

## FORM 2

### Technology and Construction Mediation Survey



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hmcs



University of London

### *A research project by*

### The Technology and Construction Court and King's College, London

This survey is part of a research project by the Technology and Construction Court and the Centre of Construction Law and Management, King's College London. The goal of this survey is to gather information regarding the use of mediation in TCC disputes and the effectiveness or otherwise of court instigated ADR processes, in particular mediation. The analysis aims to:

1. reveal in what circumstances mediation is an efficacious alternative to litigation;
2. assist the court to determine whether, and at what stage, it should encourage mediation in future cases; and
3. identify which mediation techniques are particularly successful.

You should only disclose information that you and the parties are happy to disclose. It is fully understood that there may be good reasons why you may be unwilling to answer some of the questions.

Your details will be treated in the strictest confidence. Publication of the results of this questionnaire will be restricted to statistical data and analysis based upon the responses received.

Please insert Claim Number (clearly)

F2

1. What was the nature of the case \*\*\* (please tick **all those that apply**)?

- |  |   |
|--|---|
| <input type="checkbox"/> Change to scope of work   | <input type="checkbox"/> A dispute about adjudication |
| <input type="checkbox"/> Delay                     | <input type="checkbox"/> Arbitration claim            |
| <input type="checkbox"/> Differing site conditions | <input type="checkbox"/> Professional negligence      |
| <input type="checkbox"/> Payment issues            | <input type="checkbox"/> Personal injury              |
| <input type="checkbox"/> Defects                   | <input type="checkbox"/> Property damage              |
| <input type="checkbox"/> Design issues             | <input type="checkbox"/> IT dispute                   |
| <input type="checkbox"/> Other (please specify)    |   |
- 

2. Were attempts made to resolve the litigation by \*\*\* (please tick **all those that apply**)?

- conventional negotiation
- mediation
- some other (if so what, see 3 below) form of dispute resolution procedure

3. If some other procedure please briefly describe:

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If the answer to question 2 was "mediation" but that mediation did not result in a complete settlement please continue; If not please go to Personal Details.

4. Was the mediation undertaken:

- on the parties' own initiative
- as a result of some (if so what) indication of the Court
- as a result of some (if so what) order of the Court

5. Was the mediator a:

- Construction Professional
  - Barrister
  - Solicitor
  - A TCC Judge as part of the Court Settlement Process
  - Other (please specify)
-

**FORM 2**

6. Please state the name of the mediator: \_\_\_\_\_

7. Did the parties agree on the identity of the mediator? YES   
NO

PTO

8. Please state name of Nominating Body (if applicable): \_\_\_\_\_

9. What were the approximate costs (in the lead up and on the day) of the mediation in respect of:

	£
The mediator (overall costs)	_____
room hire for the mediation	£ _____
your firm's costs	£ _____
your client	£ _____
any other costs, e.g. experts	£ _____

10. What was the outcome of the mediation?

- the action was settled in part
- the action was not settled at all

11. Was the mediation \*\*\*(please tick **all those that apply**)?

- beneficial to the progress of the litigation in terms of narrowing the issues in dispute
- beneficial to the progress of the litigation in that part settlement was achieved
- beneficial in that your or your client gained a greater understanding of the issues in dispute
- a waste of money
- a waste of time
- a cause of delay to the litigation timetable.

12. If you ticked the last box for question 11 then, if known, please state length of delay:

Years: \_\_\_\_\_ Months: \_\_\_\_\_ Days: \_\_\_\_\_

**Personal details (optional). You may attach your business card here instead.**

Name \_\_\_\_\_  
Firm's name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_  
Email \_\_\_\_\_

**Thank you for completing this survey**

Please **return** this questionnaire to (and address any questions to) **Aaron Hudson-Tyreman**, at The Centre of Construction Law and Management, King's College London, The Old Watch House, Strand, London, WC2A 2LS or fax to 0207 872 0210.

Do you wish to receive a copy of the results (please provide contact details) YES   
NO