

# IMI ADR Users Survey March 24, 2013

(Completion rate: 100.0%)

## I would rely on the following criteria when selecting a Mediator:

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total Responses
Experience as a Mediator	62 (85%)	10 (14%)	1 (1%)	0 (0%)	0 (0%)	73
Experience as a lawyer	13 (18%)	28 (38%)	27 (37%)	4 (5%)	1 (1%)	73
Expertise in the core issue to which the mediation relates	18 (25%)	44 (60%)	7 (10%)	4 (5%)	0 (0%)	73
Evidence the Mediator's competency has been independently assessed	28 (38%)	33 (45%)	10 (14%)	2 (3%)	0 (0%)	73
The Mediator's ranking in ADR league tables (where they exist)	4 (5%)	24 (33%)	30 (41%)	7 (10%)	8 (11%)	73
Independently-verified feedback from prior users	30 (42%)	33 (46%)	7 (10%)	2 (3%)	0 (0%)	72
Anonymous user quotes on a Mediator's website	4 (5%)	8 (11%)	28 (38%)	19 (26%)	14 (19%)	73
Recommendation of law firm or other adviser	14 (19%)	43 (59%)	14 (19%)	2 (3%)	0 (0%)	73
The Mediator's personality and attitude	33 (45%)	35 (48%)	5 (7%)	0 (0%)	0 (0%)	73
Past experience with a particular Mediator	42 (58%)	28 (39%)	2 (3%)	0 (0%)	0 (0%)	72

The Mediator openly subscribes to a professional institution's Code of Conduct for Mediators	22 (31%)	33 (46%)	10 (14%)	5 (7%)	1 (1%)	71
Gender of the Mediator	1 (1%)	2 (3%)	24 (33%)	12 (17%)	33 (46%)	72
Culture of the Mediator	4 (6%)	23 (32%)	26 (36%)	9 (12%)	10 (14%)	72

### I would rely on the following criteria when selecting an Arbitrator:

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total Responses
Experience as an Arbitrator	55 (76%)	14 (19%)	3 (4%)	0 (0%)	0 (0%)	72
Experience as a lawyer	30 (42%)	34 (47%)	6 (8%)	1 (1%)	1 (1%)	72
Expertise in the sector to which arbitration relates	33 (46%)	36 (50%)	2 (3%)	1 (1%)	0 (0%)	72
Evidence the arbitrator's competency has been independently assessed	23 (32%)	37 (51%)	11 (15%)	1 (1%)	0 (0%)	72
The arbitrator's ranking in ADR league tables (where they exist)	6 (8%)	21 (30%)	32 (45%)	5 (7%)	7 (10%)	71
Independently-verified feedback from prior users	29 (41%)	33 (46%)	5 (7%)	3 (4%)	1 (1%)	71
Anonymous user quotes on the Arbitrator's website	3 (4%)	8 (11%)	30 (42%)	17 (24%)	13 (18%)	71
Recommendation of law firm or other adviser	22 (31%)	37 (52%)	11 (15%)	1 (1%)	0 (0%)	71
The Arbitrator's	19 (26%)	42 (58%)	10 (14%)	1 (1%)	0 (0%)	72





personality and attitude

Past experience with a particular Arbitrator





The Arbitrator openly subscribes to a professional institution's Code of Conduct for Arbitrators

	34 (47%)	32 (44%)	5 (7%)	0 (0%)	1 (1%)	72
	20 (28%)	32 (44%)	15 (21%)	5 (7%)	0 (0%)	72

**All Neutrals should seek feedback from users and make that feedback openly available to future users (in summary format, prepared by an independent person/institution while preserving the anonymity of the feedback giver).**

Response	Chart	Percentage	Count
Strongly agree		33%	24
Agree		44%	32
Neutral		15%	11
Disagree		7%	5
Strongly disagree		1%	1
<b>Total Responses</b>			<b>73</b>

**All Neutrals should belong to an ADR professional institution that has a rigorous and public Code of Ethics backed up by a disciplinary process.**

Response	Chart	Percentage	Count
Strongly agree		32%	23
Agree		44%	32
Neutral		21%	15
Disagree		3%	2
Strongly Disagree		1%	1
<b>Total Responses</b>			<b>73</b>

**ADR professional institutions (i.e. bodies certifying the competency of mediators and arbitrators) should:**

Response	Chart	Percentage	Count
Not be a service provider or otherwise earn income from users		60%	43
Could be a service provider		28%	20
No view one way or another		12%	9
<b>Total Responses</b>			<b>72</b>






**Parties to an Arbitration proceeding should be actively encouraged by the Arbitration Provider to use mediation to settle their dispute.**

Response	Chart	Percentage	Count
Strongly agree		32%	23
Agree		42%	31
Neutral		22%	16
Disagree		3%	2
Strongly disagree		1%	1
<b>Total Responses</b>			<b>73</b>





**Mediation should be a compulsory procedural step in the conduct of all commercial disputes, in both litigation and arbitration.**

Response	Chart	Percentage	Count
Strongly agree		18%	13
Agree		30%	22
Neutral		15%	11
Disagree		27%	20
Strongly disagree		10%	7
<b>Total Responses</b>			<b>73</b>






**Mediators should not be purely facilitative but adopt a proactive idea-generating role, including proposing solutions and settlement options.**

Response	Chart	Percentage	Count
Strongly agree		26%	19
Agree		51%	37
Neutral		8%	6
Disagree		12%	9
Strongly disagree		3%	2
<b>Total Responses</b>			<b>73</b>

**In my experience, outside lawyers are often an impediment to the mediation process.**

Response	Chart	Percentage	Count
Strongly agree		12%	9
Agree		35%	25
Neutral		38%	27
Disagree		15%	11
Strongly disagree		0%	0
<b>Total Responses</b>			<b>72</b>

**I expect my arbitration and litigation counsel to have been trained in mediation advocacy skills.**

Response	Chart	Percentage	Count
Strongly agree		32%	23
Agree		48%	35
Neutral		14%	10
Disagree		5%	4
Strongly disagree		1%	1
<b>Total Responses</b>			<b>73</b>

### Number of employees in my company worldwide:

Response	Chart	Percentage	Count
Under 100		5%	4
Under 1,000		5%	4
Under 10,000		18%	13
More than 10,000		71%	52
<b>Total Responses</b>			<b>73</b>

### Please estimate the average number of conflicts (i.e., crystalized disputes, whether in litigation or arbitration or where legal action of some kind is being contemplated): 1) Within your department:














Response	Chart	Percentage	Count
1-10/month		67%	47
11-25/month		13%	9
26-50/month		10%	7
Over 50/month		10%	7
<b>Total Responses</b>			<b>70</b>

### 2) Within your company worldwide:





Response	Chart	Percentage	Count
Less than 10/year		13%	9
Less than 50/year		18%	13
Less than 100/year		14%	10
Less than 500/year		15%	11
More than 500/year		39%	28
<b>Total Responses</b>			<b>71</b>

### General Sector my company operates in:





Response	Chart	Percentage	Count
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Automotive and Aeronautic		3%	2
Basic materials		3%	2
Conglomerate (ie multi-sector)		8%	6
Consumer goods		5%	4
Energy		30%	22
Financial (banking or financial markets)		3%	2
Healthcare		1%	1
Insurance		10%	7
Industrial goods		1%	1
Services		8%	6
Telecommunications		4%	3
Utilities		3%	2
Other		21%	15
<b>Total Responses</b>			<b>73</b>

### I have actual personal experience of being a party or party representative in a:

Response	Chart	Percentage	Count
Mediation		14%	10
Arbitration		14%	10
Both		64%	47
Neither		8%	6
<b>Total Responses</b>			<b>73</b>




### I have actual experience of acting as a:

Response	Chart	Percentage	Count
Mediator		21%	15
Arbitrator		7%	5
Both		10%	7
Neither		63%	46

**Total Responses**

**73**

**My role in my company is:**

Response	Chart	Percentage	Count
Senior management		20%	14
Senior legal counsel		63%	45
Other (please indicate .....)		17%	12
<b>Total Responses</b>			<b>71</b>

**My role in my company is: (Other (please indicate .....))**

#	Response
1.	Head of legal department
2.	Both
3.	Middle Management
4.	claims management
5.	VP Legal
6.	Managing Counsel
7.	Director
8.	Director
9.	Managing Counsel
10.	Social Compliance
11.	trademark counsel