

# International Private Commercial Arbitration

## Expectations and Perceptions of Attorneys and Business People\*

by Richard W. Naimark and Stephanie E. Keer

### Summary

*In a unique opportunity to look beyond simple satisfaction surveys, the authors uncover some unexpected findings.*

In a unique opportunity to look beyond simple satisfaction surveys, the authors undertook a survey of the perceptions and expectations of both attorneys and their clients in private commercial international arbitrations. The aim of the survey was to seek out an empirical understanding of the component parts of the parties' perceptions of the arbitration process and their role in it - a level of understanding somewhat deeper than is typically obtained.

This article reports on one particularly important question of the survey. Participants were asked to rank various factors for their importance in their current dispute (details of participants, procedures, and statistical analyses can be found in the Appendix at the end of this article). There were some surprises, such as the low ranking of the importance of privacy of the process. Even more noteworthy was the overwhelming relative importance of the fairness and justice of the process when compared to factors such as receipt of a monetary award, speed, cost, arbitrator expertise and finality.

The present findings represent the initial stages of a more specific roadmap to the views and desires of the participants in arbitrations, at least international commercial arbitrations. That roadmap leads to an understanding that justice, in the larger sense of the word, matters

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1. Thomas J. Stipanowich, *Beyond Arbitration: Innovation and Evolution in the United States Construction Industry*, WAKE FOREST L. REV. 31 (1) 65-182 (1996); See generally Steven Lazarus, John J. Bray, Larry L. Carter, Kent H. Collins, Bruce A. Giedt, Robert V. Holton Jr., Phillip D. Matthews, & Gordon C. Willard, *RESOLVING BUSINESS DISPUTES: THE POTENTIAL OF COMMERCIAL ARBITRATION* 15-171(1965).

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to parties and implies that substance<sup>2</sup> as well as process<sup>3</sup> are important factors in the parties' evaluation of what is important in arbitration.

## Results

The most significant result of the forced-rank survey is that an overwhelming majority of the parties ranked a fair and just result as the most important attribute, even above receipt of a monetary award, speed of outcome, cost or arbitrator expertise (Table 1)<sup>4</sup>. The differential in rankings was quite significant, with 81 percent of those surveyed ranking a fair and just result as most important (from 1 to 3 in order of importance), while receipt of a monetary award, speed of outcome, cost and arbitrator expertise were ranked most important (from 1 to 3 in order of importance) by between 41 percent and 46 percent of the participants. This means that a fair and just result was nearly twice as important as the next closest rankings.

Respondents ranked a fair and just result higher than did claimants, but both ranked the attribute as most important and significantly above any other choice (90 percent for respondents and 75 percent for claimants, 81 percent combined). As responding parties in arbitration are more often in a defensive posture, it is understandable that respondents would rank a fair and just result more highly, since the quality of result and process would outrank other concerns.

Participants' perceptions of the eight forced-rank variables were not significantly different before the first hearing compared to after the award was decided (data not shown), with the exception of one variable. Ranking of a fair and just result, which was ranked the most important of the eight factors, was ranked high before the award (median = 7) and even higher after the award (median = 8). This implies that prior to conflict resolution, people are more interested in receiving a favorable outcome, whereas after experiencing a resolution process, people are more interested in how they were treated<sup>5</sup>. Because no other differences were found in pre-case and post-case rankings, the data were pooled and then analyzed as a single dataset (see Appendix for details). The lack of differences in the data prior to a hearing and after the award was decided suggests that the issues that are most important prior to arbitration maintained their importance after the award had been rendered.

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2 Craig A McEwen, 'Towards a Program-Based ADR Research Agenda' (1999) 15 *Negotiation J* 325-338; Allan E. Lind, Carol T Kulik, Maureen Ambrose and Maria V de Vera Park, 'Individual and Corporate Dispute Resolution: Using Procedural Fairness as a Decision Heuristic' [1993] *Admin Sci Q* 224-251.

3 Allan E Lind, Robert J MacCoun, Patricia A Ebener, William L F Felstiner, Deborah R Hensler, Judith Resnik and Tom R Tyler, *The Perception of Justice: Tort Litigants' Views of Trial, Court-Annexed Arbitration, and Judicial Settlement Conferences* (RAND Institute for Civil Justice, 1989); Gerald Aksent, 'What Do "Users" Look for When Considering the Use of International Commercial Dispute Settlement Services?' [1993] *Int'l Fed'n Com Arb Inst* 15-23.

4 See Appendix 1 at the end of this article for details on participants, procedures, and statistics applied to the present study.

5 Tom R Tyler, Yen J Ho and E Allan Lind, 'The Two Psychologies of Conflict Resolution: Differing Antecedents of Pre-Experience Choices and Post-Experience Evaluations' (1999) 2 *Group Processes & Intergroup Relations* ..

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How can we interpret this finding? Taking a cynical view, one could maintain that parties looking for a fair and just result are simply using the phrase as a code word for winning. In most cases, winning in an arbitration of this type means winning a significant financial award. But we note that the survey provided for the selection of receipt of a monetary award as an option and that selection received a considerably lower ranking (43 percent as compared to 81 percent). This would seem to imply that simply receiving a monetary award is not the sum total of what the parties seek.

**Table 1:** Percentage and frequency of all participants, claimants and respondents ranking each variable as Most Important. Percentages are in normal font while frequency is bolded & within parentheses. Chi-square ( $\chi^2$ ) and p values are given for any statistically significant differences between claimants and respondents<sup>6</sup>.

Variable	1st - 3rd Most Important % (n)	$\chi^2$	p
<i>Fair &amp; Just Result</i>			
All Participants	81 ( <b>106</b> )		
Claimants	75 ( <b>60</b> )	4.66	< 0.10*
Respondents	90 ( <b>46</b> )		
<i>Cost</i>			
All Participants	46 ( <b>51</b> )		
Claimants	45 ( <b>36</b> )	0.26	ns
Respondents	50 ( <b>25</b> )		
<i>Monetary award</i>			
All Participants	43 ( <b>57</b> )		
Claimants	54 ( <b>44</b> )	16.66	< 0.01
Respondents	26 ( <b>13</b> )		
<i>Finality of a Decision</i>			
All Participants	32 ( <b>42</b> )		
Claimants	34 ( <b>27</b> )	0.38	ns
Respondents	30 ( <b>15</b> )		
<i>Speed</i>			
All Participants	46 ( <b>58</b> )		
Claimants	51 ( <b>40</b> )	3.24	ns
Respondents	35 ( <b>18</b> )		
<i>Arbitrator Expertise</i>			
All Participants	41 ( <b>53</b> )		
Claimants	31 ( <b>24</b> )	11.96	< 0.001
Respondents	57 ( <b>29</b> )		
<i>Privacy</i>			
All Participants	8 ( <b>10</b> )		
Claimants	8 ( <b>5</b> )	3.12	ns
Respondents	12 ( <b>6</b> )		
<i>Future Relations</i>			
All Participants	4 ( <b>5</b> )		
Claimants	4 ( <b>3</b> )	2.70	ns
Respondents	4 ( <b>2</b> )		

6 See F.J. GRAVETTER & L.B. WALLNAU, STATISTICS FOR THE BEHAVIORAL SCIENCES, 5th Edition 545-550 (Wadsworth/Thomson Learning, 2000). The  $\chi^2$  (Chi-square) test for goodness of fit is used to test hypotheses about how well sample data, in the form of proportions or frequencies, fits population data. P values (< 0.05) indicate the probability that the result could not have occurred by chance. ns = non statistically significant.

It is also true that in a good portion of cases, receipt of a monetary award is not an important option for a responding party, since they are often in a more defensive posture, protecting against the result of having to pay. This would tend to drive down the relative ranking of the receipt of a monetary award. However, the median rankings of receipt of a monetary award between claimants and respondents showed no statistically significant difference (Table 2). The wide gap between the importance of a fair and just result and the next four factors, and the consistency between both claimants and respondents, as indicated by the non-statistically significant differences (Table 2), seems to tell a different story.

**Table 2:** Comparison of median (+ interquartile range) responses between claimants and respondents on 8 forced-rank issues.<sup>7</sup>

Variables	Median / IQR	U	p
<i>Fair &amp; Just Result</i>			
Claimants (n = 80)	7 / 2.5	1546	< 0.002
Respondents (n = 51)	8 / 2		
<i>Cost</i>			
Claimants (n = 80)	5 / 2	1875	ns
Respondents (n = 51)	5 / 3		
<i>Monetary Award</i>			
Claimants (n = 80)	6 / 4.75	1749	ns
Respondents (n = 51)	5 / 4		
<i>Finality of a Decision</i>			
Claimants (n = 79)	5 / 3	1893	ns
Respondents (n = 51)	5 / 3		
<i>Speed</i>			
Claimants (n = 78)	6 / 3	1602	ns
Respondents (n = 51)	5 / 2.75		
<i>Arbitrator Expertise</i>			
Claimants (n = 78)	4 / 3	1295	< 0.001
Respondents (n = 51)	6 / 3		
<i>Privacy</i>			
Claimants (n = 78)	2 / 1	1329	< 0.001
Respondents (n = 51)	3 / 2		
<i>Future Relations</i>			
Claimants (n = 78)	1 / 1	1968	ns
Respondents (n = 51)	1 / 1		

Ratings on a 1-8 forced ranked scale: IQR= interquartile range, U = value of Mann-Whitney U test for differences between group medians. ns = non statistically significant result.

7 Id. P values indicate the probability that the result was not due to chance and is therefore statistically significant.

There has been a developing body of theoretical research that attempts to analyze the components of justice, or a fair and just result<sup>8</sup>. Typically the concept of justice is segmented into two parts: substantive justice and procedural justice. Substantive justice is essentially the 'right' result. Procedural justice is essentially getting the result in the 'right way.' While some authors suggest further segmentation of the concept of justice<sup>9</sup>, these two categories predominate.

In the present study, we borrowed from these concepts for insight about our findings in which a fair and just result ranked overwhelmingly above other attributes. Even for the cynic who believes that parties want only to win the case, winning would be included in the concept of substantive justice, whereas procedural justice (getting a result in the 'right way') provides a whole other dimension to the goal of the parties. The broader concept of justice in a philosophical, even idealistic, manner appears to hold great importance. We note that the ranking of a fair and just result received an even higher ranking at the conclusion of the case than at the beginning (where it was also top ranked). Simply winning does not explain the ranking tendency. Getting the result in the 'right way', procedural justice also speaks strongly to the participants in these arbitrations.

The fact that this sample includes business people should have significance for attorneys practicing in the field. Their clients seek justice in a broad sense, which suggests that good client service includes methods for communicating the essential qualities of the process as well as the results. Then too, arbitrators and arbitral institutions might take note. What they do procedurally in the drive to get to a result may have great importance. There are a variety of procedural rules, evidentiary rules and protocols, frequently derived from the various

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8 See generally Kenneth Kressel and Dean G Pruitt, *Mediation Research* (Kenneth Kressel and Dean G Pruitt eds, Josey-Bass, 1989); Tom R Tyler and Richard Folger, 'Distributional and Procedural Aspects of Satisfaction with Citizen-Police Encounters' (1980) 1 *Basic Applied Soc Psychol* 281-292; Tom R Tyler, 'The Role of Perceived Injustice in Defendant's Evaluations of their Courtroom Experience' (1984) 18 *Law Society Rev* 51-74; Tom R Tyler, 'The Psychology of Disputant Concerns in Mediation' (1987) 3 *Negotiation J* 367-374; Tom R Tyler, 'Conditions Leading to Value-Expressive Effects in Judgments of Procedural Justice: A Test of Four Models' (1987) 52 *J Personality Applied Psychol* 333-344; Tom R Tyler, Kenneth A Rasinski and Nancy Spodick, 'Influence of Voice on Satisfaction with Leaders: Exploring the Meaning of Process Control' (1985) 48 *J Personality Soc Psychol* 72-81; Craig A McEwen and Richard J Maiman, 'Small Claims Mediation in Maine: An Empirical Assessment' (1984) 33 *Me L Rev* 237-268; Craig A McEwen, 'Managing Corporate Disputing: Overcoming Barriers to the Effective Use of Mediation for Reducing the Cost and Time of Litigation' (1998) 14 *Ohio St J on Disp Resol* 1-27; Joan B Kelly and Lynn Gigy, 'Measuring Clients' Perceptions and Satisfaction' (1988) 19 *Mediation Q* 43-52. Donald E Conlon, 'Decision Control and Process Control Effects on Procedural Fairness Judgments' (1983) 13 *J Applied Soc Psychol* 338-350. See Pauline Houlden, Stephen LaTour, Laurens Walker and John Thibaut, 'Preference for Modes of Dispute Resolution as a Function of Process and Decision Control' (1978) 14 *J Experimental Soc Psychol* 13-30; E Allen Lind, Robin I Lissak, Tal Y Katz and Caryn J Block, 'Process and Outcome Goal Orientations in Conflict Situations: The Importance of Framing' in *The Handbook of Conflict Resolution: Theory and Practice* (Morton Deutsch and P T Coleman eds, 2000), pp 279-288. Morton Deutsch, 'Justice and Conflict' in *The Handbook of Conflict Resolution: Theory and Practice* (Morton Deutsch and P T Coleman eds, 2000), pp 41-64. Morton Deutsch, 'Equity, Equality, and Need: What Determines Which Value Will be Used as the Basis of Distributive Justice?' (1975) 31 *J Soc Issues* 137-149.

9 See Deutch, *supra* n 8.

existing legal systems. One wonders whether those rules and procedures are maximized to communicate the justice of their method and result? It is worth pondering because it is important to those with cases in arbitration.

We are aware that the results can be skewed by a 'social desirability' factor<sup>10</sup>, in which some survey participants may tend to give answers that they believe are more socially desirable. But we think that the dramatic spread between rankings and the apparent consistency with which parties made their rankings argues against invalidation.

This raises other questions worthy of study. What aspects of process communicate fairness to the parties? Are there procedures or behaviors on the part of arbitrators and attorneys that affect perceptions? In the international context, it would be interesting to know whether there are certain universal components of fairness, or whether there are cultural variations. Are there cultural variations on the substance of justice, the result? If there are variations to be found, are they more a result of legal system variations or cultural variations? Or can they even be separated?

In providing for arbitrations, attorneys, arbitrators and arbitral institutions tend to focus carefully on the integrity of process. This finding suggests that focus on the communication of the integrity of substance and process may deserve some attention as well.

### **Cost, Speed, Monetary Award and Arbitrator Expertise**

Cost, speed, receipt of a monetary award and arbitrator expertise achieved a four-way tie for second place (Table 1). The first three are outcomes and arbitrator expertise is an attribute. Arbitrator expertise can mean a number of things such as prior arbitration experience, professional background, subject matter expertise or training. It is apparent that parties view the arbitrator as being pivotal to the process and result. Further exploration into the specifics of their preferences would be interesting, as well as research into the effect of arbitrator expertise on the outcome of the case. Additionally, it would be important to note whether preferences vary between their choices for chair of the panel and party-appointed arbitrators.

Over the years there has been literature discussing the business applicability of arbitration, with the suggestion that winning is not the only outcome of significance to business people<sup>11</sup>. The equal ranking of cost, speed and receipt of a monetary award indicates the validity of that line of thought. A result that takes too long to achieve or is too expensive in terms of transaction costs is of diminished value to businesses. Business people may look at arbitrations and litigations as an extension of their business processes that need to be evaluated for efficiency as well as effectiveness. Cost and speed are, in a sense, mirror images, as increases in elapsed time drives up both financial costs and opportunity costs for the business looking at its best investment of time.

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10 See Floyd J Fowler Jr, 'Designing Questions to Gather Factual Data' in *Improving Survey Questions: Design and Evaluation Applied Soc Res*, 38 8-45 (Susan McElroy ed, 1995).

11 See Aksen, *supra* n 3.

The rankings for receipt of a monetary award were higher for claimants than respondents (54 percent to 26 percent ranking in the most important grouping), a somewhat predictable result. Arbitrator expertise was more important for respondents than claimants (57 percent to 31 percent), possibly a reflection of the more defensive posture of the respondent and a concern about fairness issues. Speed was more important to claimants than to respondents (51 percent to 35 percent). Cost was essentially even (45 percent for claimants to 50 percent for respondents; Table 1).

It is particularly interesting to note that there were no statistically significant differences in the rankings of the business people and their attorneys on any factor except for finality (Tables 3 and 4). From time to time there has been the suggestion that the interests of attorneys and the interests of business people diverge on occasion. This study shows little such divergence. In fact, it suggests a remarkable agreement on the goals and desirability of attributes of the arbitration process.

**Table 3:** Percentage and frequency (In bold and parentheses) of attorneys and business persons ranking each variable as Most Important.<sup>12</sup>

Variable % (n)	1st - 3rd Most Important $\chi^2$	p	
<i>Fair &amp; Just Result</i>			
Attorneys	80 ( <b>67</b> )	2.98	ns
Business persons	83 ( <b>39</b> )		
<i>Cost</i>			
Attorneys	46 ( <b>38</b> )	1.90	ns
Businesspersons	49 ( <b>23</b> )		
<i>Monetary Award</i>			
Attorneys	47 ( <b>39</b> )	1.70	ns
Businesspersons	38 ( <b>18</b> )		
<i>Finality of a Decision</i>			
Attorneys	31 ( <b>25</b> )	6.21	<0.05
Businesspersons	35 ( <b>20</b> )		
<i>Speed</i>			
Attorneys	44 ( <b>37</b> )	0.03	ns
Businesspersons	45 ( <b>21</b> )		
<i>Arbitrator Expertise</i>			
Attorneys	41 ( <b>33</b> )	4.68	ns
Businesspersons	57 ( <b>29</b> )		
<i>Privacy</i>			
Attorneys	9 ( <b>8</b> )	4.93	ns
Businesspersons	4 ( <b>3</b> )		
<i>Future Relations</i>			
Attorneys	4 ( <b>4</b> )	1.22	ns
Businesspersons	2 ( <b>1</b> )		

2-way  $\chi^2$  values are given for Attorneys vs. Business persons. ns = non-statistically significant result. p values indicate the probability that the result could not have occurred by chance and was statistically significant.

12 See Gravetter and Wallnau, *supra* n 6.

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**Table 4:** Comparison of median (+ interquartile range) responses between attorneys and business persons on 8 forced rank issues.<sup>13</sup>

Variables		Median / IQR	U	p
<i>Fair &amp; Just Outcome</i>				
Attorneys	(n = 84)	7/2	1707	ns
Business persons	(n = 51)	8/2		
<i>Cost</i>				
Attorneys	(n = 84)	5/3	1935	ns
Businesspersons	(n = 47)	5/2		
<i>Monetary Award</i>				
Attorneys	(n = 84)	5/4	1767	ns
Business persons (	n = 47)	5/4		
<i>Finality of a Decision</i>				
Attorneys	(n = 83)	4/3	1589	ns
Business persons	(n = 47)	5/2		
<i>Speed</i>				
Attorneys	(n = 83)	5/3	1787	ns
Business persons	(n = 46)	5/3		
<i>Arbitrator Expertise</i>				
Attorneys	(n = 83)	5/2	1842	ns
Business persons	(n = 46)	5/4		
<i>Privacy</i>				
Attorneys	(n = 82)	2/1	1895	ns
Business persons	(n = 47)	2/1		
<i>Future Relations</i>				
Attorneys	(n = 82)	1/1	1643	ns
Business persons	(n = 47)	1/0		

IQR = interquartile range, U = value of Mann-Whitney U test for differences between group medians. ns = non statistically significant.

### Finality

Finality is touted as a business oriented solution to the expense and opportunity cost of protracted appeals and post-award litigation. While this factor showed some importance to the parties, it ranked third in the survey with 32 percent of the participants placing it in the most important grouping (Table 1). It may be that some of the strength of the ranking of finality is subsumed in the higher rankings of cost and speed, which are direct partial advantages of finality. Business people ranked the importance of finality more highly than did attorneys, a logical extension of their respective professional orientations. Although, it should be noted that the median ratings (midpoint of the sample) for the attorneys and the

13 Id.

business people on the importance of finality were essentially the same (4 and 5 on a scale of 1 to 8; Tables 3 and 4).

## Privacy

Privacy, which did not differ between the parties in percentage of importance (Table 1), was rated a bit higher by respondents (median = 3) than claimants (median = 2), although, overall, the ratings for both groups were less than 3, falling into the bottom third for importance. The low relative ranking of privacy as most important (8 percent), as well as the overall median rating of privacy (Table 2) as not very important (median = 2) was unexpected given discussion about the utility of the arbitration process for protecting trade secrets, business processes, business lists and reputations<sup>14</sup>.

Subsequent discussions with arbitrators in a round-table setting revealed a view that privacy is an often over-rated attribute<sup>15</sup>. Publicly traded companies have to make disclosures about significant financial exposure from legal proceedings. Other parties make no attempt to cloak their involvement in arbitration, with some resorting to the press as a means of applying pressure to their adversary. This is not to say that in certain specific cases privacy is not of primary importance. But in overall rankings, privacy was next to last on the scale.

## Potential for a continuing relationship

The potential for maintaining enough civility and decorum to allow a continuation of the business relationship may exist, but in this survey it ranked last in importance and received almost no notice as an attribute of importance. It may be that this is partially a reflection of the fact that very few of the participants had any previous business relationship with their adversary. Whether this would have received a higher ranking among parties with a history of business dealings is unknown. For this group, it is not a factor.

## Conclusions

The many potential advantages of arbitration are only advantages if the parties value them and seek them. Understanding the relative importance of the parties' preferences leads to better decision-making by the stewards of the process – arbitral institutions, arbitrators and attorneys. This survey shows some striking findings. Beyond those findings are a series of questions that bear further exploration.

Nevertheless, because of the non-random sampling procedure, one must be cautious

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14 See Aksent, *supra* n 3.

15 Richard W Naimark, Paris Arbitrator Roundtable, Paris, France, 2001 (unpublished manuscript).

about drawing overly broad conclusions about the general population of attorneys and business persons when interpreting the data. Bear in mind that the participants in this study represented a population for which a specific arbitration case was imminent or those in which an award had recently been made.

Participants in arbitration care about justice in the grand sense. They care about the integrity of the process. Any system of justice depends mightily on the buy-in of the participants, on their belief that it delivers the right things in the right way. It is our expectation that future work will provide better tools for those who care about conducting arbitration in the best ways possible.

## Appendix A- Participants, Procedures, & Statistical Analysis

### *Participants and Procedure*

The population sampled was attorneys and parties to private business dispute arbitrations, both prior to the first hearing and after the award. These arbitrations were international cases conducted through the American Arbitration Association (AAA) from January 1, 2000 to November 30, 2000 using a non-probability, critical-case sampling design based on whether or not at least one hearing had been held or an award was granted. The first eight questions were in forced-rank form. Participants were asked to rank the importance of eight issues from 1-8, with 1 denoting the most important issue and 8 denoting the least important issue (Table A).

Table A. Examples of questions found on the questionnaire. Rank-order the following EIGHT issues from 1 to 8 in order of their importance IN THIS DISPUTE ONLY, where 1 = MOST IMPORTANT, 2 = second most important, 3 = third most important, 4 = fourth most important, 5 = fifth most important, 6 = sixth most important, 7 = seventh most important, 8 = LEAST IMPORTANT.

- \_\_\_\_\_ Speed of outcome
- \_\_\_\_\_ Privacy
- \_\_\_\_\_ Receipt of a monetary award
- \_\_\_\_\_ A fair and just outcome
- \_\_\_\_\_ Cost efficiency
- \_\_\_\_\_ Finality of a decision
- \_\_\_\_\_ Arbitrator expertise
- \_\_\_\_\_ Continuing relationship with opposing party

### *Data Analyses*

The data for this study was extracted from a much larger, exploratory work on perceptions and expectations of the arbitration process<sup>16</sup>. For the present study, the total number of participants ranged from 121-131. Participants were Claimants (n = 78-80), Respondents (n = 51-56), Attorneys (n = 82-90), and Business persons (n = 36-55). The differences in sample size were due to missing values by those participants that left a particular question blank. Differences between group median ratings were assessed using a Mann-Whitney U test for Ordinal level data<sup>17</sup>.

The frequency of the forced-rank data was analyzed with goodness of fit X<sup>2</sup> tests<sup>18</sup> to determine whether differences existed in the proportions of participants ranking each, separate issue as most vs. least important and whether or not differences existed in the rankings between claimants vs. respondents or attorneys vs. business persons. Rankings were analyzed by grouping eight issues into three categories, with participants ranking the first, second, and third most important issues as the "most important" category, the fourth and fifth rankings as the middle or neutral category, and the sixth seventh, and eighth issues as the "least important" category. \*

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- 16 Stephanie E Keer and Richard W Naimark, International Private Commercial Arbitration I. Expectations and Perceptions of Attorneys and Business People at the Beginning of the Case (April, 2001) (unpublished manuscript).
- 17 The Mann-Whitney U test is designed to evaluate differences in the median rating between two different groups, as is the case in the present study between before vs after the case was awarded, claimants vs respondents, and attorneys vs business persons.
- 18 See F J Gravetter and L B Wallnau, supra n 6. The  $\chi^2$  (Chi-square) test for goodness of fit is used to test hypotheses about how well sample data, in the form of proportions or frequencies, fits population data.
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