

# **4<sup>th</sup> National Conference on Construction Adjudication**

**Session 4 – The Future of Adjudication: Evolution or  
Revolution**

**Shifting Mindsets to Dispute Avoidance**

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## Claimant's Concerns with Adjudication

Not succeeding

Jeopardising  
relationship with  
Respondent

“Backlash” from  
Respondent

Market  
Perception

## Respondent's Concerns with Adjudication

“Ambush”

Strictures of  
Section 15(3)

Perception that  
SOPA  
adjudication is  
“pro-Claimant”

Post-completion  
payment claims

# Why do Parties End Up in Adjudication?

No proper engagement on claims

Lack of substantiation or understanding of claims

Breakdown of relationship between parties

Desperate times call for desperate measures

# Dispute Avoidance and Collaborative Contracting



Non-adversarial  
mindset



Win-win and not  
I win-you lose



Early and proper  
engagement on  
claims



Preservation of  
relationships



More balanced  
allocation of risks



Role of dispute  
adjudication  
boards