

**Second International
ODR Workshop
(odrworkshop.info)**

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Introduction

ODR can be defined as *any method of dispute resolution* (such as litigation, arbitration, mediation, negotiation) in which wholly or partially the internet is designated as the *virtual location* to solve a dispute. ODR combines the effectiveness of ADR with the comfort of the Internet. In the coming years ODR is likely to become one of the central methods of dispute resolution. As David Larson indicates in his interesting 2004 *Negotiation Journal* article 'Online Dispute Resolution: Technology Takes a Place at the Table', in particular children are becoming always available, always connected, and they will demand that service professionals be able to help them resolve disputes online. In order to serve our children well with resolving their disputes online, as well to improve existing, at points very successful, ODR practice, we believe this Second International Workshop on Online Dispute Resolution might play an important role. The main aim of the ODR workshop series is to contribute to the theory on ODR and related disciplines. In our opinion the current papers are a valuable collection, and the authors as well as the other participants guarantee the workshop to become a refreshing, though provoking, and stimulating event. The authors of the papers come from a large range of countries including, Australia, Canada, Italy, the Netherlands and the United Kingdom. They discuss a variety of theoretical and practical issues involved in developing contemporary Online Dispute Resolution systems.

Barnett and Dew identify the areas of growth that have to be tackled if IT enhanced Dispute Resolution is to take root in global litigation and trade, set out a planned step approach to implementation, and identify the emerging technology which will mould the shape of future legal systems and processes. Bellucci and Zeleznikow discuss the significance of knowledge management in providing negotiation decision support. They focus upon how to use compensation strategies and trade-offs to enhance negotiation support. Bol introduces the notion of a fifth party (the provider of the technology) in an

ODR dispute. The singling out of a Fifth Party as a separate entity has several implications. From an economic/legal point of view it influences the forum shopping possibilities and freedom of choice of e-mediation services. From a pure legal point of view the Fifth Party complicates amongst others the liability of the e-mediation service providers. Bol elaborates upon the (dis)advantages of forum shopping, freedom of choice and liability.

Mifsud Bonnici and de Vey Mestdagh note that the existence of a large number of participants secures the long-term economic viability of an online dispute resolution system. In turn, the economic viability ensures that the online dispute resolution system can guarantee the availability of dispute resolution services – a key guarantee in cases of online-related disputes where access to courts is, at best, theoretical. The use of the legal measures they discuss provides the necessary legal certainty for participants to trust the ODR and commit to its use. Pierani discusses the development of Online Dispute Resolution by Altroconsumo, an Italian Consumers Association with more than 280,000 members. Vincent and Zeleznikow present an innovative Australian project which supports Australian prosecutors and defense counsel to conduct online plea negotiations.

De Vries, Leenes and Zeleznikow argue that providing accurate information about BATNAs is important, because disputing parties tend to develop an overoptimistic view on their position in the dispute. They claim that providing online BATNA calculation by Information Technology as a neutral party, may be a useful extension to the ADR/ODR toolbox. Walton and Lodder note that the value of argumentation theory for ODR has recently been acknowledged. They put forward, discuss and analyse an alternative model: a formal model of dialogue that represents a high standard of rationality.

We thank all the members of the program committee and in particular Ronald Leenes for his work on releasing this ICAIL Workshop series our proceedings appear in.

Melbourne/Amsterdam, May 20 2005
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