E-Government and Online Dispute Resolution

Norman Sondheimer
University of Massachusetts Amherst

Daniel Rainey
National Mediation Board

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“Let the forum fit the fuss”, Prof. Frank Sander, 1976

Online Dispute Resolution (ODR) should be one of the rooms in the Multi-Room Courthouse.
Daniel Rainey
Office of Alternative Dispute Resolution Services
What is the NMB?
NMB Functions

Collective Bargaining
Grievance Mediation
Representation Determinations
Arbitration
e-Govt & e-Business

- e-Submissions and Forms
- Corporate Memory & Archives
- Knowledge Store
- Telework
- Online Dispute Resolution (ODR)
Some Uses of ODR
ODR

Resolving Disputes is a Govt. Enterprise

ODR in Representation, Mediation, Arbitration (NSF Grant)

Worldwide Interest in ODR
Lessons Learned (so far)

Leadership Support
Push and Pull
The Extraordinary = The Norm
Motives will be Questioned
Lessons Learned
(Specific to ODR)
Mistrust of Technology
Special Privacy Needs
Lack of Face-to-Face
ODR Room Options

- Clerical: Case Management
  - U.S. Government Initiative
- Fixed Resolution Set
  - eBay and Square Trade
- Groupware
  - Web Conferencing
  - Multi-Tool Negotiation System
  - Custom System
Custom System for Trust

- Mistrust of Technology
  - Build Initial System to Definition of Current Process
- Special Privacy Needs
  - Show requirements met through Process analysis
- Lack of Face-to-Face
  - Show power of ODR
Where is the process in NMB Dispute Resolution?

Interest-Based Bargaining

Union
- Identify the Issue
- List Interests
- List Options
- Isolate Options
- Caucus
- Draft Agreement

Mgmt

Caucus

Isolate Options

Draft Agreement
Process Definition System

**Little-JIL**

- Visual coordination language
- Rigorous semantics
- Hierarchical decomposition of tasks (steps)
- Rich exception handling
Result of Eliciting Process

Part of a Collection of NMB Processes
Systems Engineering Model

- Analysis
- Prototype w/ Processes as Specification
- Stakeholder Feedback
- Redesign
- Train Volunteers Users
- Field Test
- Repeat

Participatory Systems Development

Online Dispute Resolution Process Models

Critical Properties

Validation of Critical Properties

Adopted Online Dispute Resolution
Storm: Structured Brainstorming

Message from Moderator:
This issue falls under Section 3 of the CBA. The brainstorm will be open to participants through Thursday 25 May.

Issue Statement:
What should be the minimum requirements for employment as a dispatcher on the Railroad?

Options:
1. Safety
2. Retention
3. Cost
4. Targeted Expertise

Add an Option

[Option selection and response interface]

Submit Checkmarks

Respond buttons for each option:
- Participant 1: Able to work flexible hours
- Participant 2: Should we specify nights and weekends?
- Participant 3: Drug and alcohol screening
- Participant 4: Keyboard skill
- Participant 5: Other
Current Feedback

- **Key Positives**
  - Achieved many speed and cost goals
  - Won over many distrustful advocates
  - Participants appear empowered
  - Ideas equally valued

- **Key Weakness: Face-to-Face Values not yet captured**
  - Mediator Facilitation
  - Relationship Development
Plans

- Redesign
- Continued and expanded field testing
- Expand exploitation of Process Technology
  - Next: Direct prototyping from process definitions
- Apply to other Agencies
Challenges

- **Scale across Mediators:**
  - Flexibility without Complexity

- **Interface Design:**
  - Face-to-face communication skills
    “translated” to screen-to-screen

- **Relationship Building:**
  - Mediator mechanisms to go beyond the current dispute to avoid future disputes

Your ideas welcome!
Storm Demonstration e-Society Poster Session
Saturday, 14:30

Process-Centered Support for Online Dispute Resolution

Mediation:
Many of the tasks that governments are entrusted to perform can be viewed as the efficient, faithful execution of carefully prescribed procedures. Often these procedures are prescribed by legislation, statute, or by government agencies for reasons that may have included reducing the risk of malpractice and other demands that their transaction with government agencies be streamlined, easy to navigate, effective, secure, and transparent.

Approach:
Using our previous definition language and analysis capabilities, we are defining agreement protocols and main assisting them to solve disputes in the domain of electronic mediation in cooperation with the U. S. Federal Mediation. The goal is to develop a new software tool to facilitate the resolution of these disputes.

ELERM:
STORM is a software and application supporting the idea generation and information seeking activities of “Internet Based Bargaining,” a dispute resolution process being employed by the U.S. Marshall Islands.

STORM is being implemented with an emphasis on the Tantowel application framework that provides an explicitly specified process to control the behavior and information flow within the application.

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