u>Equity</u>: general principles of 29%	2.<u>Culture</u>: based cultural 11%
4	2.<u>Culture</u>: based cultural 11%	5.Status: deferring to authority 13%	2.<u>Culture</u>: based cultural 17%	5.Status: deferring to authority 26%	
5	5.Status: deferring to authority 4% Other 4%	2.<u>Culture</u>: based cultural 10%	5.Status: deferring to authority 11%	2.<u>Culture</u>: based cultural 10%	
6		Other 2%		Other 5%	

Session 2, Question 3 – Group Results

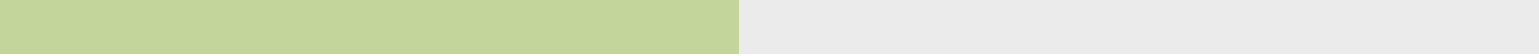
In commercial disputes, what is achieved by participating in a non- adjudicative process (mediation or conciliation) (whether voluntary or involuntary - e.g. court ordered)?

¿Qué se logra por participar en un proceso no jurisdiccional (mediación o conciliación) (ya sea voluntario o involuntario p.ej. ordenado por la corte)?
(282)

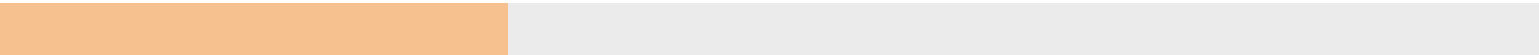
5.Retaining control over the outcome / Mantener control sobre el resultado (79) 52.00%



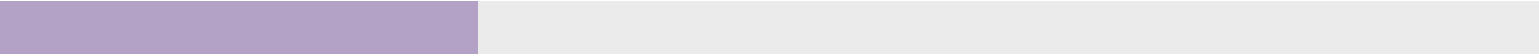
4.Reduced costs and expenses / Reducir gastos y costas (74) 48.00%



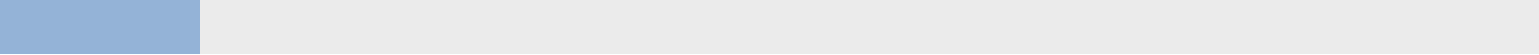
1.Better knowledge of the strengths/weaknesses of the case or likelihood of settlement / Mejor conocimiento de las ventajas/desventajas del caso o la probabilidad de llegar a un arreglo. (50) 33.00%



3.Improving or restoring relationships / Mejorar o restablecer relaciones (48) 31.00%



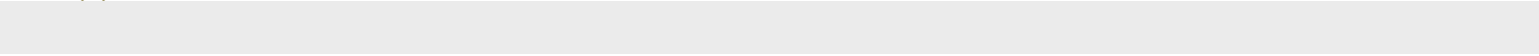
6.Tactical/strategic advantage (e.g. delay) / Ventaja estratégica (p.ej. demora) (20) 13.00%



2.Compliance (e.g. avoiding cost sanctions, meeting contractual obligations) / Conformidad (p. ej. Evitar gastos por sanciones, satisfacer obligaciones contractuales) (11) 7.00%



Other (0) 0.00%



Session 2, Question 3 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
1	4.Reduced costs and expenses52%	4.Reduced costs and expenses53%	5.Retaining control over the78%	5.Retaining control over the73%	4.Reduced costs and expenses67%
2	5.Retaining control over the...48%	1.Better knowledge of the...42%	4.Reduced costs and expenses50%	4.Reduced costs and expenses49%	1.Better knowledge of the...50% 3.Improving or restoring relationships...50%
3	1.Better knowledge of the44%	5.Retaining control over the40%	1.Better knowledge of the50%	3.Improving or restoring relationships...42%	2.Compliance (e.g. avoiding cost...17% 5.Retaining control over the17%
4	3. Improving or restoring Relationships...30%	3. Improving or restoring Relationships...36%	3. Improving or restoring Relationships...11%	1.Better knowledge of the...16%	
5	6.Tactical/strategic advantage26%	6.Tactical/strategic advantage18%	2.Compliance (e.g. avoiding cost...6%	6.Tactical/strategic advantage11%	
6		2.Compliance (e.g. avoiding cost...11%		2.Compliance (e.g. avoiding cost...9%	

Session 2, Question 4 – Group Results

Who is primarily responsible for ensuring parties involved in commercial disputes understand their process options, and the possible consequences of each process before deciding which one to use?

¿Quién es mayoramente responsable de asegurar que las partes entiendan las distintas opciones de procesos y las posibles consecuencias de cada uno, antes de decidir cual usar?

(276)

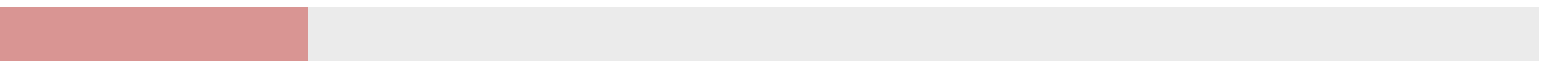
2.External lawyers / Abogados externos (96) 63.00%



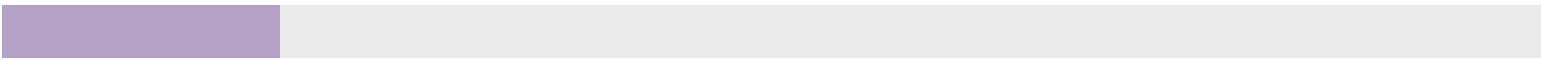
4.In-house lawyers / Abogados internos (92) 60.00%



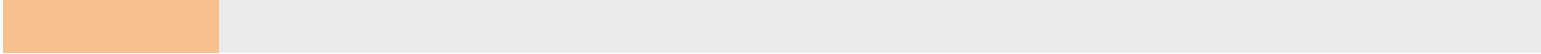
5.Non-Adjudicative Providers: mediators and conciliators or their organisations / Proveedores de servicios no jurisdiccionales: mediadores y conciliadores o sus organismos (30) 20.00%



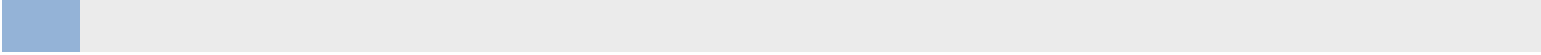
3.Governments/ministries of justice / Gobiernos/ministerios de justicia (28) 18.00%



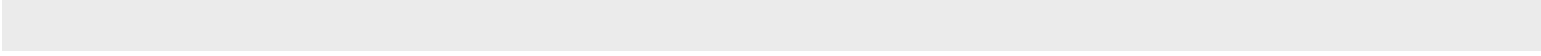
1.Adjudicative Providers: judges and arbitrators or their organisations / Proveedores de servicios jurisdiccionales: jueces y arbitros o sus organismos (22) 14.00%



6.Parties (non-legal personnel) / Las partes (personal no legal) (8) 5.00%



Other (0) 0.00%



Session 2, Question 4 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
1	2.External lawyers/Abogados74%	2.External lawyers/Abogados69%	2.External lawyers/Abogados72% 4.In-house lawyers /Abogados72%	4.In-house lawyers/Abogados67%	2.External lawyers/Abogados83% 4.In-house lawyers/Abogados83%
2	4.In-house lawyers/Abogados67%	4.In-house lawyers /Abogados62%	1.Adjudicative Providers: judges...28%	2.External lawyers/Abogados64%	3.Governments/ministries of justice...17% 5.Non-Adjudicative Providers: mediators17%
3	5.Non-Adjudicative Providers: mediators and...33%	1.Adjudicative Providers: judges and...29%	3.Governments/ministries of justice /...17%	3.Governments/ministries of justice /...29%	
4	3.Governments/ministries of justice /...19%	5.Non-Adjudicative Providers: mediators and...21%	6.Parties (non-legal personnel)11%	5.Non-Adjudicative Providers: mediators and...24%	
5	1.Adjudicative Providers: judges and...4% 6.Parties (non-legal personnel)4%	3.Governments/ministries of justice /...14%		1.Adjudicative Providers: judges and...9%	
6	6.Parties (non-legal personnel)5%		6.Parties (non-legal personnel)7%		

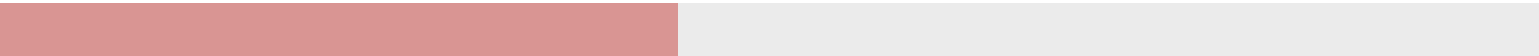
Session 2, Question 5 – Group Results

Currently, the most effective commercial dispute resolution processes usually involve which of the following?

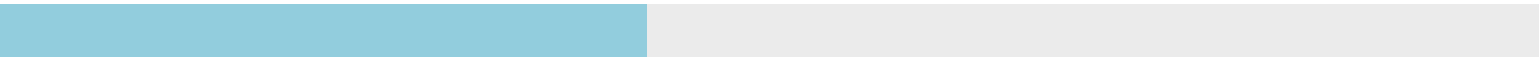
Hoy en día, el proceso de solución de controversias más efectivo, generalmente incluye:

(282)

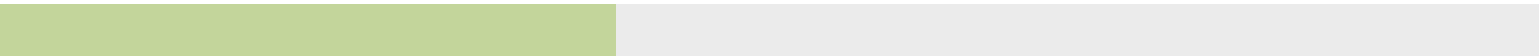
5.Pre-dispute or pre-escalation processes to prevent disputes / Procesos previos al inicio o aumento de una disputa con el fin de evitarlo (68) 44.00%



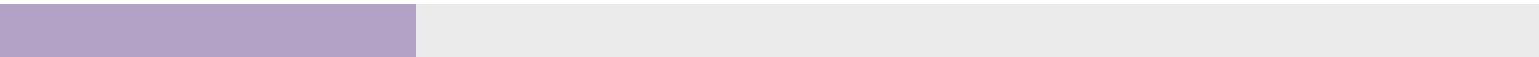
2.Combining adjudicative and non-adjudicative processes (e.g. arbitration/litigation with mediation/conciliation) / Combinar procesos jurisdiccionales y no jurisdiccionales (arbitraje/ litigio con mediación / conciliación.) (66) 42.00%



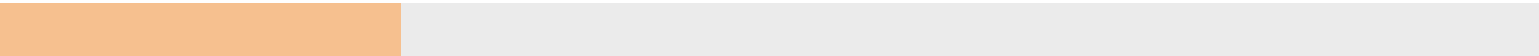
4.Non-adjudicative dispute resolution methods (mediation or conciliation) / Métodos de solución de controversias no jurisdiccionales (Mediación o conciliación) (62) 40.00%



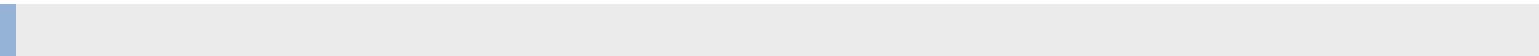
3.Encouragement by courts, tribunals or other providers to reduce time and/or costs / Estímulo de las cortes, tribunales u otros prestadores de servicios para reducir tiempo y/o costos (42) 27.00%



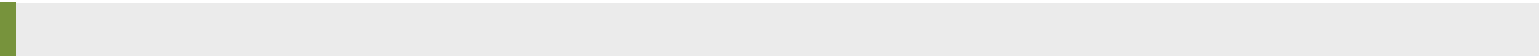
1.Adjudicative dispute resolution methods (litigation or arbitration) / Métodos jurisdiccionales de solución de controversias (litigio o arbitraje) (41) 26.00%



6.Technology to enable faster, cheaper procedures, (e.g. Online Dispute Resolution, electronic administration, remote hearings) / Tecnología para facilitar procesos más rápidos, baratos. (p. ej. Solución de controversias en línea, administración electrónica) (2) 1.00%



Other (1) 1.00%



Session 2, Question 5 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
	5.Pre-dispute or preescalation processes... 74%	1.Adjudicative dispute resolution methods... 47%	2.Combining adjudicative and non-adjudicative... 67%	2.Combining adjudicative and non-adjudicative... 58%	2.Combining adjudicative and non-adjudicative... 67% 4.Non-adjudicative dispute resolution methods... 67%
2	4.Non-adjudicative dispute resolution methods... 44%	2.Combining adjudicative and non-adjudicative... 42% 5.Pre-dispute or preescalation processes... 42%	5.Pre-dispute or preescalation processes... 50%	4.Non-adjudicative dispute resolution methods... 44% 5.Pre-dispute or preescalation processes... 44%	1.Adjudicative dispute resolution methods... 50%
3	3.Encouragement by courts, tribunals... 37%	4.Non-adjudicative dispute resolution methods... 40%	4.Non-adjudicative dispute resolution methods... 44%	3.Encouragement by courts, tribunals... 38%	6.Technology to enable faster,... 17%
4	1.Adjudicative dispute resolution methods... 26%	3.Encouragement by courts, tribunals... 24%	3.Encouragement by courts, tribunals... 22%	1.Adjudicative dispute resolution methods... 6%	
5	2.Combining adjudicative and non-adjudicative... 19%	6.Technology to enable faster,... 2% Other 2%	1.Adjudicative dispute resolution methods... 17%		

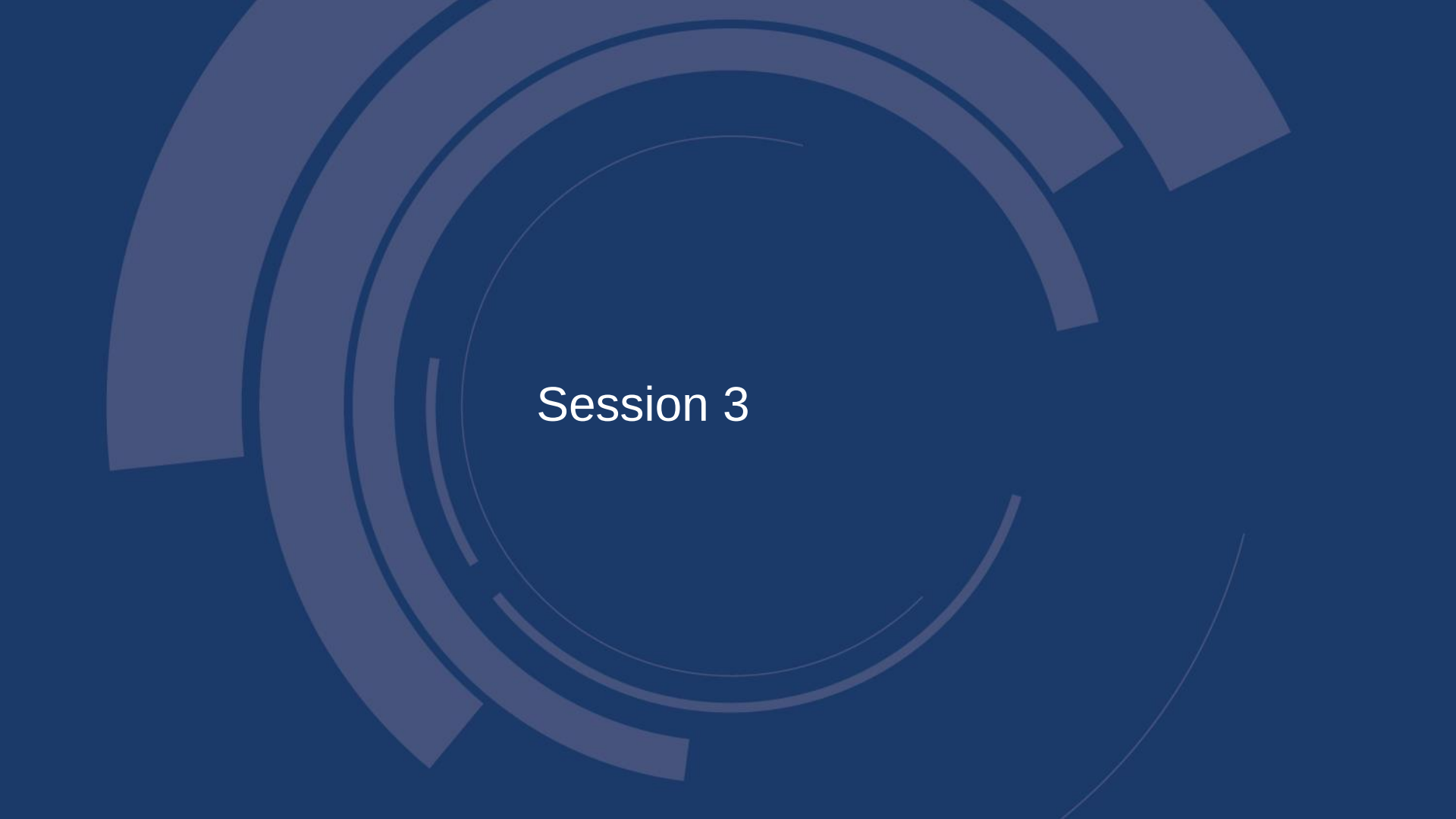
Word Cloud – Session 2

What words would you use to describe what can be done to exceed parties' expectations?



Make a Question or Comment – Session 2

QUESTION ASKED	VOTES
Qué actuaciones formativas sobre Mediación se están realizando a la alta dirección de las empresas españolas desde instancias como la Cámara de Comercio de Madrid y organizaciones empresariales?	7
¿En qué medida los abogados internos se guían por los consejos de los abogados externos?	5
no njsdnksjgnsllk,w	2
No veo claro que Ana Patricia Botín se involucre en la Mediación. Hacerlo gratis se hace muy difícil. En RRHH el Director del Dpto no va estar por la labor de usar un mediador a no ser que se enquistado las negociaciones (o le quemem el coche) en una disputa comercial el abogado controlaComo realmente se deshace este embudo ? Educando a los usuarios !@	2
Qué otros intereses emergen actualmente al hacer el análisis de riesgos para elegir una vía tradicional o un MASC? Reputacionales, perfiles personales, organizacionales, estrategias a largo plazo, etc ? Qué peso tienen sobre otros que se han manifestado en la sesión?	1
¿No sería necesario sustituir la tradicional asignatura de procesal por una asignatura de gestión de disputas más completa (sistemas de valoración, negociación, mediación, expertos, arbitraje)?	1
¿Como se explica la contradicción que parece salir de la pregunta 5? Parece que los abogados piensan todavía que el litigio es lo	1
La respuesta a la pregunta número 2 sugiere que los resultados jurídicos dominan los resultados. Pero hemos visto en la primera sesión que no era una de las opciones elegida por los usuarios. ¿Como explicar esta diferencia?	1
Hemos visto esta mañana que los abogados son muy influyentes, pero que se basan más sobre su familiaridad con distintos procesos. Como un abogado puede educar a los usuarios si el mismo no tiene experiencia con mediación?	1
En conclusión está el mercado de oferta cumpliendo lo que los clientes esperan?	1
¿En qué medida los abogados asesoran a sus clientes con suficiente conocimiento de la mediación?	1



Session 3

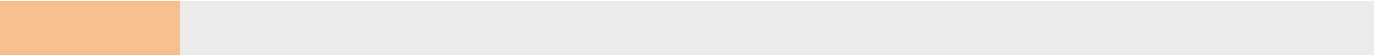
Session 3 – Demographic Results

Which category of stakeholder will you vote as today?
(If your regular practice involves several of these options, please select the one in which you have primarily been involved).

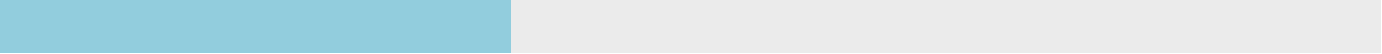
¿En qué categoría votará el día de hoy?
(Si su práctica habitual consiste en varias de estas opciones, por favor seleccione en el que ha estado mayormente involucrado).

(45)

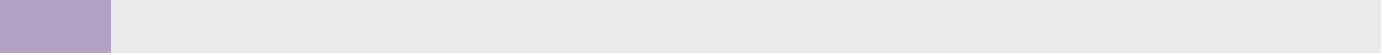
Party (user of dispute resolution services): A person or in-house counsel involved in commercial disputes / Usuario (usuario del servicio de resolucion de controversias): Una persona de negocios o un abogado in-house involucrado en controve (6) 13.33%



Advisor: An external lawyer or consultant to a party / Asesor: Un abogado externo o un consultor para una de las partes. (17) 37.78%



Adjudicative Provider: A judge, arbitrator, or organisation providing their services / Autoridad jurisdiccional: Un juez, árbitro u organizacion que preste tales servicios. (4) 8.89%



Non-Adjudicative Provider: A conciliator, mediator or organisation providing such services / Autoridad no jurisdiccional: Un conciliador, mediador u organizacion que preste tales servicios. (14) 31.11%



Influencer: A researcher, educator, employee/representative of government, or any other person not in categories 1-4 above / Influenciador: Un investigador, educador, empleado/representante del gobierno, o cualquier otra persona que no encua (4) 8.89%



Session 3, Question 1- Group Results

What are the main obstacles or challenges parties face when seeking to resolve commercial disputes?
(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

¿Cuáles son los principales obstáculos que enfrentan las partes al intentar resolver controversias de orden civil y/o mercantil?
(Por favor clasifique sus respuestas en orden de sus prioridades: '1ro elección'= 3 puntos, '2do'= 2puntos, '3ra' = 1punto)

(264)

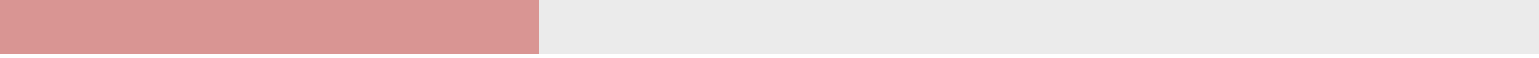
2.Financial or time constraints / Obstáculos financieros o de tiempo. (74) 50.00%



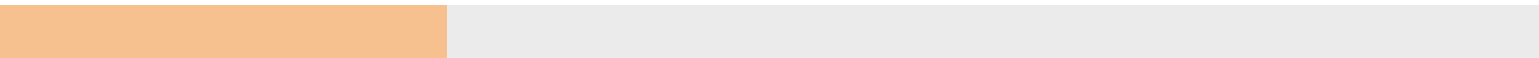
4.Insufficient knowledge of options available to resolve disputes / Falta de conocimiento de las opciones disponibles para resolver controversias. (73)



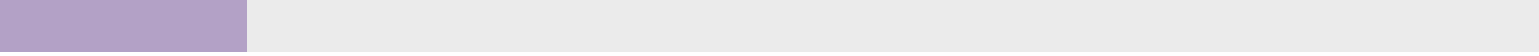
5.Uncertainty (e.g. unpredictable behaviour or lack of confidence in providers) / Incertidumbre (p.ej. comportamiento impredecible o falta de confianza en los prestadores del servicio) (51) 35.00%



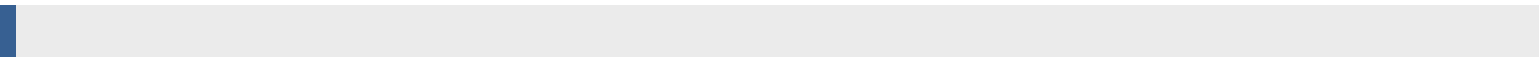
1.Emotional, social, or cultural constraints / Obstáculos emocionales, sociales o culturales. (42) 29.00%



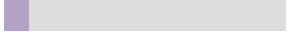
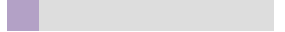
3.Inadequate range of options available to resolve disputes / Gama insuficiente de opciones disponibles para resolver controversias. (23) 16.00%



Other (1) 1.00%



Session 3, Question 1 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
1	2.Financial or time constraints... 67% 	2.Financial or time constraints... 71% 	4.Insufficient knowledge of options 100% 	1.Emotional, social, or cultural 52%  4.Insufficient knowledge of option 52% 	2.Financial or time constraints... 67% 
2	4.Insufficient knowledge of option 50% 	4.Insufficient knowledge o options 51% 	5.Uncertainty (e.g. unpredictable behaviour... 58% 	2.Financial or time constraints... 48% 	1.Emotional, social, or cultural... 56% 
3	5.Uncertainty (e.g. unpredictable behaviour... 39% 	5.Uncertainty (e.g. unpredictable behaviour... 47% 	3.Inadequate range of options... 42% 	5.Uncertainty (e.g. unpredictable behaviour... 26% 	4.Insufficient knowledge of options... 44% 
4	1. Emotional, social or cultural... 33% 	1. Emotional, social or cultural... 18% 		3. Inadequate range of options... 21% 	5. Uncertainty (e.g. unpredictable behaviour... 22% 
5	3. Inadequate range of options... 11% 	3. Inadequate range of options... 14% 			Other 11% 

Session 3, Question 2 – Group Results

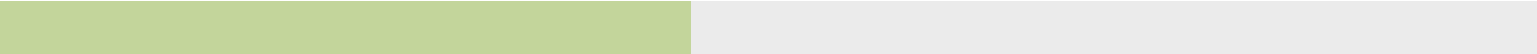
To improve the future of commercial dispute resolution, which of the following processes and tools should be prioritised?

Para mejorar el futuro de la solución de controversias y el acceso a la justicia, ¿cuál de los siguientes procesos y herramientas deberían ser una prioridad?
(264)

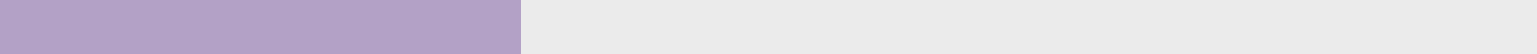
5.Pre-dispute or pre-escalation processes to prevent disputes / Procesos previos al conflicto que eviten que este surja o se agrave. (79) 55.00%



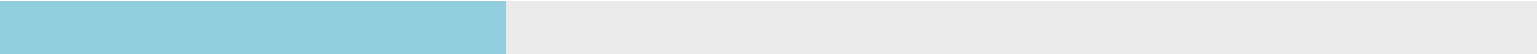
4.Non-adjudicative dispute resolution methods (mediation or conciliation) / Sistemas de solucion de controversias no adjudicativos (mediación o conciliación) (65) 45.00%



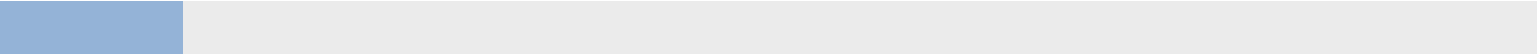
3.Encouragement by courts, tribunals or other providers to reduce time and/or costs / Apoyo de las cortes, tribunales u otros proveedores para reducir tiempo y/o costos (49) 34.00%



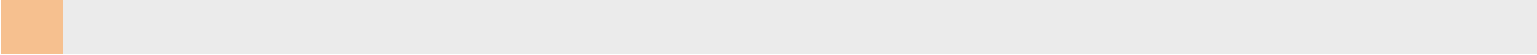
2.Combining adjudicative and non-adjudicative processes (e.g. arbitration/litigation with mediation/conciliation) / Combinar procesos jurisdiccionales con procesos no jurisdiccionales (p. ej. Arbitraje/litigio con mediación/conciliación) (48) 33.00%



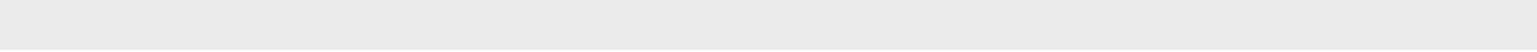
6.Technology to enable faster, cheaper procedures, (e.g. Online Dispute Resolution, electronic administration, remote hearings) / Tecnología que permita procesos mas baratos y más rápidos (p. ej. Solucion de controversias on line, administración electron (17) 12.00%



1.Adjudicative dispute resolution methods (litigation or arbitration) / Procesos adjudicativos (litigio o arbitraje) (6) 4.00%



Other (0) 0.00%



Session 3, Question 2 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
1	5.Pre-dispute or pre-escalation processes... 72%	5.Pre-dispute or pre-escalation processes... 53%	5.Pre-dispute or pre-escalation processes... 67%	5.Pre-dispute or pre-escalation processes... 67%	2.Combining adjudicative and non-adjudicative... 56% 6.Technology to enable faster... 56%
2	4.Non-adjudicative dispute resolution methods 44%	3.Encouragement by courts, tribunals... 45% 4.Non-adjudicative dispute resolution methods... 45%	2.Combining adjudicative and non-adjudicative... 58%	4.Non-adjudicative dispute resolution methods... 57%	4.Non-adjudicative dispute resolution methods... 44%
3	2.Combining adjudicative and non adjudicative... 39%	2.Combining adjudicative and non-adjudicative... 29%	4.Non-adjudicative dispute resolution methods... 50%	3.Encouragement by courts, tribunals... 40%	5.Pre-dispute or preescalation processes... 33%
4	3.Encouragement by courts, tribunals... 28%	6.Technology to enable faster,.. 16%	3.Encouragement by courts, tribunals... 25%	2.Combining adjudicative and non-adjudicative... 33%	3.Encouragement by courts, tribunals... 11%
5	6.Technology to enable faster,... 17%	1. Adjudicative dispute resolution methods... 12%		6.Technology to enable faster,... 2%	

Session 3, Question 3 – Group Results

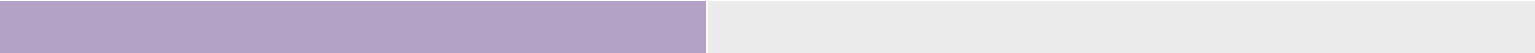
Which of the following areas would most improve commercial dispute resolution?

¿Cuál de las siguientes áreas mejoraría más la solución de controversias y el acceso a la justicia?
(252)

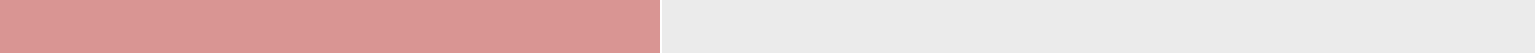
2. Cost sanctions against parties for failing to try non-adjudicative processes (e.g. mediation or conciliation) before litigation/arbitration. / Pago de costas a las partes que no intentaron un proceso no jurisdiccional (p. ej. Mediación o conciliación) a (81) 59.00%



3. Legislation or conventions that promote recognition and enforcement of settlements, including those reached in mediation / Legislaciones o convenios que promuevan el reconocimiento y aplicación de acuerdos, incluyendo aquellos a los que lleguen por med (63) 46.00%



5. Use of protocols promoting non-adjudicative processes before adjudicative processes (e.g. opt-out) / Uso de protocolos que promuevan procesos no jurisdiccionales (p.ej. opt-out) (60) 43.00%



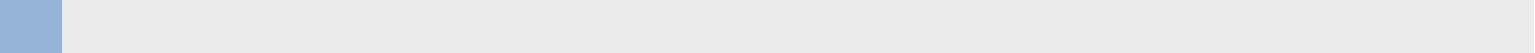
4. Quality control and complaint mechanisms applicable to dispute resolution providers / Control de calidad y mecanismos de queja aplicables a los agentes que prestan el servicio de solución de controversias. (22) 16.00%



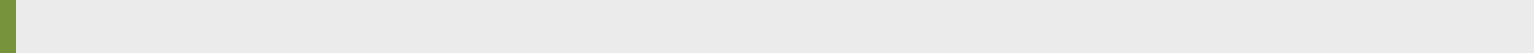
1. Accreditation or certification systems for dispute resolution providers / Sistemas de certificación a los agentes que prestan el servicio de solución de controversias. (19) 14.00%



6. Rules governing third party funding / (6) 4.00%



Other (1) 1.00%



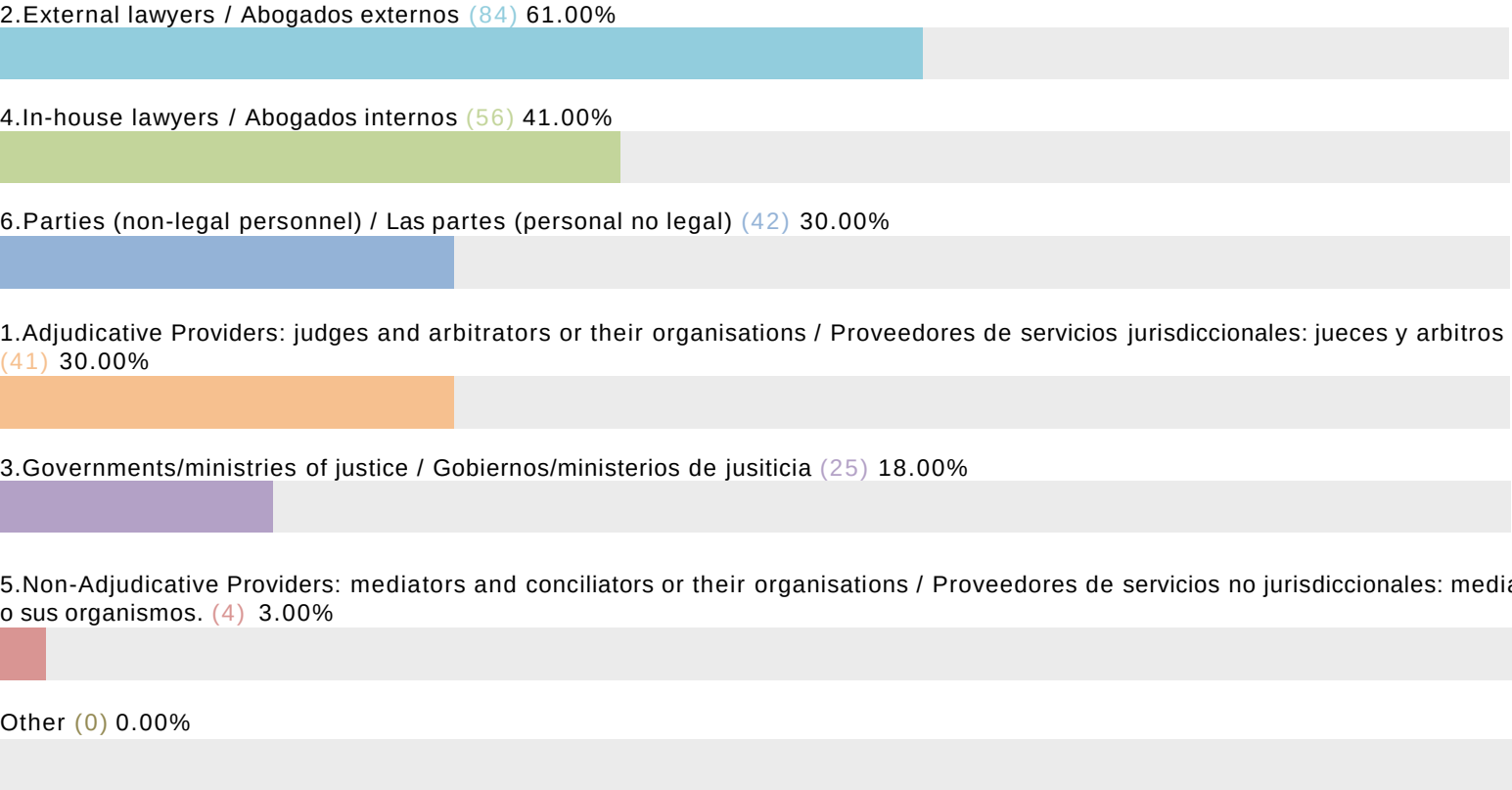
Session 3, Question 3 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
1	5.Use of protocols promoting 80%	2.Cost sanctions against parties 65%	2.Cost sanctions against parties... 75%	2.Cost sanctions against parties 79%	3.Legislation or conventions that 67%
2	3.Legislation or conventions that 67%	3.Legislation or conventions that 43% 5.Use of protocols promoting 43%	3.Legislation or conventions that 67%	3.Legislation or conventions that 45% 5.Use of protocols promoting 43%	5.Use of protocols promoting 50%
3	2.Cost sanctions against parties 27%	1.Accreditation or certification systems... 24%	5.Use of protocols promoting 33%	4.Quality control and complaint... 24%	2.Cost sanctions against parties... 33% 4.Quality control and complaint 33%
4	1.Accreditation or certification systems... 20%	4.Quality control and complaint... 18%	1.Accreditation or certification systems... 25%	6. Rules governing third... 5%	Other 17%
5	4.Quality control and complaint... 7%	6. Rules governing third... 8%		1.Accreditation or certification systems... 2%	

Session 3, Question 4 – Group Results

Which stakeholders are likely to be most resistant to change in commercial dispute resolution practice?
(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

¿Cuál de los interesados es probable que resista más al cambio en el ejercicio de la solución de controversias?
(Por favor clasifique sus respuestas en orden de sus prioridades: '1ro elección'= 3 puntos, '2do'= 2puntos, '3ra' = 1punto)
(252)



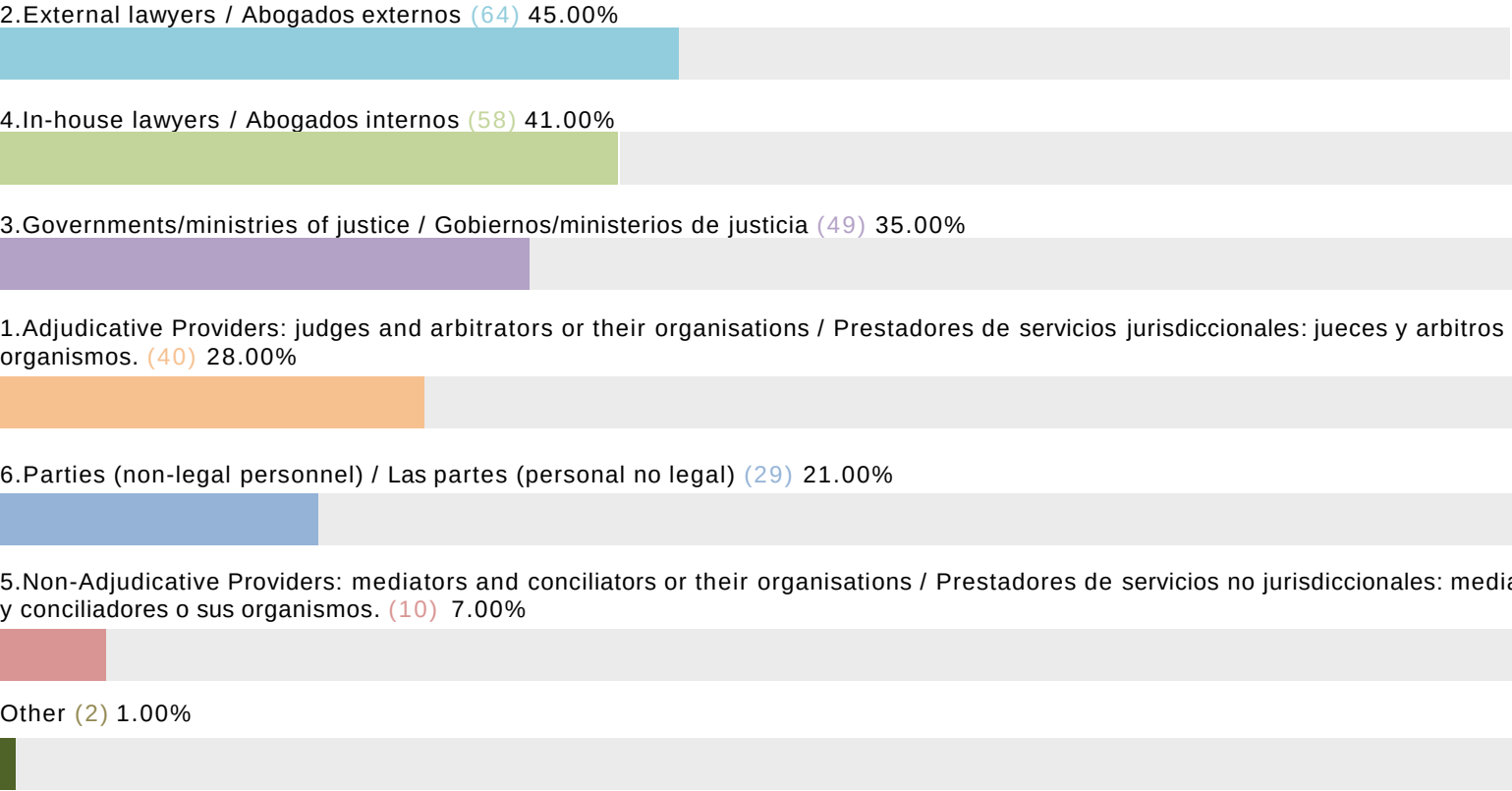
Session 3, Question 4 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
1	6.Parties (non-legal personel) 61%	2.External lawyers /Abogados 54%	2.External lawyers /Abogados 92%	2.External lawyers /Abogados 81%	2.External lawyers /Abogados 50% 3.Governments/ministries of justice 50% 6.Parties (non-legal personel) 50%
2	2.External lawyers /Abogados 56%	1.Adjudicative Providers: judges... 42% 4.In-house lawyers /Abogados 42%	4.In-house lawyers /Abogados 58%	4.In-house lawyers /Abogados 50%	4.In-house lawyers /Abogados 33%
3	1.Adjudicative Providers: judges 39%	6.Parties (non-legal personel) 35%	1.Adjudicative Providers: judges 25% 6.Parties (non-legal personel) 25%	3.Governments/ministries of justice 26%	1.Adjudicative Providers: judges 17%
4	4.In-house lawyers /Abogados 33%	3.Governments/ministriesof justice 19%		1.Adjudicative Providers:judges 24%	
5	3.Governments/ministries of justice 11%	5.Non-Adjudicative Providers: mediators and...8%		6.Parties (non-legal personel) 19%	

Session 3, Question 5 – Group Results

Which stakeholders have the potential to be most influential in bringing about change in commercial dispute resolution practice?
(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

¿Cuál de los partes principales tiene el potencial, para ser el mas influyente en traer cambios a la práctica de solucion de controversias?
(Por favor clasifique sus respuestas en orden de sus prioridades: '1ro elección'= 3 puntos, '2do'= 2puntos, '3ra' = 1punto)
(252)



Session 3, Question 5 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
1	2.External lawyers /Abogados61% 4.In-house lawyers /Abogados61%	3.Governments/ministries of justice	3.Governments/ministriesof justice75%	2.External lawyers /Abogados64%	4.In-house lawyers /Abogados83%
2	1.Adjudicative Providers: judges22% 3.Governments/ministries of justice 6.Parties (non-legal personnel	2.External lawyers /Abogados42%	2.External lawyers /Abogados33% 4.In-house lawyers /Abogados33%	4.In-house lawyers /Abogados55%	6.Parties (non-legal personnel)67%
3	5.Non-Adjudicative Providers:11%	1.Adjudicative Providers: judges and..35%	1.Adjudicative Providers:judges and...25%	1.Adjudicative Providers:judges and38%	2.External lawyers /Abogados...33%
4		4.In-house lawyers /Abogados31% 6.Parties (non-legal personnel)31%	Other17%	3.Governments/ministries of justice29%	5.Non-Adjudicative Providers: mediators17%
5		5.Non-AdjudicativeProviders: mediators and...10%	5.Non-Adjudicative Providers: mediators and...8% 6.Parties (non-legal personnel)8%	6.Parties (non-legal personnel)12%	
6				5.Non-Adjudicative Providers: mediators2%	

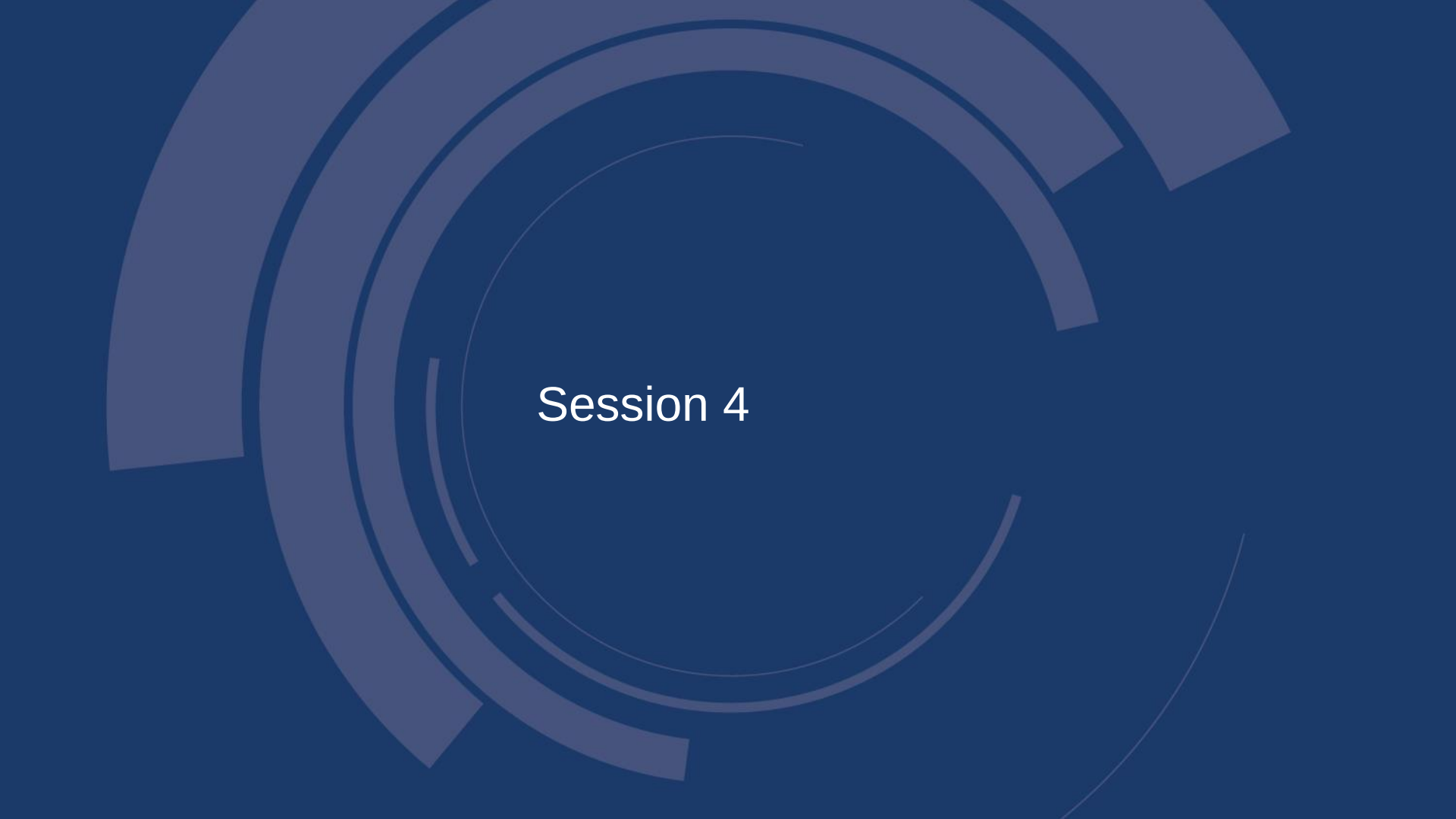
Word Cloud – Session 3

What words would you use to describe the most common impediments that keep parties from resolving their disputes?



Make a Question or Comment – Session 3

QUESTION ASKED	VOTES
¿No coincidís en que a veces la mediación no se prepara adecuadamente, ni por los abogados, ni por los mediadores, ni por las partes?	5
¿A la hora de hablar de mediación mercantil, no sería más cercana a una negociación asistida que a un proceso de mediación propiamente dicho?	5
Hasta qué punto son cosas distintas "las emociones", el resolver económicamente el conflicto y el preservar la relación (o no, pero resolviéndola de manera amistosa)? No es la mediación justamente el dar el control y la responsabilidad a las partes sobre la asunción de responsabilidad de sus emociones, de cómo están impactando en el conflicto y de sus intereses encubiertos para resolver o no el conflicto?	3
¿No es verdad que en nuestra cultura las emociones se desahogan solamente venciendo en una sentencia o un laudo?	2
Las cláusulas escalonadas siempre son beneficiosas, no lo creéis?	2
¿Valentía o incapacidad de asumir más trabajo?	2
Los mediadores somos expertos en gestión emocional para que las trabajen de forma efectiva y no atrapados por la ira, el miedo y la incertidumbre ¿no pensáis que esto es la base del trabajo de gestionar a las personas que están detrás de todos los conflictos?	2
¿No evidencia la diferencia de resultados en el primer factor de la pregunta 3 (imposición de sanciones económicas) entre las partes y el resto de perfiles en la sala que una causa importante de la falta de extensión del uso de la mediación está en el recelo de las propias empresas potenciales usuarias?	2
Curioso que users y advisors coincidan en que los temas de coste son los principales obstáculos. No deberían apostar por sistemas de mediación con más asiduidad? solo por una cuestión de ahorro de recursos y no pérdida de la posición en un futuro.	1



Session 4

Session 4 – Demographic Results

Which category of stakeholder will you vote as today?

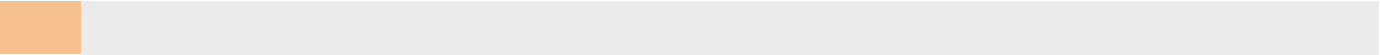
(If your regular practice involves several of these options, please select the one in which you have primarily been involved).

¿En qué categoría votará el día de hoy?

(Si su práctica habitual consiste en varias de estas opciones, por favor seleccione en el que ha estado mayormente involucrado).

(43)

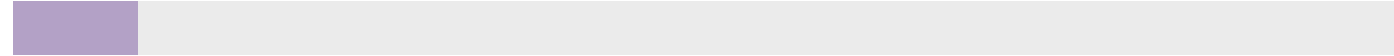
Party (user of dispute resolution services): A person or in-house counsel involved in commercial disputes / Usuario (usuario del servicio de resolucion de controversias): Una persona de negocios o un abogado in-house involucrado en controve (3) 6.98%



Advisor: An external lawyer or consultant to a party / Asesor: Un abogado externo o un consultor para una de las partes. (19) 44.19%



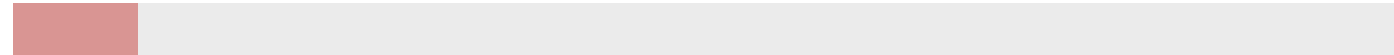
Adjudicative Provider: A judge, arbitrator, or organisation providing their services / Autoridad jurisdiccional: Un juez, árbitro u organizacion que preste tales servicios. (4) 9.30%



Non-Adjudicative Provider: A conciliator, mediator or organisation providing such services / Autoridad no jurisdiccional: Un conciliador, mediador u organizacion que preste tales servicios. (13) 30.23%



Influencer: A researcher, educator, employee/representative of government, or any other person not in categories 1-4 above / Influenciador: Un investigador, educador, empleado/representante del gobierno, o cualquier otra persona que no encua (4) 9.30%



Session 4, Question 1 – Group Results

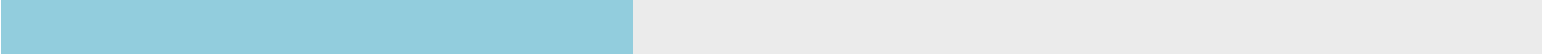
Who has the greatest responsibility for taking action to promote better access to justice in commercial dispute resolution?
(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

¿Quién tiene la mayor responsabilidad en la adopción de medidas para promover un mejor acceso a la justicia?
(Por favor clasifique sus respuestas en orden de sus prioridades: '1ro elección'= 3 puntos, '2do'= 2 puntos, '3ra' = 1 punto)
(258)

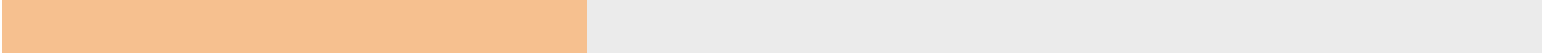
3.Governments/ministries of justice / Gobiernos/ministerios de justicia (97) 75.00%



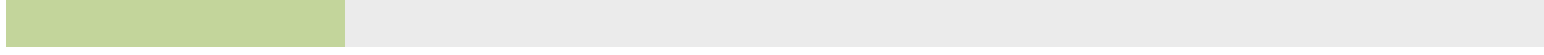
2.External lawyers / Abogados externos (53) 41.00%



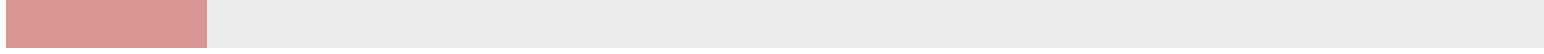
1.Adjudicative Providers: judges and arbitrators or their organisations / Autoridades jurisdiccionales: jueces y arbitros o sus organismos. (49) 38.00%



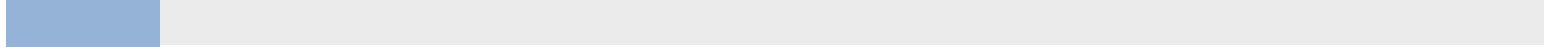
4.In-house lawyers / Abogados internos (29) 22.00%



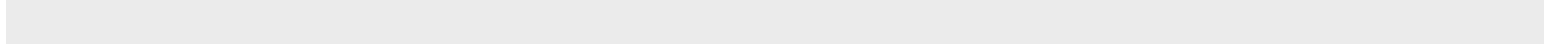
5.Non-Adjudicative Providers: mediators and conciliators or their organisations / Autoridades no jurisdiccionales: mediadores y conciliadores o sus organismos. (17) 13.00%



6.Parties (non-legal personnel) / Las partes (personal no legal) (13) 10.00%



Other (0) 0.00%



Session 4, Question 1 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
1	3.Governments/ministries of justice /... 78%	3.Governments/ministries of justice /... 77%	3.Governments/ministries of justice /... 75%	3.Governments/ministries of justice /... 72%	3.Governments/ministries of justice /... 75%
2	1.Adjudicative Providers: judges and... 44%	1.Adjudicative Providers: judges and... 47%	2.External lawyers / Abogados... 42%	2.External lawyers / Abogados... 51%	1.Adjudicative Providers: judges and... 50%
3	2.External lawyers /Abogados 33%	2.External lawyers /Abogados 39%	1.Adjudicative Providers:judges 25%	4.In-house lawyers /Abogados 36%	5.Non-Adjudicative Providers: mediators 42%
	4.In-house lawyers /Abogados 33%		4.In-house lawyers /aBOGADOS 25%		
			6.Parties (non-legal personnel) 25%		
4	5.Non-Adjudicative Providers: mediators and... 11%	4.In-house lawyers /Abogados... 14%	5.Non-Adjudicative Providers: mediators and... 8%	1.Adjudicative Providers: judges and... 23%	2.External lawyers/Abogados... 25%
5		6.Parties (non-legal personnel) 12%		5.Non-Adjudicative Providers: mediators and... 10%	4.In-house lawyers /Abogados... 8%
6		5.Non-Adjudicative Providers: mediator and... 11%		6.Parties (non-legal personnel) /... 8%	

Session 4, Question 2 – Group Results

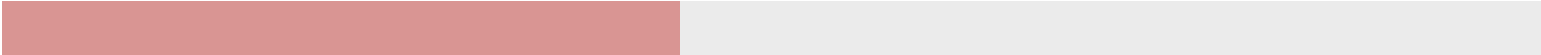
What is the most effective way to improve parties' understanding of their options resolving commercial disputes?
(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

¿Cuál es la manera mas efectiva de mejorar el conocimiento que tienen las partes de los distintos medios de solución de controversias?
(Por favor clasifique sus respuestas en orden de sus prioridades: '1ro elección'= 3 puntos, '2do'= 2puntos, '3ra' = 1 punto)
(252)

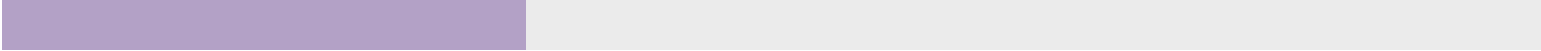
2.Education in business and/or law schools and the broader business community about adjudicative and non- adjudicative dispute resolution options / Educación en escuelas de negocios y/o derecho y en la comunidad de negocios en general acerca de las distintas (85) 64.00%



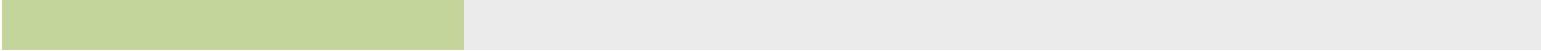
5.Requiring parties to attempt non-adjudicative options (i.e., mediation or conciliation) before initiating litigation or arbitration / Requerir a las partes intentar sistemas de solución de controversias no jurisdiccionales (p. ej. mediación o conciliación) (58) 44.00%



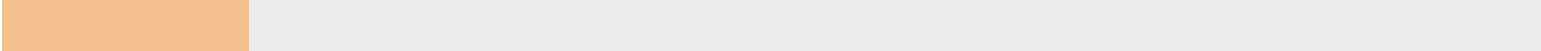
3.Procedural requirements for all legal personnel and parties to declare they have considered non-adjudicative dispute resolution options before initiating arbitration or litigation / Requerimientos procesales para todo el personal legal y las partes (45) 34.00%



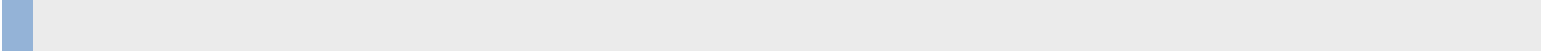
4.Providing access to experts to guide parties in selecting the most appropriate dispute resolution process(es) / Facilitar el acceso a expertos para guiar a las partes en la selección del proceso de solución de controversias más adecuado. (40) 30.00%



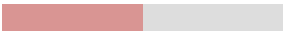
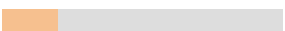
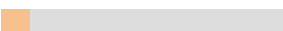
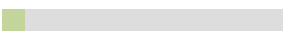
1.Creating collaborative dispute resolution centres or hubs to promote awareness / Crear centros colaborativos de solución de controversias o centros para promover conciencia al respecto. (21) 16.00%



Other (3) 2.00%



Session 4, Question 2 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
1	2.Education in business 67%  4.Providing access to experts 67% 	2.Education in business 70% 	2. Education in business 67%  2. Procedural requirements for all 67% 	2.Education in business 64% 	2.Education in business 67% 
2	1.Creating collaborative dispute resolution... 44% 	5.Requiring parties to attempt 50% 	5.Requiring parties to attempt 42% 	3.Procedural requirements for all 49% 	5.Requiring parties to attempt 58% 
3	3.Procedural requirements for all 11%  5.Requiring parties to attempt 11% 	4.Providing access to experts 33% 	4.Providing access to experts 25% 	5.Requiring parties to attempt 46% 	3.Procedural requirements for all 25%  Other 25% 
4		3.Procedural requirements for all... 26% 		4.Providing access to experts... 31% 	1.Creating collaborative dispute resolution... 17% 
5		1.Creating collaborative dispute resolution... 20% 		1.Creating collaborative dispute resolution... 10% 	4.Providing access to experts... 8% 

Session 4, Question 3 – Group Results

To promote better access to justice for those involved in commercial disputes, where should policy makers, governments and administrators focus their attention?

(Please rank your 3 preferred answers in order of priority: ‘1st choice’= 3 points, ‘2nd choice’= 2 points, ‘3rd choice’ = 1 point).

Para promover el mejor acceso a la justicia, ¿Dónde deberían enfocar su atención los legisladores, gobiernos y administradores de justicia?

(246)

5. Use of protocols promoting non-adjudicative processes (mediation or conciliation) before adjudicative processes

/ Usar protocolos que promuevan procesos no jurisdiccionales (mediación o conciliación) antes de empezar un proceso jurisdiccional. (63) 50.00%

1. Legislation or conventions promoting recognition and enforcement of settlements including those reached in mediation / Legislaciones o convenios que promuevan el reconocimiento y aplicación de acuerdos, incluyendo aquellos a los que lleguen por mediación (58) 46.00%

2. Making non-adjudicative processes (mediation or conciliation) compulsory and/or a process parties can “opt-out” of before adjudicative processes can be initiated / Hacer procesos no jurisdiccionales (mediación o conciliación) obligatorios y/o un proceso (57) 45.00%

3. Pre-dispute or early stage case evaluation or assessment systems using third party advisors who will not be involved in subsequent proceedings / Sistemas de evaluación temprana o de asesoramiento que estén en manos de terceros que no estarán involucrados (51) 40.00%

4. Reducing pressures on the courts to make them more efficient and accessible / Reducir presión en los tribunales para que estas sean más eficientes y accesibles. (14) 11.00%

Other (3) 2.00%

Session 4, Question 3 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
1	1.Legislation or conventions promoting... 89%	5.Use of protocols promoting... 52%	1.Legislation or conventions promoting... 67%	5.Use of protocols promoting... 64%	1.Legislation or conventions promoting... 78%
2	3.Pre-dispute or early stage... 78%	2. Making non-adjudicative processes (mediation... 44% 2. Pre-dispute or early stage 44%	5.Use of protocols promoting... 50%	2.Making non-adjudicative processes (mediation... 59%	2.Making non-adjudicative processes (mediation... 67%
3	5.Use of protocols promoting... 22%	1.Legislation or conventions promoting... 41%	2. Making non-adjudicative processes (mediation... 25% 2. Pre-dispute or early stage 25% Other 25%	3.Pre-dispute or early stage... 36%	3.Pre-dispute or early stage... 33%
4	2.Making non-adjudicative processes (mediation... 11%	4.Reducing pressures on the... 19%	4.Reducing pressures on the... 8%	1.Legislation or conventions promoting... 33%	5.Use of protocols promoting... 22%
5				Reducing pressures on the... 8%	

Session 4, Question 4 – Group Results

Which of the following will have the most significant impact on future policy-making in commercial dispute resolution?
(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

¿Cuál de los siguientes va a tener el impacto más significativo en el futuro de la elaboración de políticas en solución de controversias?
(234)

2.Demand for increased efficiency of dispute resolution processes, including through technology. / Demanda de mejoras en la eficiencia de los procesos de solución de controversias incluso a través de la tecnología. (77) 64.00%



1.Demand for certainty and enforceability of outcomes / Demanda de certeza y vinculatoriedad de los resultados. (59) 49.00%



4.Demand for increased transparency / Demanda de mayor transparencia (36) 30.00%



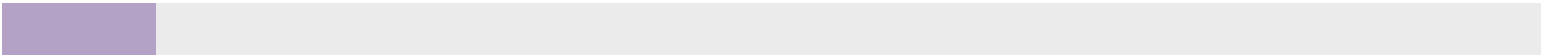
5.Demand for increased uniformity and standardisation /Demanda de mayor uniformidad y estandarización. (31) 26.00%



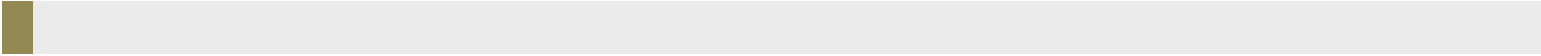
6.Demand for processes that allow parties to represent themselves, without lawyers / Demanda de procesos que le permitan a las partes representarse a si mismas, sin un abogado. (17) 14.00%



3.Demand for increased rights of appeal/oversight of adjudicative providers / Demanda de mayores derechos de apelación o escrutinio de decisiones de proveedores de servicios adjudicativos. (12) 10.00%



Other (2) 2.00%



Session 4, Question 4 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher,
1	2.Demand for increased efficiency78%	2.Demand for increased efficiency65%	1. Demand for certainty and75% 1. Demand for increased efficiency75%	2.Demand for increased efficiency67%	1.Demand for certainty and78%
2	5.Demand for increased uniformity44%	4.Demand for increased transparency43%	3.Demand for increased rights25%	1.Demand for certainty and53%	2.Demand for increased efficiency44%
3	1.Demand for certainty and33% 4.Demand for increased transparency...33%	1.Demand for certainty and41%	4. Demand for increased transparency8% 4. Demand for increased uniformity8%	5.Demand for increased uniformity28% 4.Demand for increased transparency...22%	4. Demand for increased transparency22% 5. Demand for increased uniformity22% 5. Demand for processes that22%
4	6.Demand for processes that...11%	5.Demand for increased uniformity...27%	5. Demand for processes that8%		3.Demand for increased rights...11%
5		6.Demand for processes that...16%		6.Demand for processes that...14%	
6		3.Demand for increased rights...8%		3.Demand for increased rights...11%	
7				Other6%	

Session 4, Question 5 – Group Results

What innovations/trends are going to have the most significant influence on the future of commercial dispute resolution?
(Please rank your 3 preferred answers in order of priority: '1st choice'= 3 points, '2nd choice'= 2 points, '3rd choice' = 1 point).

¿Qué innovaciones/tendencias van a tener mas influencia en el futuro de solucion de controversias?
(228)

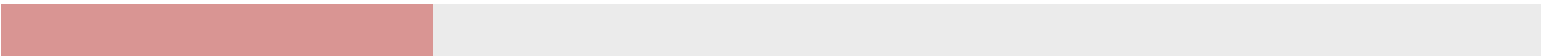
1.Changes in corporate attitudes to conflict prevention / Cambios en las actitudes corporativa para prevenir conflictos. (83) 71.00%



3.Greater emphasis on collaborative instead of adversarial processes for resolving disputes / Mayor énfasis en procesos de solución de controversias colaborativos en vez de un procedimiento judicial contencioso. (57) 49.00%



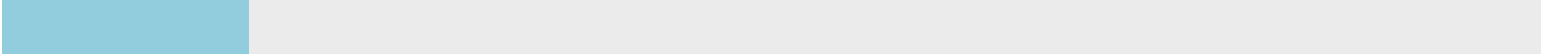
5.Harmonisation of international laws and standards for dispute resolution systems / Armonizar las leyes internacionales y los estándares de sistemas de solución de controversias. (33) 28.00%



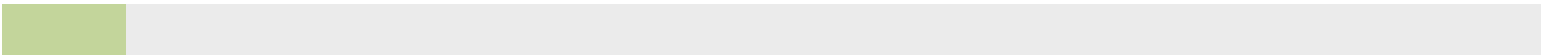
6.Technological innovation (e.g. on-line dispute resolution) / Innovación tecnológica (p. Ej. Solución de controversias en línea) (22) 19.00%



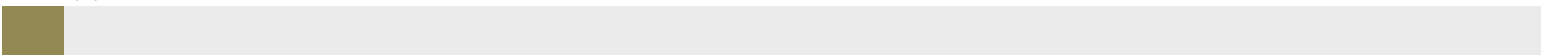
2.Enhanced understanding regarding how people behave and resolve conflict (e.g. from brain and social sciences)
/ Una mejor comprensión sobre cómo se comporta la gente y resuelve conflictos (p.ej. estudios del cerebro y las ciencias sociales). (19) 16.00%



4.Greater emphasis on personal wellbeing and stress reduction of parties / Mayor énfasis en el bienestar colectivo y disminución de estrés de las partes. (9) 8.00%



Other (5) 4.00%



Session 4, Question 5 – Cross Sorted Results

AVG Rank	Party (user of dispute...	Advisor: An external lawyer...	Adjudicative Provider: A judge,...	Non-Adjudicative Provider: A conciliator,...	Influencer: A researcher, educator,...
1	1.Changes in corporate attitudes67% 5.Harmonisation of international laws67%	1.Changes in corporate attitudes76%	1.Changes in corporate attitudes75%	3.Greater emphasis on collaborative72%	1.Changes in corporate attitudes100%
2	6.Technological innovation (online)33%	3.Greater emphasis on collaborative39%	3.Greater emphasis on collaborative50%	1.Changes in corporate attitudes64%	3.Greater emphasis on collaborative50%
3	3.Greater emphasi on collaboratives22%	5.Harmonisation of international laws31%	6.Technological innovation (online)33%	5. Harmonisation of international laws17% 5. Technological innovation (online)17%	5.Harmonisation of international laws33%
4	2.Enhanced understanding regarding how11%	2.Enhanced understanding regarding how24%	5.Harmonisation of international laws25%	4.Greater emphasis on personal14%	2.Enhanced understanding regarding how17%
5		6.Technological innovation (online)18%	2.Enhanced understanding regarding how8% 4.Greater emphasis on personal8%	2.Enhanced understanding regarding how11%	
6		4.Greater emphasis on personal6% Other6%		Other6%	

Word Cloud – Session 4

What words would you use to describe the changes to focus on in the future?



Make a Question or Comment – Session 4

QUESTION ASKED	VOTES
El proyecto de ley socialista imponía la obligatoriedad de la mediación en determinados supuestos. La Ley aprobada para el PP desechó aquel proyecto. A Julio, ¿teniendo en cuenta que la mediación no acaba de repuntar y que el atasco judicial en sede civil es cada vez mayor, no se arrepienten de haber desechado la normativa socialista?	2
¿No pensáis que es importante considerar que "La obligatoriedad en que las partes sean informadas" es una cosa muy distinta al concepto de "mediación obligatoria"?	2
¿Cuándo se prevé que funcionará correctamente la web de Justicia para solicitar nacionalidad española? ¿Cuándo se resolverán los expedientes presentados hace dos años hasta la fecha que están sin digitalizar?	1
hay información acerca de qué nivel de formación sobre mediación o ADR se está impartiendo en universidades, masters de acceso a la abogacía, escuelas de negocio, etc.?	1
Quizás sería conveniente extender la declinatoria, definitiva o provisional, cuando se ha pactado un mecanismo previo de resolución de disputas	1
Si hay que promover un cambio de cultura en España, entonces ¿No debemos plantearnos que hay que lograrlo en el medio largo plazo? parece que hay mucha ansiedad por que ese cambio sea inmediato.	1
Que pensáis de la idea de crear motivaciones fiscales para aumentar el uso de la mediación?	1
¿Qué es el papel de las compañías de seguros?	1

THANK YOU