

**A STUDY ON “MINI TRIAL” AS AN ALTERNATIVE
DISPUTE RESOLUTION METHOD IN
SRI LANKAN CONSTRUCTION INDUSTRY**

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DECLARATION

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ABSTRACT

A Study on Mini Trial as an Alternative Dispute Resolution Method in Sri Lankan Construction Industry

Dispute resolution in the Sri Lankan construction industry is becoming more prominent as every dispute has its unique qualities. Resolving such disputes during the current construction industry is a challenge without an accurately structured method that addresses all kinds of dispute resolution requirements, and it must be a tailored fit for every party involved. Due to a variety of shortcomings in litigation methods, disputants seek for alternative dispute resolution (ADR) ways. Although many desirable features of ADR are available, they also have issues, such as drawbacks and pitfalls, apart from their respective advantages. To address the pitfalls and disadvantages of various ADR methods, many researchers have suggested Mini Trial as a successful ADR process to practice, although rarely seen in Sri Lankan practice.

This study aims to investigate the applicability of “Mini Trial” as a suitable alternative dispute resolution method for Sri Lankan Construction Industry to make the alternative dispute resolution a more effective and viable system. Initially, a literature review on the concepts of ADR methods was conducted. Semi-structured interviews were held with veteran construction professionals, following open-ended and closed-ended questions as the primary data collection technique in pursuing the research aim. Manual content analysis and descriptive statistics were employed to analyse the open-ended and closed-ended questionnaire, respectively.

Research findings revealed that the Mini Trial method suits a vastly different structured range of disputes, both in width and depth. As a principle, a mini trial carries a pre-scheduled time limit to completely settle the dispute. The decision on dates, venue, and duration is entirely up to the parties involved in the process. Such flexibility encourages parties to resolve their dispute through a mini trial in a more efficient approach. The study further revealed that the involvement of authorised persons from every party involved in the process shows the strength and practicality towards decision-making without experiencing any revocations. A mini trial allows hearing the notion of the opposition party in their point of view, which strengthens the understanding of the dispute rather than communicating to understand the same through someone else. This unique quality provides a mini trial with an added intensity when resolving the technically disputed matters compared to other ADR methods. This bears evidence that the mini trial has a much more reliable and a solid foundation as an alternative dispute resolution method. Reasoning to the same, it has been proved that mini trial is more suitable as an alternative dispute resolution method that can be adapted to the Sri Lankan construction industry to make current ADR practice a more sustainable and durable system. More research work towards problematic areas in dispute resolution and appropriate adjustments for mini trial, when adapting to the Sri Lankan construction industry, will provide a firm background to make a more convenient and efficient Sri Lankan ADR system in the future.

Keywords: *Alternative Dispute Resolution, Mini Trial, Sri Lankan Construction Industry*

DEDICATION

*This research dissertation is
Dedicated to
My Supervisor, my parents, sister and brother-in-law*

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ABBREVIATION

Abbreviation	Description
ADR	Alternative Dispute Resolution
CI	Construction Industry
DR	Dispute Resolution
MT	Mini Trial
SL	Sri Lanka
TWMA	Total Weighted Mean Average