
Review of *Best Practice in Construction Disputes: Avoidance, Management and Resolution* by Dr. Paula Gerber and Brennan J. Ong

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A search on www.Amazon.com for books under the topic construction disputes resulted in a listing of 1,849 books. This begs the question, "Do we really need another book on construction disputes?" When the book is by Dr. Paula Gerber and Brennan Ong, the answer is a resounding, "Yes!" This book is intended to serve as a practical guide for both construction attorneys and business executives whose work requires them to have knowledge and skills in using alternatives to litigation in construction related cases. Dr. Gerber and Mr. Ong's book is clear, clean, professional advice for the construction dispute resolution practitioner and business executive is a must have, and undoubtedly, this book will secure its position as one of the leading works in the field.

With the explosion of construction litigation in the last 20 years and the skyrocketing costs associated with it, contractors and owners in both the private and public sectors are seeking new ways to swiftly and inexpensively resolve disputes. Taking a cross-disciplinary approach, Gerber and Ong explain the cognitive, organizational, and social psychology theories that influence conflict, alternative dispute resolution (ADR), and its approaches. The authors presents readers with not only conflict theory to provide a better understanding of the nature and causes of construction conflicts, but also the practical skills necessary to operate in the conflict resolution area. A solid analysis of the theory of conflict then leads the reader into the varying methodologies of conflict management evolving into conflict resolution either by traditional binding methodologies such as arbitration and litigation or the various ADR methodologies used throughout the construction world. Concomitantly, the authors note an increased awareness that the judicial system is not adequately providing disputants the relief they desire in a timely, efficient, and cost effective manner. The authors take note of the continuing growth and transformation of ADR and conflict management approaches in a variety of countries around the world. Additionally, each chapter contains a wealth of literature on court cases, ADR, and other literature to provide the reader with not only a fully researched analysis of the topics discussed, but also a practical guide for those seeking to use various ADR methodologies.

Written in a style that is easily read and sentences that are incisive and decisive, Gerber and Ong carefully eschew the jargon of the dispute resolution industry. They state with clarity and purpose what they have to say, and every line is there for a reason with most of them referenced for those doubting Thomases out there. Their book is easy to read and filled with wise and insightful advice for the ADR professional on all manner of dispute resolution methodologies from the better known litigation, arbitration, and mediation to adjudication, minitrials, early neutral evaluation, and dispute resolution boards. Each dispute resolution approach is explained and compared with practical help and guidance on making effective use of the procedures available, selecting the right methods and the best strategy for satisfactory resolution of disputes when they arise and to minimize the time and costs expended, all with a view to enabling disputing parties to avoid or resolve disputes efficiently and cost effectively.

Moreover, the book covers dispute resolution practices and legal cases not only in Australia, where the authors live, but also in the United States, United Kingdom, China, Malaysia, Hong Kong, and other places. In this area, Dr. Gerber's experience as a practicing attorney in Great Britain, the United States, and Australia come to the forefront. As the authors note, many construction conflicts and disputes are not limited to particular jurisdictions or cultures, but are increasingly becoming common across the industry worldwide.

This book also highlights the tremendous shift in the traditional binding arrangements for the delivery of civil justice, from litigation to alternative dispute resolution processes, and sprinkle each chapter with appropriate quotes and quips which makes the reading of them all the more informative, thought provoking, and downright interesting. Although other books have forayed into the dispute resolution market, in terms of style, coverage, and references, these cannot assert the same status as *Best Practice in Construction Disputes*. Compared to competing publications, this guide covers the gauntlet of both binding and nonbinding disputes resolutions practices around the globe and cites world-renowned experts on each area of practice to support their commentary.

Best Practices in Construction Disputes presents information to assess options and determine how processes can be adapted to a particular project and conflict. Even for industry veterans, it offers an understanding of the strengths and weaknesses of the many varieties of ADR and why various approaches succeed or fail. But this book offers much more, and can inspire all construction industry professions to adopt a stronger, more effective, and more useful approach to preventing and avoiding conflicts. *Best Practices in Construction Disputes* delivers what its title suggests, a complete, point-by-point practical guide for lawyers and construction professionals wishing to learn about the best approach to resolve their dispute.