

How to support parties in ODR best?

Fundamental and practical guidelines on the use of IT in online dispute resolution



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1



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How to support parties in ODR...



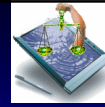
⌘ ...BEST! (2005-2008)

- ☑ Batna
- ☑ Establishment using
- ☑ Semantic web
- ☑ Technology
 - ☑ Using Semantic Web technology to develop a system that helps litigants in determining BATNAs in damages disputes
 - Lodder/Van Harmelen 
 - Ph.D student - ??
 - Postdoc - Stuckenschmidt
 - Programmer (2007-2008)





Larson, David A. (2004) *Negotiation Journal* 20 (1), 129-135.



- ⌘ Whether we like it or not, disputes increasingly will be resolved online.
- ⌘ Children are switching between cellular telephones, text messaging, e-mail, instant messaging, and Internet chat rooms seamlessly to establish a constant presence in the universe. They are becoming always available, always connected. And they will demand that service professionals work in their world.
- ⌘ They will expect neutrals to be able to help them resolve disputes online.

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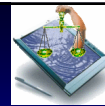
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3



Preliminary: Technology and ODR



- ⌘ Design principles, rooted in:
 - ☒ Law
 - ☒ Technology
 - ☒ ADR
- ⌘ How to translate legal requirements into adequate technology?
- ⌘ Normative standards regarding technology

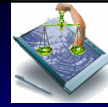
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4

General considerations



- ⌘ KISS, you cannot rely on or expect R(TF)M
- ⌘ Online, upload (hybrid), 'offline'
- ⌘ Type of users
- ⌘ Nature of the conflict
- ⌘ Mimic vs. think out of the box

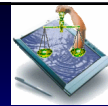
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5

ODR, different types



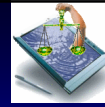
- ⌘ Arbitration: document exchange, presentation of case for arbiter
- ⌘ Mediation: technology supports communication between parties, third 'supervises'
- ⌘ Negotiation: parties on their own with technology

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6



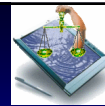
- ⌘ Preformatted outcomes
- ⌘ Asynchronous communication

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7




- ⌘ 1. Advise what dispute resolution mechanisms are effective.
- ⌘ 2. Invite parties to start with online dialogue support tool.
- ⌘ 3. If they do not reach agreement on all points, as a next step parties are advised by the negotiation system on a possible sequencing and resolution of the dispute.
 - ☑ The second and third step are, if necessary, repeated recursively until either a solution is reached or a stalemate occurs.

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8




eMediation



- ⌘ Focus on real time, and dynamic of discussion
- ⌘ Identify shared interests, difference in preferences
- ⌘ Online environments
- ⌘ Caucus

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9



Emotions



is a screenshot of a disputation interface of our system written in Flash, so the interface can run on common web browser.



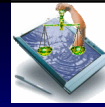
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10

eArbitration



- ⌘ Focus on document exchange
- ⌘ Identify the issues
- ⌘ Structure the discussion about the issues
- ⌘ Online environments

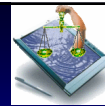
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11

Complexity?



⌘ "We believe, however, that in most cases, even those with large volumes of documents, the issues central to the dispute are never more than a few."

☒ Vreeswijk/Lodder



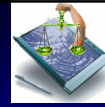
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12

Design philosophy GearBi



⌘ Based on four design principles:

- ☑ simplicity,
- ☑ awareness,
- ☑ orientation, and
- ☑ timeliness.

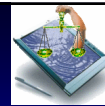
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13

Simplicity



The screenshot shows a web browser window displaying the GearBi arbitration interface. The address bar shows the URL: <http://seel/arbitration/v0.5/casepage.html?case=1&view=8&tabkey=claimant>. The interface has a green header with the title 'GearBi' and tabs for 'claimant', 'respondent', and 'arbitrer'. Below the header, there are navigation links: 'Case 1: parties | timeline | status | done', 'printable version | documents | portal | help'. The main content area is titled 'Claimant' and contains the following text:

This page is owned by the claimant, Boyle-Wallace, and is read-only. You may, however, highlight phrases on this page as they appear, and comment on them.

Nature and circumstances according to claimant

Formulated by Gary Wallace for Boyle-Wallace at Friday Apr 23 at 17:31 (2 days and 16 hours ago):

At Januari 5th, Stone Ltd. ordered 500 kilogram **Taneycomo IV**, which is food to raise trout. Our contact person was Mr. John Grant. The same day we shipped a pallet with 50 bags of Taneycomo IV worth 45 = Euro each to Stone. At Januari 17th we received a telephone call from Mr. Grant that the products were delivered but that they were of inferior quality and that **the cargo was about to be returned**. We never received the return cargo however.

Comments If you would like to comment on this text in the capacity of respondent, highlight a relevant part with the mouse and press the comment button (on that order).

Mr. A. Stonebroker, representative of Stone Ltd., gave the following comments:

- Quote: "Taneycomo IV"
Comment: Actually, it was Taneycomo IVa (economy package).
Time: 19:35 (14 hours and 2 minutes ago)
- Quote: "the cargo was about to be returned"
Comment: This may be a misunderstanding. We believe this was never communicated.
Time: 19:37 (14 hours and 34 seconds ago)

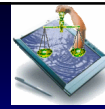
Relief sought by claimant

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14

Orientation



GearBI v0.5
claimant respondent **arbitrator**

Case 1: parties | timeline | status | done printable version | documents | portal | help

Arbitrator

This page is owned by you, Steve Slawik LLM, representative of the arbitral tribunal. Fill the form below. Press MORE if you want to create more room for text or if you want to fill in more options. This page is private and modifiable as long as MAKE FINAL is not pressed. Pressing MAKE FINAL consolidates this page and makes it readable to the respondent and the claimant.

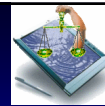
Overview of interests

Claimant	Respondent
<p>Claimant's history</p> <p>At Januari 5th, Stone Ltd. ordered 500 kilogram Taneycomo IV, which is food to raise trout. Our contact person was Mr. John Grant. The same day we shipped a pallet with 50 bags of Taneycomo IV worth 48 = Euro each to Stone. At Januari 17th we received a telephone call from Mr. Grant that the products were delivered but that they were of inferior quality and that the cargo was about to be returned. We never received the return cargo however.</p> <p>Relief sought</p> <p>Boyle-Wallace claims 3.175 = Euro compensation, consisting of 2.500 = Euro for lost cargo plus interest and 675 = Euro for costs that are involved in claiming back</p>	<p>Respondent's history</p> <p>For seven years we have good experience with Boyle-Wallace. We apologize for any misunderstandings that we may have caused. Here's our reading: at Januari 5th, we indeed ordered 500 kilogram Taneycomo IV. At Januari 17th we received a pallet of 47 plastic bags of fishfood. Some of the bags were open and content was missing. We contacted Mr. Wallace of Boyle-Wallace to inform him that that some of the cargo was damaged. He suggested he sent five new bags and that we should pay our order once the supplement arrived. We were actually still waiting for the follow-up, however.</p> <p>Remedy offered</p> <p>We suggest we pay 2.256 for the 47 bags we received.</p>

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15

CEDIRE – <http://cedire.org> Centre for Electronic Dispute Resolution



⌘ Disseminate

- ⊗ information about people, organisations, events, etc.), and
- ⊗ knowledge (online papers, book references, etc.),

⌘ Conduct (inter)national ODR research.

- ⊗ Ph.D research on online mediation (Bol)
- ⊗ GearBI online arbitration (Vreeswijk/Lodder)
- ⊗ Developing an Online Dispute Resolution Environment: Dialogue Tools and Negotiation Support Systems in a Three-Step Model Zeleznikow/Lodder)
- ⊗ With Thiessen, Maggiponti, van Harmelen, Walton, Mommers, ...

⌘ Advisory board:

- ⊗ Steve Abernethy (CEO SquareTrade), Ethan Katsh (Professor ODR), Barbara Madonik (President of Unicom Communication Consultants), Lucille Ponte (Professor Cyberlaw), Colin Rule (Director ODR eBay), Thian Yee Sze (Singapore Supreme Court), John Zeleznikow (Professor Information systems)

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16