

My 2025 Wish List!

JANUARY 07, 2025



Happy New Year everyone.

It's hard to believe two years have passed since I wrote my last [wish list](#). For the benefit of our new readers, my first blog of the year typically looks at the things I'd like to see happen in the world of dispute resolution during the coming year and often reflects on the requests I've wished for in the past, and whether those things have been achieved.

Since I started blogging back in 2008, the same year as the first *Gavin and Stacey* [Christmas special](#), some of my subsequent wishes have come true, though sadly not all of the loose ends have been tied up quite as satisfactorily as the sitcom finale.

So, in time honoured tradition, here's my wish list for 2025:

1. Kicking off with the topic of adjudication, I'd like to see a move away from the age-old combative approach between party representatives and see them being more civil to each other. It's 2025. Let's make a collective effort to foster an environment conducive to constructive discussion and reasonable behaviour to help uphold the integrity of ADR.
2. Sticking with adjudication, I'm looking forward to an increased use of the process outside of construction contracts. Adjudication has traditionally been most closely associated with the construction industry and successfully used as a quick, cost-effective method to resolve disputes, particularly in relation to payments and performance issues. However, it's gaining traction in various other sectors, and I'd hope to see its wider application perhaps in relation to financial services, IP and technology disputes, general commercial contracts and those construction industry disputes which are currently excluded from the UK regime.
3. Experts in adjudication. I would like to see some guidance for experts in adjudication which could be adopted as part of an adjudicator's procedural directions. As things stand, I perceive that there is an imbalance between obligations owed by certain experts (such as those who are qualified with the [RICS](#) or [Academy of Experts](#)) and those who are not.
4. Operation Arbitration! In particular, making it more cost-effective and efficient has to be a priority for many stakeholders involved in dispute resolution. While arbitration offers flexibility and confidentiality, its high costs, lengthy timescales, and the complexity of procedural rules are often deterrents to its widespread use. One way to address these concerns is through better case management and arbitrators adopting more efficient procedures, perhaps drawing on experience from the more complex adjudications.

5. Turning now to Dispute Avoidance Boards. Something I've mentioned on previous occasions is a move towards developing a universal framework/convention for enforcing DAB decisions in relation to international construction contracts to encourage more widespread use and increased certainty and confidence for us all. I note that this was something which was covered by the King's College 2024 [Dispute Boards International Survey Report](#) published last month.

6. On the topic of mediation and mediators, I'd like less rigidity and more flexibility. There's no one size fits all when it comes to dispute resolution and, as mediators, we all have to adapt the structure and style of mediation depending on various factors, including the complexity of the dispute, the sophistication of the parties, the personalities involved, and the specific issues at hand. It's all about adopting [the right mediation horse for the right mediation course](#).

7. Something I've talked about in numerous [blogs](#) and [wish lists](#) over the years is the need for more mentoring, knowledge exchange, and collaboration between experienced dispute resolvers and the newcomers (or less experienced) to the field. I'm certainly still of the opinion that there should be a mandate for experienced adjudicators on [adjudicator nominating bodies \(ANBs\)](#) to take suitably qualified pupils. Again, not only will this serve to ensure that new professionals benefit from the wisdom and practical insights of those with more experience, but also help some of the age, gender and diversity issues continuing to face the industry.

8. Whether we're talking employers, main contractors, subcontractors or suppliers I'd like to see fairer treatment between the contracting parties. By focusing on areas such as transparent contract terms, equitable risk allocation, and dispute resolution mechanisms, we'll hopefully see more parity between the parties when it comes to their respective rights and obligations.

9. A sustainable level of profitability for construction companies rather than the race to the bottom. In September, we all witnessed the collapse of one of the UK's largest construction firms, ISG, due to a combination of various financial difficulties, which lead to the loss of thousands of jobs and uncertainty for numerous projects, including government contracts. The situation has once again raised concerns about the sustainability of business models within the construction sector and underscores the importance of robust financial management and the need for maintainable operating margins in the industry.

10. More apprenticeships and on the job vocational training. Skilled labour and construction professionals remain in high demand in the construction industry, and, along a similar vein to mentoring and pupillages schemes, apprenticeships and on-the-job vocational training are both excellent pathways to gaining practical skills and real-world experience. Increasing these opportunities is crucial to help build a workforce that meets the needs of modern economies, helping both companies and individuals to thrive. Although full time education has its part to play, in my view, increased opportunities for part time education and on-the-job training would help satisfy demand and also assist those for whom full time education is not an option.

And, finally, it wouldn't be right if I didn't conclude by mentioning the recurring theme from all of my wish lists over the years: my hopes for West Ham United. Looking back, it's certainly been a mixed bag – some years it's dreams of European qualification and Cup final success, whereas others it's simply the hope of avoiding relegation to enjoy more Premiership football for another season.

I'm sure Gavin and Stacey's resident Hammer "Smithy" will agree with me when I say that the only consistency has been inconsistency. And with a respectable score draw, an away win, a 5-0 home loss followed by a 1-4 away defeat for us over the festive season, it looks like it will be more of the same for the foreseeable Tidy!



MATTHEW MOLLOY