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# ADR online: resources and options

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## Resources in ADR

# ADR online: resources and options

*Georgina Dornan*

This article provides some selective information about online ADR. The various sources have not been reviewed and are not being endorsed by the author.

## Online dispute resolution resources

- [www.adr.com](http://www.adr.com)

This mediation and dispute resolution resources site contains substantial online materials for alternative dispute resolution and mediation. It includes essays, recommended books, FAQs and tutorials.

- [www.disputes.net](http://www.disputes.net)

ADR Cyberweek 2001 was a free all online conference showcasing online dispute resolution technologies and practices, and providing access to tools, experts, and information resources. It took place from 26 February to 2 March 2001 but the records are still available.

- [www.internetneutral.com](http://www.internetneutral.com)

This is a comprehensive website which provides online mediation services with 12 professional neutrals who specialise in internet based disputes. It also includes many links to academic essays on the subjects and provides a general education on the topic.

- [www.mediate.com](http://www.mediate.com)

Mediate.com is a meeting place for people dealing with conflict. There are more than 700 articles and discussions on mediation and conflict resolution. Over 5000 mediators are listed in the conflict resolution practitioner directory and referral program.

- [www.mediation.com](http://www.mediation.com)

Mediation.com is an e-directory designed to help disputants locate a

mediator appropriate for resolving their conflict. Each listed mediator is encouraged to give experience and credential references so that the entries provided can be checked.

- <http://aaron.sbs.umass.edu/center/ombuds/default.htm>

The online Ombudsman's Office was established in June 1996 with a grant from the US National Centre for Automated Information Research (NCAIR). This is a resolution service for persons and institutions who would like an online mediator to assist them in settling a dispute. The office has worked with the online auction sites eBay<sup>1</sup> and Up4Sale<sup>2</sup> to mediate disputes arising from online auctions.

- [www.mediationnow.com](http://www.mediationnow.com)

This site comes from Colorado and is like an online index for parties seeking to resolve a dispute through ADR. The home page invites the reader to choose an area of dispute, a geographic location and an area of ADR and then a list of referrals will come up matching the specifications.

- [www.promediation.com](http://www.promediation.com)

This site is aimed at mediators or those wishing to become qualified mediators. It provides links to essays and books. It is almost comparable to a school for mediators.

- [www.directionservice.org/cadre/resources/contents.htm](http://www.directionservice.org/cadre/resources/contents.htm)

This manual is designed as an educational tool for understanding and resolving conflict. It claims to offer state of the art thinking in dispute resolution applied to special education situations. It is designed both for stand alone reading and to be used as part of workshop groups.

- <http://members.magnet.at/arge-konfliktmanag/links.htm>

A list of references for other online mediations centres (in German).

## Online dispute resolution centres

### Mediation

- [www.internetneutral.com](http://www.internetneutral.com)

A comprehensive website which provides online mediation services with 12 professional neutrals who specialise in internet based disputes. It also includes many links to academic essays on the subject and provides a general education on the topic.

- [www.eresolution.ca](http://www.eresolution.ca)

eResolution online Mediation Services allow parties to exchange their views and information directly online. The information exchanged during the process between the parties and the mediator will be stored in a secure and confidential environment. Only the parties to the discussion, the assigned mediator and the Secretariat of eResolution will have access to the information.

- [www.mediate-net.org](http://www.mediate-net.org)

This is a Maryland Online Mediation service, which is a research and demonstration project of the Program for Dispute Resolution at the University of Maryland School of Law<sup>3</sup> and the Centre for Online Mediation.<sup>4</sup> This service was initially designed for Maryland residents who have family law disputes. The centre's goal is to demonstrate the benefits of online mediation as an alternative to face to face conflict resolution.

- [www.onlinemediators.com](http://www.onlinemediators.com)

This site offers a range of dispute resolution services online. The mediators have at least 100 hours of mediation training, in addition to other professional education, at least five years' mediation experience, and have completed at least 30 face to face mediations. ➤



'This site settles claims between insurance companies and their clients by facilitating automatic negotiations. Clients and insurers secretly enter their offers, and are notified whether their offers are within a certain range of each other.'

➤ • [www.americanmediationinternational.com/](http://www.americanmediationinternational.com/)

This group is associated with Online Resolution in Cambridge, MA, and are using their advanced online rooms. Two of their mediators, Birte Bruce and Jan Schroeder, are on OnlineResolution's international expert panel and are available to introduce those interested to the techniques used.

• [www.mediacioneducativa.com.ar/english/activi.htm](http://www.mediacioneducativa.com.ar/english/activi.htm)

This is run by a team of professionals who practice mediation and alternate dispute resolution online in Argentina, with the goal of educating the population about internet possibilities and opportunities.

• [www.2bjmediation.com](http://www.2bjmediation.com)

2bjmediation.com offers online mediation in two languages, German and English. It specialises in family disputes and is available by email, live-voice, online or hotline.

• [www.resolutionforum.org](http://www.resolutionforum.org)

Online resolution is only one of the component parts of this organisation. It offers a conferencing system, which is tailored for the mediation/arbitration process. It allows communication among parties located anywhere in the world.

• [www.fundp.ac.be/recherche/projets/fr/00299002.html](http://www.fundp.ac.be/recherche/projets/fr/00299002.html)

French electronic consumer dispute resolution.

• [www.iris.sgdg.org](http://www.iris.sgdg.org)

A French initiative that mediates e-commerce disputes online. Established in 1997, it is a private venture which is still in the experimental stages.

**'Quick settle' dispute resolution**

• [www.clinknsettle.com](http://www.clinknsettle.com)

This site settles claims between insurance companies and their clients by facilitating automatic negotiations. Clients and insurers secretly enter their offers, and are notified whether their offers are within a certain range of each other.

• [www.bbbonline.org](http://www.bbbonline.org)

This is a program of the Better Business Bureau which helps resolve privacy related disputes. It also provides privacy seals for companies wishing to communicate privately.

• [www.novaforum.com/](http://www.novaforum.com/)

A Canadian company is offering global litigation and arbitration services over the internet. All disputes are heard within 72 hours of online time.

• [www.resolvemydispute.com](http://www.resolvemydispute.com)

This company has two different 'quick settle' programs. The 'fair and square' program is designed to help sellers and buyers on the internet; the 'quick settle' applies to any dispute where the focal issue is money. It involves a round by round email session where each party proposes a confidential settlement price to the mediator. If the parties bid within a certain percentage of each other, the mediator divides the balance and declares a settlement. If no settlement is reached, the parties will never know the others' bidding prices and can appeal to full mediation or even arbitration.

• [www.rent-a-court.com](http://www.rent-a-court.com)

Rent-a-court is the internet's first full service online alternative dispute resolution service with many virtual courtrooms.

• [www.123settle.com](http://www.123settle.com)

123settle.com — in association with Alternative Resolution Centres (ARC) — provides a full service online settlement program. In addition to resolving disputes in person with an ARC panel member, matters may be settled online (via email) from the convenience of the office.

• [www.settleonline.com](http://www.settleonline.com)

This is a quick settle type online service, which comes from a bigger dispute resolution company called resolvesystems.com.

• [www.squaretrade.com](http://www.squaretrade.com)

Disputes over online transactions can be resolved with SquareTrade's Online Dispute Resolution (ODR) Service. ➤



➤ Whether the applicant is a buyer or seller, their service can help settle a dispute for a 'fraction of the time and cost involved in traditional legal methods'. ODR is completely web based and capable of handling disputes between parties based in different countries.

- [www.settlesmart.com](http://www.settlesmart.com)

SettleSmart™ is an online confidential settlement. Each side makes three confidential settlement demands or offers. In small cases (the amount in dispute is \$20,000 or less) if the parties get within 15 per cent or \$2000 (whichever is more), they 'split the difference' and the case is settled. In all other cases, if the parties get within 20 per cent or \$5000 (whichever is more), the parties 'split the difference' and the case is settled. If the offer in any case is higher than the demand, the case will settle for the amount of the settlement demand.

- [www.resolveitnow.com](http://www.resolveitnow.com)

This is another quick settle type online service. After registering with the company the parties enter financial settlement. If the offer range and demand range touch, resolveitnow.com notifies both parties that the dispute is settled at that touch-point. At that stage, a settlement agreement may be downloaded and filed with the court.

- [www.ussettle.com](http://www.ussettle.com)

This site offers both online and conventional dispute resolution procedures. US Settle is designed to resolve financial disputes for corporations, insurance companies, self-insureds, municipalities, government agencies, claimants and lawyers.

- [www.webdispute.com](http://www.webdispute.com)

Disputes arise on the internet which are not easily resolved in traditional legal forums. This site provides an arbitration forum for online commercial disputes. The service is specifically focused on disputes which result from e-commerce transactions. Web arbitration provides parties, who are not located in close proximity, with an impartial forum for resolving disputes in a convenient and expeditious fashion.

### Cybercourts

- [www.icourthouse.com](http://www.icourthouse.com)

iCourthouse is a greatly streamlined version of the court system in the real world. Cases here move at internet speed. The cases are real, the jurors are real, and the verdicts are real. 'Collect your evidence and present your case.' iCourthouse is always in session.

- [www.cybertribunal.org](http://www.cybertribunal.org)

The CyberTribunal ended in December 1999. It was an experimental project proposing online mediation and arbitration services for disputes arising on the internet. Professor Karim Benyekhlef, responsible for the CyberTribunal, is now working on the eResolution project.

- [www.vmag.org](http://www.vmag.org)

Virtual magistrate (VMAGSM) arbitration program is a service for resolution of disputes among online computer users, computer operations and persons harmed by the posting of wrongful online messages.

### Article summaries for further research

Aarons A 'Mediation by modem?' *Los Angeles Daily Journal* 8 August 1997 p 5. The internet may loom large as an ADR tool, but some are sceptical. This article discusses the inevitable use of the internet to mediate, with an emphasis on Jeffrey Krivis's experience when he mediated online between parties in London and Santa Barbara. It says the mediator has to become directive online and give the parties more leadership than usual.

Anderson J 'Mediation without walls' *Los Angeles Daily Journal* 14 September 1999 pp 24-25. New service uses the internet to provide ADR. Established providers are sceptical. A review of new online mediation companies emerging which deal with clients who want quick financial settlements. It refers mainly to the Cybersettle project, which bases its business on insurance companies and plaintiffs' attorneys who need to have quick financial settlements.

Beal B 'Online mediation: has its time

'The internet may loom large as ADR an tool, but some are sceptical.'



'... in order for cyber courts or online mediation to be realised, one must be aware of the limits as well as the potential of the internet.'

come?' *Ohio State Journal on Dispute Resolution* Spring 2000 at 735-68. Essay consists mostly of a review of internet Neutral, an internet company that specialises in online mediation.

Benyekhlef K and Trudel P 'Les limites apprivoisées de l'arbitrage cybernetique: l'analyse de ces questions a travers l'exemple du Cybertribunal' *Revue Juridique Themis* Fall 1999 vol 33 (3) at 537-87. A discussion of the Montreal based experiment 'Cybertribunal' which concluded in 1999, with emphasis on the limits to online arbitration, especially regarding the issues before the arbitrators. The article suggests that all e-commerce disputes were resolvable through this form of resolution.

Christensen C 'Settling disputes online: can disputes be resolved in cyber space?' *New York Law Journal* 8 May 2000 p 13. A critique on the various 'quick settle' programs available.

Eisen J 'Are we ready for mediation in cyber space?' *Bringham Young Law University Law Review* Fall 1998 vol 1998 i4 at 1305-58. This article seeks to prove that the potential for the impact of new technologies on ADR can be as great as the scope of human imagination. Eisen acknowledges that online mediation must take on a completely different form and even more training to be done well. Present mediation skills cannot be transferred. With the rapid growth of the internet and the increase in forms of personal interaction, mediation should become more popular in cyberspace.

Granat R 'Creating an environment for mediating disputes on the internet' working paper for the NCAIR Conference on Online Dispute Resolution, DC 22 May 1996. Outlines advantages and disadvantages of online mediation, and the architecture of the online mediation room. Has a focus on family law and only when applied to cases arising under Maryland Law. However, the principles could be applied to many other areas of law.

Hardy S 'Online mediation: internet dispute resolution' *Australian Dispute Resolution Journal* August 1998 vol 9 no 3 at 216-25. A summary of online advantages and disadvantages: geography, timing,

reduction in emotional contact, and so on. Discusses the Maryland Project in 1996, which evaluates the effectiveness of online mediation with regard to family disputes.

Kessedjian C and Cahn S 'Dispute resolution online' *International Lawyer Winter* 1998 vol 32(4) at 977-90. This essay on the Virtual Magistrate project, which was created by the American Arbitration Association, found that while it is a good idea in theory, it has not attracted the great success predicted. The essay analyses this problem and comes to the conclusion that in order for cyber courts or online mediation to be realised, one must be aware of the limits as well as the potential of the internet. It suggests that an expert team of lawyers and internet specialists get together to discover how the internet can be used more effectively at each step of the proceedings.

King D 'Internet mediation — a summary' *Australasian Dispute Resolution Journal* August 2000 11(3) at 180-86. Outlines process of internet mediation and compares it to traditional mediation. Also points out problems such as computer literacy and non-verbal communication and briefly mentions the 'cyber room'.

Kravis J 'Adding to the toolbox: observations after mediating in cyber space?' at <http://www.aftab.com/mediate.htm>. A rare account of an actual online mediation case.

Leibowitz W 'Online dispute settlements: a winning option' *New York Law Journal* 23 June 1999 p 5. An article about the different types of online service available on the internet. From the e-commerce disputes, to the non-success of the virtual magistrate, to the 'quicksettle' programs which work on a reverse bidding system.

Perritt H 'Dispute resolution in cyberspace: demand for new forms of ADR' *Ohio State Journal on Dispute Resolution* Spring 2000 vol 15(13) at 675-89. Discusses the transcript of the first online ombudsman case and the three elements used in that process. It also writes of the experience gained in the Virtual Magistrate program and why it didn't prove more popular. (The plaintiff refused to give

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