

COMPETENCIES FOR PROFESSIONALS IN LEGAL DISPUTES

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Abstract

What do clients expect of professionals in legal disputes? What do these professionals consider as important competencies for their practice? Do clients' expectations match the priorities of these professionals? These questions are worthy of empirical examination so that the dispute resolution professional community is able to fit the training and practice of professionals in legal disputes to the expectations of their clients. This research project aims to discover gaps, if any, that must be addressed and highlights the commonalities that would indicate sustainability in our field.

This article draws from three empirical surveys – one published by the Institute for the Advancement of the American Legal System, one undertaken by the Singapore International Dispute Resolution Academy and one conducted by Karin Sonnleitner and Sascha Ferz in Europe. These surveys, each from different continents, presented concerns for professional competencies in legal disputes and attempted to identify clients' needs and expectations from those who handle their legal disputes, such as lawyers and dispute resolution neutrals. Following the findings of these surveys, we launched a research project in which we planned to compile insights from these and other similar studies, compare their findings, assess the need for further investigation, and disseminate the findings in order to better train professionals in legal disputes to meet the needs of their clients.

This paper describes preliminary findings, based on our literature review and comparative analysis. It is a work in progress, intended to serve as a basis for a follow-up empirical study, based in several jurisdictions in different countries, which will explore gaps in practice and in training, between expectations and reality.

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I INTRODUCTION

What do clients expect of professionals in legal disputes? What do these professionals consider as important competencies for their practice? Do clients' expectations match the priorities of these professionals? These questions are worthy of empirical examination, so we, as a professional community, are able to fit the training and practice of professionals in legal disputes to the expectations of our clients. Our research project aims to discover the gaps, if any, that must be addressed and highlights the commonalities that would indicate sustainability in our field.

In 2019, empirical research on clients' expectations from their lawyers in the United States was published by the Institute for the Advancement of the American Legal System ('IAALS').¹ Soon after, in 2020 and then again in 2022, a survey conducted by the Singapore International Dispute Resolution Academy ('SIDRA') of users of international dispute resolution mechanisms, including clients, to determine their satisfaction with third-party neutrals, was published.² Around the same time, in 2021, *Sonnleitner* and *Ferz* undertook a survey of mediators, describing what they think are the important competencies for their professional activities.³

A systemic review on how competence is conceptualized in the literature from 1950 to 2010 concluded that based on three different psychological theory orientations, competence has been found to have three main characteristics: knowledge, skills and attitudes.⁴ All three empirical surveys mentioned above, conducted in three different continents, presented concern for professional competencies, pertaining to knowledge, skills and attitudes in legal disputes and attempted to identify clients' needs and expectations from those who handle their legal disputes. For this current study, we focus on lawyers, mediators and arbitrators, even though other types of professionals also assist clients with the resolution of legal disputes, such as judges, court administrators and paralegals, and these professionals are also subject to expected competence.⁵

¹ Logan Cornett, 'Think Like a Client' (Research Report, Institute for the Advancement of the American Legal System, University of Denver, October 2019) ('US Report').

² Singapore International Dispute Resolution Academy, 'SIDRA International Dispute Resolution Survey: 2020 Final Report' (Final Survey Report, Singapore International Dispute Resolution Academy, August 2020); Singapore International Dispute Resolution Academy, 'SIDRA International Dispute Resolution Survey: 2022 Final Report' (Final Survey Report, Singapore International Dispute Resolution Academy, August 2022) ('SIDRA 2022 Report').

³ Karin Sonnleitner and Sascha Ferz, 'Mediationskompetenz im Wandel. Ergebnisse der Erhebung 2021' in Karl Kreuser et al (ed), *Beratungskompetenzen für Mediation, Coaching und Supervision* (Waxmann, 2022) 27 ('European Report').

⁴ Chalachew Tarekegne, 'Defining the Concept of Competence: A Systematic Literature Review' (2015) 1(2) *Ethiopian Journal of Social Sciences*.

⁵ See for example: National Association of Court Management, 'CORE Competencies' (Web Page) <<https://nacmnet.org/who-we-are/initiatives/core-competencies/>>; The Paralegal Association, 'Navigating the Paralegal Landscape: NALA's Essential Core Competencies' (Web Page) <<https://nala.org/nalas-essential-core-competencies/>>.

Following the findings in the examined reports, we launched a research project, in which we planned to compile insights from these and other similar studies; compare their findings; assess the need for further investigation; and disseminate the findings in order to better train professionals in legal disputes to meet the needs of their clients. We are primarily interested in the following research questions:

- How, if at all, are the expectations of clients from lawyers different from the expectations of clients from mediators and arbitrators?
- How, if at all, are the competencies that clients expect from lawyers, mediators and arbitrators different from what lawyers, mediators and arbitrators themselves perceive as important?
- Are clients' expectations from professionals in legal disputes universal or do they vary according to individual circumstances like national culture and/or legal system and/or dispute context?

This article describes preliminary findings, based on our literature review and comparative analysis. It is a work in progress, intended to serve as the basis for a follow-up empirical study, based in several jurisdictions in different countries, which will explore gaps in practice and training, and gaps between expectations and reality. The next section introduces the three reports. Following that, we analyse the commonalities and differences among their findings. Then we highlight the questions worthy of further exploration in future research. Finally, as a matter of conclusion, we point out the implications of these questions on the practice of professionals in legal disputes and their professional education.

II SUMMARY OF THE EXAMINED REPORTS

A *The European Report*

Building on *Karl Kreuser's* call to determine the specific competencies for professional consulting,⁶ this survey aimed at identifying the basic competencies that characterize mediators' professional activity. The study examined specific mediation skills amongst mediators in mediation firms in four European countries.⁷ The results provided indications of the current status and development of competencies for mediators. In addition, the survey was compared with the results from a similar survey, conducted in 2010, to determine whether the mix of mediation competencies had changed during this period.

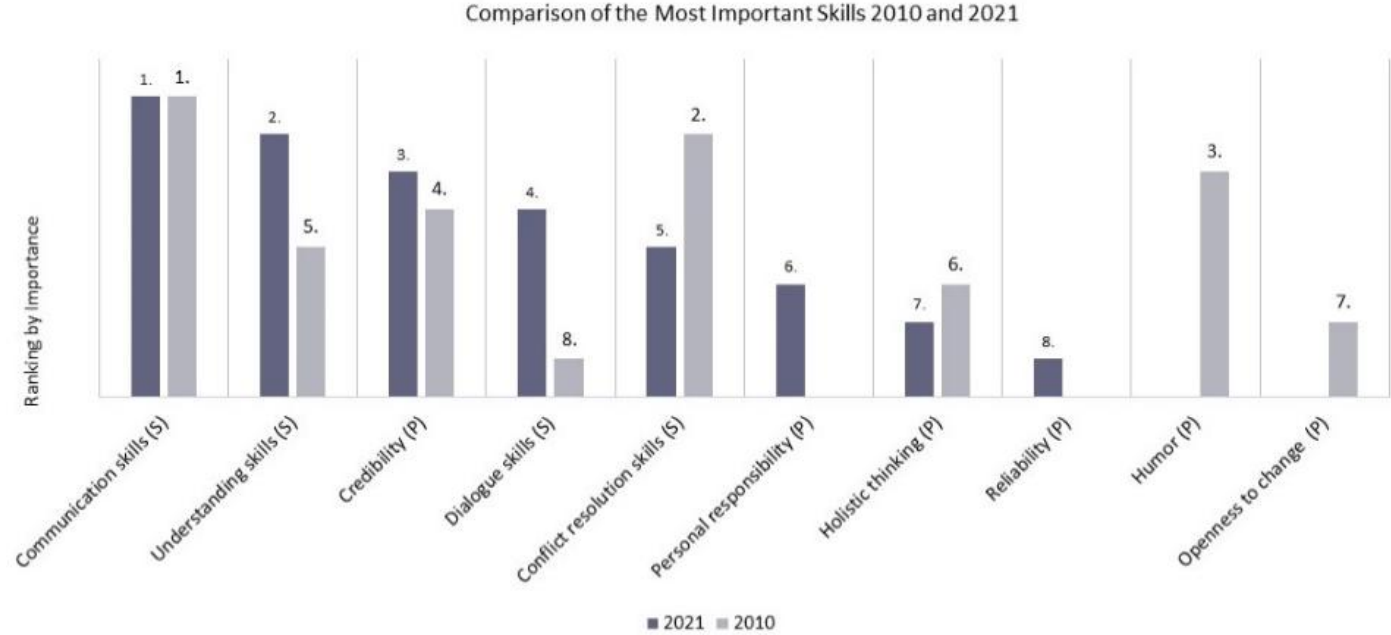
The survey categorized the mediators' skills according to four basic skill groups (see Figure 1): social-communicative competence (for instance, communication skills, understanding), personal competence (for example, credence, reliability), professional and methodological competence (such as

⁶ Karl Kreuser, 'Kompetenz und Beratung' in Karl Kreuser et al (eds), *Beratungskompetenzen für Mediation, Coaching und Supervision* (Waxmann, 2022) 19.

⁷ The four European countries are Germany, Austria, Switzerland and Liechtenstein.

expertise, analytical skills), and finally, activity and action competence (like decision-making ability, result-oriented acting). These skills were rated according to importance and compared to the findings from 2010. The basic social-communicative competence skills, such as communication skills (number 1), understanding skills (2), dialogue skills (4) and conflict resolution skills (5), were rated as the most important, while the basic personal competencies, like credibility (number 3), personal responsibility (6), holistic thinking (7) and reliability (8), were rated as the second most important. However, little importance was attributed to technical and methodological competence as well as activity and action competence. The results only shifted slightly from 2010. It can be clearly inferred that the social-communicative and personal basic competence groups are the top competence areas of mediation practice. Compared to 2010, the importance of conflict resolution skills and humour has decreased, but reliability and self-management are now rated as more important than a decade ago.

Figure 1
Importance of Mediator Competencies



B *SIDRA Report*

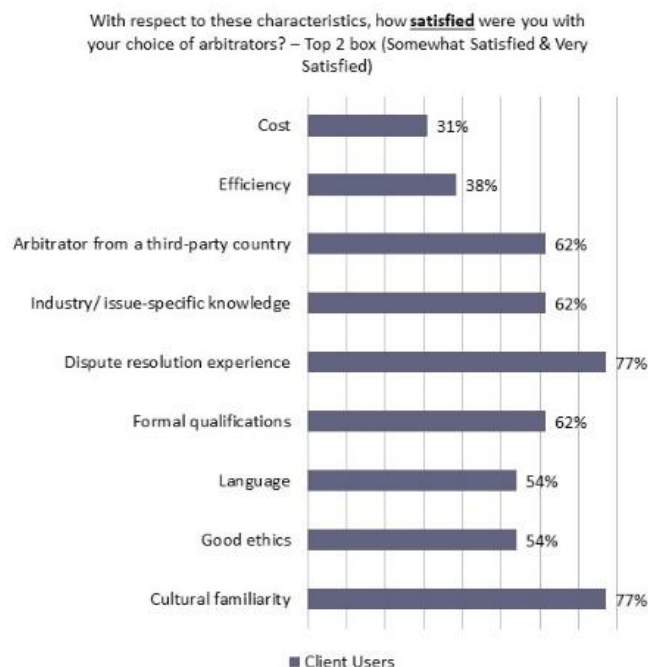
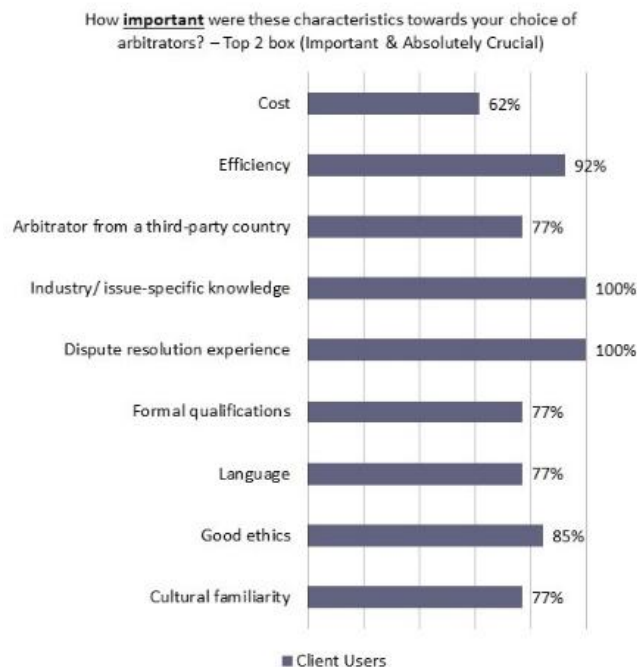
Contrary to the European Report, which surveyed mediators, the SIDRA surveys focused on client users, such as corporate executives and in-house counsel, of cross-border commercial arbitration and mediation (as part of a larger project, which surveyed external counsels, such as dispute resolution lawyers and corporate lawyers). These client users were asked to rate the importance of examined factors in their choice of arbitrator or mediator in international business disputes, and they were also asked whether they were satisfied with their choice of arbitrator or mediator. The factors presented to them for rating were cost, efficiency, national origin of an arbitrator or mediator (from a third-party country), industry/issue-specific knowledge, dispute resolution experience, formal qualifications, language, good ethics and professional conduct,⁸ and cultural familiarity (see Figures 2 and 3).

In choosing an arbitrator, the top factors that client users found important or absolutely crucial were industry/issue-specific knowledge and dispute resolution experience. This was followed by efficiency and good ethics and professional conduct. Cost was rated as the least important factor influencing their decision to choose an arbitrator. In terms of satisfaction, client users were most satisfied with the dispute resolution experience and cultural familiarity of their chosen arbitrator. This was followed by industry/issue-specific knowledge and the fact that the arbitrator was from a third-party country. The client users were least satisfied with the efficiency and cost associated with their chosen arbitrator.

⁸ Good ethics refers to a code of conduct or set of rules and/or principles that professionals must abide by on a jurisdictional basis. It also includes practice standards that complement uniform accreditation standards.

Figure 2

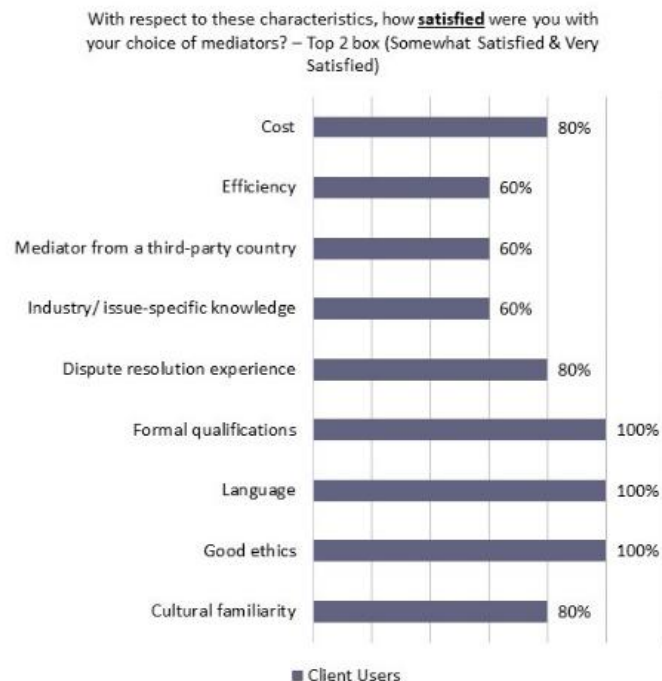
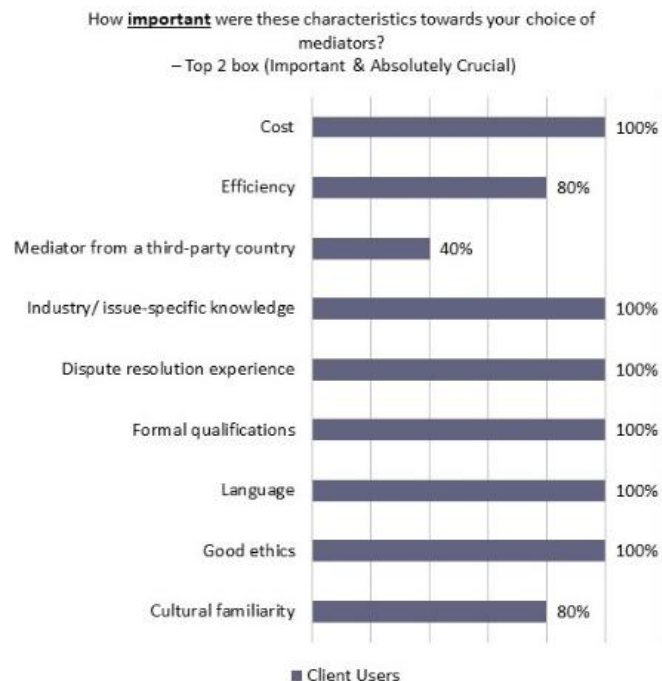
Importance of Factors towards Choice of Arbitrator and Satisfaction with Chosen Arbitrator



With respect to mediators, the survey report indicates that cost, industry/issue-specific knowledge, dispute resolution experience, formal qualifications, language and good ethics were rated highest in terms of importance to the choice of mediator. Efficiency and cultural familiarity were rated second in importance, and the fact that the mediator was from a third country was rated as lowest importance. Of the factors that were rated most important in choosing a mediator, the highest satisfaction factors included only formal qualifications, language, and good ethics. The second rated satisfaction factors included cost, dispute resolution experience and cultural familiarity. The lowest rated satisfaction factors included efficiency, that the mediator was from a third country and industry/issue-specific knowledge.

Figure 3

Importance of Factors towards Choice of Mediator and Satisfaction with Chosen Mediator



C The US Report

Similar to the SIDRA 2022 Report, the US Report also surveyed clients' perspectives. However, whereas the European Report and the SIDRA 2022 Report focused on the competencies of third-party neutrals, the US Report focused on lawyers' competencies. The survey identified five clusters of factors that clients value in their lawyers. The survey did not rate these clusters or the factors that comprise them in order of importance, but rather highlighted the fact that they matter to clients with civil legal problems. As we detail the five clusters, we keep in mind the similarities to the factors surveyed in the European Report and the SIDRA 2022 Report.

The first cluster is titled 'Communications' and is comprised of the following factors: prompt responses, proactive status updates, explanation of the case and availability to the client. The second cluster of competency expectations is titled 'Demeanour', which includes integrity, honesty, ethics, professionalism, kindness, empathy, courtesy and respect. Another is titled 'Business Model', which relates to the value of the lawyer's contribution to the matter, ability to achieve specific outcomes, and cost of services. Yet another cluster of competencies is titled 'Lawyering', which refers to the lawyer's legal knowledge and expertise, ability to negotiate and advocate for the client, quality of legal advice, loyalty and dedication to the client, and in-court trial advocacy. Finally, clients' expectations under the title 'Tenacity' include the ability to see a case through, diligence, conscientiousness, attention to detail and work ethic.

This report was followed by another recent one, published in 2020, surveying new lawyers and their supervisors about the gaps in competencies that they experienced after their law school graduation.⁹ We see many parallels between these two reports, especially around the areas on which we focus in our research: communications,¹⁰ ethics,¹¹ and technology.¹²

III ANALYSIS: COMPARISONS AND CONTRASTS

We identified similarities and differences in three main threads of comparison: client expectations from different professionals in legal disputes; the importance of competencies from the perspective of the professionals' expectations vis-à-vis those of their clients; and the effect of legal context and jurisdiction. As these are only preliminary findings, we present them here as general observations only. We are aware that further research is required in order to draw concrete conclusions, and we hope that these observations will serve as the basis for further investigation.

⁹ Deborah Jones Merritt and Logan Cornett, *Building a Better Bar: The Twelve Building Blocks of Minimum Competence* (Report, 1 December 2020).

¹⁰ Ibid [51-52].

¹¹ Ibid [40].

¹² Ibid [13].

A *What are Competencies?*

According to Erpenbeck, competencies are a person's abilities to act in a self-organized, creative manner in new, open situations (self-organizational dispositions).¹³ Such abilities correspond with a set of qualities, which in turn are either competencies or just a set of acquired capacities and characteristics.¹⁴ But what does this mean? Based on his proposed definition, let's look at Erpenbeck's concise compilation of these qualities and characteristics.

Abilities as competencies are dispositions, not personality traits or formal qualifications (certificates). 'Self-organized' means being self-responsible, self-directed or self-reflected, but not reactive or reflexive. 'Creative and competent' refer to someone who is solution-oriented or helpful but not problem-oriented, dismissive or preventive. 'Action' implies thinking as well as doing nothing as an intended form of action. Meanwhile statements of intent or lip service are not considered competencies. 'New and open' refers to novel, open-ended, challenging, uncertain or complex situations but not familiar, simple or clear ones.¹⁵

B *Client Expectations from Different Professionals in Legal Disputes*

The obvious similarity between clients' expectations from mediators and clients' expectations from lawyers concerns the need for effective communication and good ethics. We see this clearly in the SIDRA 2022 Report, where language and good ethics were both rated highest in the factors for choice of mediator and arbitrators. This is also observed in factors of satisfaction with their services. Clients also want lawyers who are effective communicators. Clients need lawyers, arbitrators and mediators with social-communicative competencies to explain their case and help them to understand the various options they have. These professionals in legal disputes are also expected to demonstrate integrity, honesty and a sense of ethics.

We see differences between expectations from the different types of professionals with competency of efficiency and the factor of cost, which was not rated highest nor indicated satisfaction for lawyers when compared with mediators. Clients want an effective lawyer. They want to feel that they are getting valuable services for the money they are investing. In relation to mediators and arbitrators, costs were somewhat important for clients, but less than other factors. We might attribute this difference to the context of the legal disputes. Parties to international commercial disputes, which the respondents to the SIDRA 2022 Report were involved in, are mainly corporations, which factor the monetary aspects of the legal dispute in their

¹³ John Erpenbeck, 'Kompetenzen – Eine Begriffliche Klärung' in Volker Heyse et al (eds), *Kompetenzmanagement Mit System. Theorie und Anwendung der International Bewährten KODE-Verfahren* (Waxmann, 2019) 13, 27.

¹⁴ Kreuser (n 6) [17].

¹⁵ Ibid [18].

general business plan. The respondents of the US Report were mostly individuals, who have not necessarily planned the financial burden of a civil legal dispute.

Also, mediators' and arbitrators' formal qualifications were important and a source of satisfaction for clients, whereas less so with lawyers. This could be attributed to the formal qualifications required to practice as a lawyer, so clients take these qualifications for granted, as they rely on formal authorities to assure them. However, in the context of the mediation and arbitration of international legal disputes, there are no required state-regulated qualifications, so it is up to the clients to examine and assess them.

C Importance of Competencies from the Different Perspectives

When clients' expectations from their mediators and arbitrators, as reflected in the SIDRA 2022 Report, are compared with what mediators themselves consider as important competencies, as reflected in the European Report, similar results are observed in regard to the importance of communication skills. We also see a highly rated attention to credibility in the European Report, which could be aligned with the highly rated factor of good ethics in the SIDRA 2022 Report. The European Report also pointed to the increase in importance of the credibility of mediators, compared with a similar survey conducted a decade earlier.¹⁶

An interesting difference between the two perspectives can be found in the fact that professional and methodological competencies were not highly rated from the mediators' perspective, as reflected in the European Report,¹⁷ but received significant attention from the clients' perspective, as reflected in the SIDRA 2022 Report.¹⁸ It is worthy to note that clients, in an international business dispute context, value the technical and methodological competencies of mediators, despite mediators not seeing these skills as very important to their practice in a civil legal dispute context. With the growing role of technology in the legal profession and specifically in Alternative Dispute Resolution (ADR), with the development of online dispute resolution processes and their reliance on artificial intelligence, this gap in expectations should be addressed. And finally, the need for technical competencies is expanding in light of the increasing number of cross-border disputes.

D Legal Context and Jurisdiction

The difficulty with the comparison lies not only with the difference in perspectives (client/professional), nor in the difference between the different types of professionals, but also in the different legal contexts. The European Report and the US Report surveyed mediators and clients involved in local civil disputes. The SIDRA 2022 Report, however, surveyed clients of international

¹⁶ European Report (n 3) [36].

¹⁷ Ibid [37].

¹⁸ SIDRA 2022 Report (n 2) [37].

business arbitrations and mediations. International business disputes usually bring together conflicted parties that are corporations, with not only substantially bigger budgets, but also with expectations that conflicts occur as part of business. This difference separates the clients in both legal contexts in two significant manners. First, the financial implications of a legal dispute in a business differ greatly from those of an individual, both in planning ex-ante and in budgeting ex-post the legal dispute. Secondly, the emotional toll of legal disputes that individuals must endure cannot be compared to those of most officers in a corporation.

Given these outlined differences, it could be fruitful for those involved not only to take a closer look at the handling of legal issues but also to make the complicated processes in personal and social systems – organisations and institutions – tangible and comprehensible. This requires a holistic view of the significance of communication processes, social positions, contexts, and information about the needs and perspectives of those involved.

Another difference that must be accounted for is the legal jurisdiction in which each survey was conducted. In a common law regime, such as in the US, expectations from lawyers are more adversarial than under the regime in continental law Europe. The alternative to a negotiated or mediated agreement in Europe is not regarded in the same win/lose perspective as in the US. This puts professionals in legal disputes under different scrutiny from their clients and could directly affect the competencies that each perspective wishes to highlight. Furthermore, even concepts that might be perceived as universal, such as legal ethics, differ across various legal jurisdictions. In addition, in common law jurisdictions, lawyers take a more proactive role in handling their clients' disputes, whereas in civil law jurisdictions, the more proactive role lies with a judge. This creates different incentives and limitations for professionals in legal disputes.¹⁹

IV IMPLICATIONS AND CONTRIBUTION OF THE RESEARCH

Even though this article discusses only a small segment of our work in progress, several observations can already suggest its contribution to practice and training. We can point to at least two potential implications that our preliminary findings might offer. The two obvious contributions first regard the importance of honing effective communication skills and the other is the required attention to the importance of technology. Let us elaborate.

Our comparative view of the competencies required for professionals dealing with legal disputes (mediators, arbitrators and lawyers) clearly shows that communication skills are key to their practice. However, there seems to be very little attention paid to these skills in the law school curriculum.²⁰ While legal education is predominantly focused on legal analysis and

¹⁹ Angelo Dondi and Geoffrey C Hazard, *Legal Ethics: A Comparative Study* (Stanford University Press, 2004) 63-74.

²⁰ Denitsa R Mavrova Heinrich, 'Teaching and Assessing Professional Communication Skills in Law School' (2015) 91(1) *North Dakota Law Review* 99.

reasoning, clients and dispute professionals alike seem to value analytical skills second or less to effective communication skills.²¹ While the US National Conference of Bar Examiners ('NCBE') appears to be catching on to the importance of this competency, by introducing 'NextGen Bar Exams'²² with more emphasis on communication with clients, this is not the case yet in other areas of the world.

Long-standing scrutiny of legal education calls for an encompassing change.²³ Legal education scholars have argued for the incorporation of more interactive pedagogy, such as role-plays and simulation games, which assist in equipping law students with communication competencies and other relevant skills, including the promotion of values such as professional ethics, collegiality, acknowledgment and empathy.²⁴ Recent years have shown growing attention and interest in this novel pedagogy.

Pre-trial settlement within the framework of a simulation game, for example, may help future mediators, arbitrators and lawyers to improve their skills in various ways: for example, to move into a different role, to create consensus in a situation that cannot be completely predictable, to learn new approaches to problem-solving, to find new cooperative solutions and to manage a project. Such an opportunity to participate together in a role-play may also create a best practice of learning by doing and enable mediators and lawyers to gain a more cooperative orientation, since mutual understanding and building consensus are some of the substantial characteristics of simulation games.²⁵ The collaboration between lawyers and mediators becomes more successful when better experts in these two areas know each other's strengths and weaknesses. The fact that it is worthwhile to share experiences through the joint training of lawyers and mediators was already tested and established as part of the EU project CODEMAL.²⁶ Future mediators may improve their negotiation skills and gain new experiences. For

²¹ Lindsey P Gustafson, Aric K Short and Neil W Hamilton, 'Teaching and Assessing Active Listening as a Foundational Skill for Lawyers as Leaders, Counselors, Negotiators, and Advocates' (2022) 62(1) *Santa Clara Law Review* 1, 9; Heather Heavin and Michaela Keet, 'Client-Centered Communication: How Effective Lawyering Requires Emotional Intelligence, Active Listening, and Client Choice' (2021) 22(2) *Cardozo Journal of Conflict Resolution* 199.

²² Set to debut in 2026, the NextGen Bar Exam will be required from US law graduates to be admitted to the Bar. The exam will feature a new chapter, testing of a wide range of foundational lawyering skills, including communicating with clients. As of November 2023, five US jurisdictions have committed to administering the NextGen Bar in 2026. See (Web Page) <<https://nextgenbarexam.ncbex.org/>>.

²³ Yael Efron, 'The Pentalectic Sphere as Means for Questioning Legal Education – Towards a Paradigm Shift' (2016) 9(2) *Arizona Summit Law Review* 285, 292.

²⁴ Nellie Munin and Yael Efron, 'Role-Playing Brings Theory to Life in a Multicultural Learning Environment' (2017) 66(2) *Journal of Legal Education* 309, 313.

²⁵ Sascha Ferz and Elisabeth Hödl, 'Fostering Systemic Thinking with Simulation Games in Legal Education' (Graz Law Working Paper No. 23-2023, 30 November 2023) 18.

²⁶ Sascha Ferz and Karin Sonnleitner (eds), *Best-Practice and Recommendations for Mediators and Lawyers* (Institut für Rechtswissenschaftliche Grundlagen und Zentrum für Soziale Kompetenz, Universität Graz, 2022) 67.

future lawyers, it is an exchange of experience and an opportunity to see the dispute from the perspective of a pre-trial settlement.

Another important implication of our comparative analysis highlights the required attention to technology, which seems to be appreciated by clients, but receives almost no attention in the training for mediators, arbitrators and lawyers.²⁷ The effect of technology on learning and practice is only recently explored in the literature, despite the fact that its role in legal research was discussed.²⁸

Within this consideration, the growing use of artificial intelligence requires a new perspective on dispute resolution practices.²⁹ It is crucial to understand, first, what added value artificial intelligence brings to the various practices of professionals in legal disputes. Second, thorough consideration is required to understand what competencies are desired in order to harvest its benefits while coping with its challenges. Some of these challenges involve consideration of effective (analog or digital) communication and safeguarding professional ethics in these computerized systems, as our research points out to be essential for practice. Finally, the environment must be observed too. Often the development steps are not carried out in unison. This requires a special ability to observe and adapt and forces a certain hybridity in the design, and implementation of ADR systems, and in the use of digital and other tools.³⁰ Preparing professionals in legal disputes to create, monitor, utilize, review, critique, and adjust these fast-growing systems is key to ensuring their effective and proper use.

V CONCLUSION

This article is a starting point for a thorough investigation into the competencies of professionals in legal disputes. The article investigates client expectations and professional competencies in legal disputes across various surveys conducted on different continents. It explores whether client expectations align with professional priorities in legal practice, aiming to bridge gaps and align professional training with client needs. Three primary survey reports are examined: a European Report on mediator competencies, the SIDRA 2022 Report on client preferences in international dispute resolution, and a US Report on client perspectives on lawyers' competencies.

²⁷ Paul Maharg and Antoinette J Muntjewerff, 'Through a Screen, Darkly: Electronic Legal Education in Europe' (2002) 36(3) *Law Teacher* 307; Dorcas Quek Anderson, 'The Convergence of ADR and ODR within the Courts: The Impact on Access to Justice' (2019) 38(1) *Civil Justice Quarterly* 126.

²⁸ Efron (n 24) [364]; Benjamin Alarie, Anthony Niblett and Albert H Yoon, 'How Artificial Intelligence Will Affect the Practice of Law' (2018) 68(1) *University of Toronto Law Journal* 106.

²⁹ For a review of the developments in the use of AI in ADR processes, the challenges it poses and its prospects, see John Zeleznikow, 'Using Artificial Intelligence to Provide Intelligent Dispute Resolution Support' (2021) 30(4) *Group Decisions and Negotiation* 789.

³⁰ Orna Rabinovich, Ethan Katsh and Colin Rule, 'Online Negotiation' in Andrea Kupfer Schneider and Chris Honeyman (eds), *Negotiation Essentials for Lawyers* (American Bar Association Dispute Resolution Section, 2019) 114.

The European Report examined mediator competencies across four skill groups, emphasizing social-communicative and personal competence as vital. Conversely, the SIDRA 2022 Report focused on client users' priorities, highlighting industry knowledge, dispute resolution experience, and ethics as critical factors in choosing arbitrators or mediators for international disputes. In the US Report, client expectations of lawyers revolved around communication, demeanour, business model, lawyering and tenacity.

Comparing these reports, commonalities emerge in the emphasis on effective communication and ethics across client expectations from mediators, arbitrators and lawyers. However, distinctions surface, notably in the significance placed on efficiency, cost, and formal qualifications, varying among these professionals. Moreover, differences arise due to distinct legal contexts and jurisdictions, influencing client expectations and professionals' perceived competencies.

The analysis underscores communication skills as pivotal for legal professionals, an aspect often underemphasized in legal education globally. There is a discrepancy between the importance of communication skills and their incorporation into legal training, with initiatives like the US NCBE's 'NextGen Bar Exams' and competitions like the Willem C Vis International Commercial Arbitration Moot,³¹ the International Chamber of Commerce-International Commercial Mediation Competition,³² and the International Bar Association-Vienna International Arbitral Centre Consensual Dispute Resolution Competition³³ addressing this gap. Proposals suggest integrating interactive pedagogies like simulation games into legal education to enhance communication and problem-solving skills and to foster cooperation among future legal professionals.

Furthermore, this article advocates for acknowledging the importance of technology in dispute resolution, an aspect valued by clients but overlooked in professional training. The rise of artificial intelligence necessitates understanding its role, benefits, challenges, and required competencies in legal practice. Ultimately, in our research we wish to highlight the need to align professional training with client expectations, emphasizing communication skills, integrating technology, and adapting education methodologies to equip legal professionals better but without any hysteria for the evolving landscape of legal disputes and dispute resolution practices.

As this is a work in progress, in order to further explore the research questions presented in our introduction, the authors plan to advance their investigation into the following next research steps.

We first plan to address the third research question we presented, asking whether the expectations related to competencies are universal or subject to

³¹ See (Web Page) <<https://www.vismoot.org/>> and <<https://cisgmoot.org/>>.

³² See (Web Page) <<https://iccwbo.org/dispute-resolution/dispute-resolution-services/adr/mediation/mediation-competition-week/#:~:text=The%20International%20Commercial%20Mediation%20Competition&text=The%20upcoming%2020th%20ICC,8%20February%202025%20in%20Paris.>>>.

³³ See (Web Page) <<https://www.cdrcvienna.org/>>.

unique circumstances. For this we first need to create comparable categories that can be applied to all contexts. Next, using these categories, we plan to collect data globally across various contexts of legal disputes. Geographically, this research will be conducted primarily but not exclusively in Austria (continental law), Singapore (common law) and Israel (mixed system). We are focusing on data quality. Thus, the number of countries is secondary for us. We are going to use all available methods, including a mixed methods research design, as a procedure for combining both elements of qualitative and quantitative research components (exploratory interviews and questionnaires).³⁴

To explore the first two research questions – aiming at exploring expectations of clients from their professionals and the competencies that are perceived as important by all involved in the process – we rely primarily on the data collected in the above-mentioned jurisdictions. With this data we wish to develop a theoretical framework that would contribute to training and practice. This framework should consider several fundamental questions: *what* and *how*. To determine *what* needs to be highlighted in the training for professionals in legal disputes we need to ask what is more important to training – is it the similarities or the differences in the importance that different players attribute to the surveyed competencies? The question of *how* to teach competencies in law school is closely connected to technological developments, which directly affect the role of professionals in legal disputes. With these aspirations we hope to create a globally common language that could assist in advancing dispute resolution practices to their next generation.

³⁴ Judith Schoonenboom and R Burke Johnson, 'How to Construct a Mixed Methods Research Design' (2017) 69(7) *Kolner Z Soz Sozpsychol* 107.