

Survey Questions for Construction Disputes

1. Which of the following is the biggest challenge you face in industry disputes involving **two parties** with a contract between them?
 - (a) Dispute resolution process is inordinately lengthy
 - (b) Dispute resolution process is overly contentious
 - (c) Uncertainty of outcome
 - (d) Enforcement difficulties
2. If someone finds the dispute resolution process inordinately lengthy, what factor do you believe would be the main reason?
 - (a) Fact-finder (judge/arbitrator) lacking sufficient expertise
 - (b) Legal/institutional rules concerning hearings and evidence
 - (c) The appellate procedure
3. If someone finds the dispute resolution process overly contentious, do you believe that a meaningful mediation framework could provide a satisfactory solution?
 - (a) Yes
 - (b) No
 - (c) Maybe
4. If someone finds the biggest challenge to disputes to be the uncertainty of outcome, which of the following do you believe is the biggest cause for concern?
 - (a) Remedies (e.g. measure of damages, enforcement of liquidated damages, availability of specific performance)
 - (b) Enforcement of a duty of cooperation or a duty of care
 - (c) Interpretation of 'time is of the essence' clauses
 - (d) Interpretation of 'good faith' clauses

5. If someone finds the biggest challenge to disputes to be enforcement difficulties, do you believe that smart contracts might be able provide a viable solution for the industry?
 - (a) Yes
 - (b) No
 - (c) Maybe
6. A construction project involves **many contracts between different parties**. In your experience, how many disputes that you have been involved in, which involved more than one party and contract, got resolved in the same forum – whether arbitration or court?
 - (a) All
 - (b) About three-fourths
 - (c) About half
 - (d) Less than a quarter
 - (e) None
7. If your experience is that not all multi-party and multi-contract disputes get resolved in the same forum, have you noticed an improvement in the trend? In other words, has recent experience shown that more such disputes tend to be resolved in the same forum?
 - (a) Yes
 - (b) No
8. In your experience, do all parties on any project use the same suite of contracts?
 - (a) Yes
 - (b) No