

Dispute Avoidance Above All: Why Conflict Prevention is the Gold Standard



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Dysfunctional Boards and How to Avoid Them

Gordon Jaynes & Paul Taggart – June 2011

- Whilst impartiality is needed to ensure justice is done, independence is required so that justice is seen to be done.
- A well-prepared Site visit report will give the parties and the Engineer a reference document for further discussion of their claims and other disagreements.
- Experience shows that overly elaborate procedural rules can themselves generate and escalate dispute.

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- To take maximum advantage from your DB: appoint it at the outset; consider it a member of the Site team; keep it routinely involved and informed; and, use the informal opinion method to the maximum to promote solutions to disagreements and avoid formal disputes
- Do not compromise the Dispute Board; its conduct is to be fair and impartial (and seen to be fair and impartial) at all times

Further reading

- **Dysfunctional Boards and How to Avoid Them** by Gordon Jaynes & Paul Taggart, June 2011
- **Benefits of Dispute Boards to Major Projects** by Romano Allione, February 2021
- **Dispute Board Developments: Comparison and Application of Different Types of Dispute Boards** by Romano Allione, September 2021