
Phil Allington

Island Time

Year 8

Truth and Lies

Phil Allington works in Arbitration and Mediation. This means he is involved in settling disputes or helping people settle them. As the paper below describes, there are many disputes and areas of conflict in the construction industry, and solving these problems is vital for projects to go ahead.

You should base your questions on this information. It is always good to start with some questions about the person, and how they got into this profession.

The main part of your interview is about what decisions people have to make about claims of truth. How do they make these decisions? What sort of evidence counts? They may be able to give you a story of a particular case or incident.

In this case it might be important to ask whether they can ever get to absolute truth, or whether a balance of evidence is enough to find a solution.

Are legal questions in this industry different from in other areas?

It might also be interesting to follow up with questions about job satisfaction and interest.

Contract Solutions is a part of [EC Harris](#) employing about 120 construction industry professionals in Asia, the Middle East and Europe. All of us have first qualifications and experience in construction project management and we have gone on to second qualification and experience in resolving contract disputes that dog our industry.

Conflict is endemic in construction largely because of the uncertainty that projects are executed within. Hong Kong is a good example in that the prominent projects here are built under unpredictable conditions such as below ground, in the water or in congested places. When disputes arise truth is often the first casualty with each side having his own version of the

truth and drivers, frequently coming from emotion, in presenting it.

There are several mechanisms to achieve agreement or resolution and we specialise in them. We are not lawyers, though we frequently make judgements, and we aim to assist through expertise and rational consideration. The need for this has developed over many years to form a technically-based mirror of the judicial system.

This is most commonly known as arbitration in which the arbitrator makes decisions based on 'truth' presented by factual witnesses. However, since the issues can be technically complicated arbitrators can also consult Expert Witnesses who were not involved but are able to form opinions based on their experience. We act as arbitrators and experts in either of which a key consideration is maintaining impartiality; demonstrable integrity is what we stand or fall on. This is not easy because an Expert will be paid by one side or the other but his duty is to the Arbitrator (or judge).

Alternatively we act as mediators, which is a neutral role designed to facilitate agreement between disputing parties. Mediation has a different relationship with truth because it seeks to make parties consider and balance their risks. A key risk is the uncertainty of what would happen if agreement cannot be reached and the whole dispute has to be handed over to an arbitrator or judge. In that case truth might be the killer for one side or the other.

There is a video from the Head of the Firm on this page

http://www.echarris.com/reference/services/contract_solutions.aspx