

Future ready: dispute resolution and technology

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Glossary

- **ADR: Alternative Dispute Resolution**
- **ODR: Online Dispute Resolution**

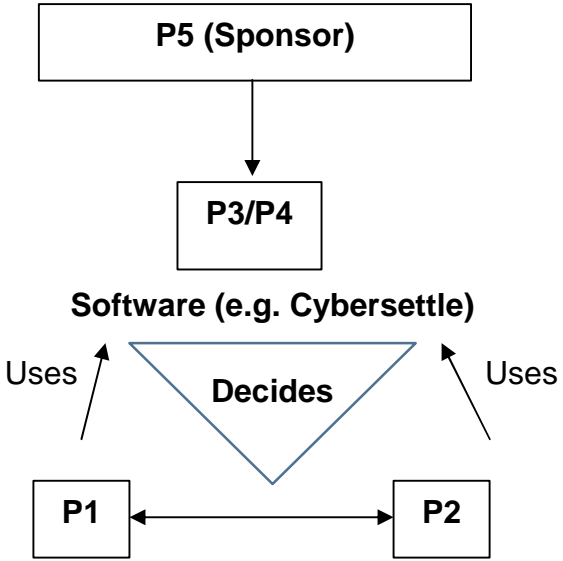
Categorising ODR products

Processes:	Facilitative	Advisory	Determinative
Technology-based (Supports or makes decisions)			<ul style="list-style-type: none">• blind-bidding• quantum settlements
Technology-assisted (Supports communication or exchange of docs. and info)	<ul style="list-style-type: none">• negotiation• mediation• conciliation	<ul style="list-style-type: none">• case appraisal• neutral evaluation	<ul style="list-style-type: none">• arbitration

ODR models

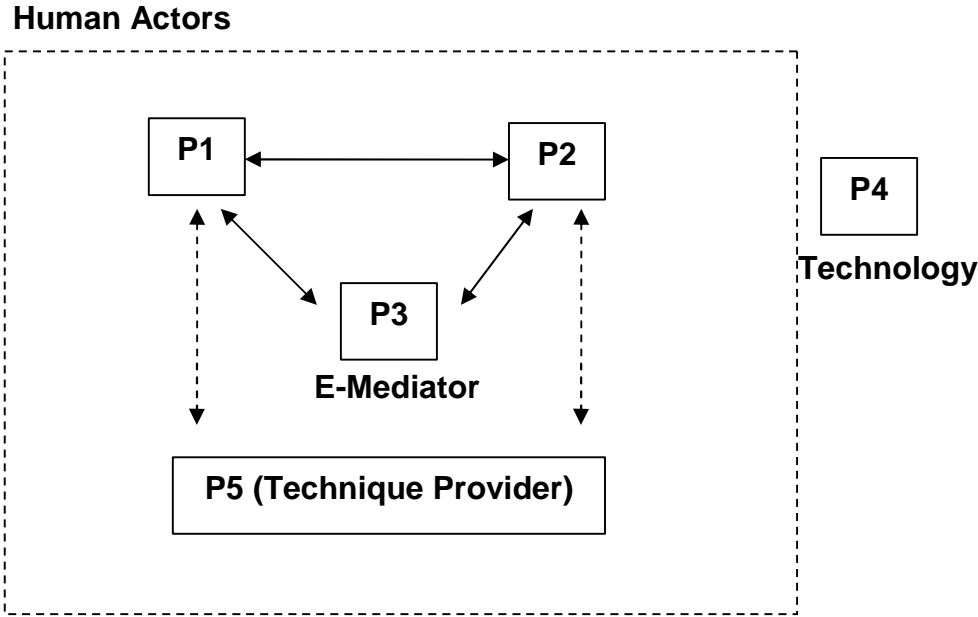
Technology-based

(Decision algorithms)



Technology-assisted

(Person-based activity)



Problem

- **Vast jurisdictions**
- **Small = large**
- **Unstructured engagement**
- **Unschooling negotiators**
- **Capacity constraints**
- **Systemic congestion**

Challenges

- **Moderating behaviour**
- **Diffusing hostilities**
- **Constructive framing**
- **User equipment**

Asynchronous experiential framework

- **Asynchronous** (“Different time, different place”)
 - Communicate and collaborate over time
 - Vent first then order thoughts
 - Time to think before progression
 - Users can contemplate their disputes in different ways
- **Experiential** (“Show don’t tell”)
 - Intuitive to use
 - Sequential steps heighten the forward, problem-solving focus
 - The process itself separates people from the problem

Leveraging non-adversarial elements

Mediation (est. communication framework)	<ul style="list-style-type: none">• orchestrate the engagement• set ground rules• vent, clarify and frame• formalise the outcome
Negotiation (open-up the conversation)	<ul style="list-style-type: none">• ‘unbundle’ the issues• shift focus from ‘positions’• explore interests and options• brainstorm for mutual gain
Facilitation (stimulate group collaboration)	<ul style="list-style-type: none">• discussion ‘whiteboard’• problem-solving question(s)• record master-lists in full view• generate rating ‘stars’

Potential stakeholder benefits

- **Accessible**
- **Structure**
- **Objective**
- **Control**
- **Equalise**
- **Trail**
- **Compliance**

Communication advantages

Enrichment (engagement with stakeholders)	<ul style="list-style-type: none">• contain disputes• enhance responses• accelerate resolutions
Efficiency (organisational responses)	<ul style="list-style-type: none">• employee guidance• streamlined processing• constructive engagement
Expansion (communication opportunities)	<ul style="list-style-type: none">• assists interaction• promotes consensus-building
Equality (party usage)	<ul style="list-style-type: none">• insensitive to power balances

Conclusion

- **Parties participate in their own time**
- **Guide by prompting progression**
- **Monitor time delays and non-responsiveness**
- **Uniform format**
- **Record in the one location**