Online Dispute Resolution - A Provider Perspective

Submitted by: FairWay Resolution
Online Dispute Resolution

A provider perspective

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PRESENTED BY:
Rhys West, CEO
FairWay Resolution
New Zealand

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FairWay…some context

• Largest Alternative Dispute Resolution (ADR) provider in NZ

• Government and non-Government sectors:
  • Insurance, health, telco, financial, construction, family (social), education sectors and more

• Team of >200 with nationwide service offering

• We recognize B2B and B2C sectors expect new, efficient and affordable (relevant to dispute value) access to dispute resolution

• This understanding reaches through to our company strategy
Our Strategy

Leading the prevention and resolution of disputes

- Be an employer of choice *leader*
- Enhance and protect our *reputation*
- Create an effective *ODR* solution and the corresponding market
- Grow and *diversify* our revenue and activity
- Be the first choice for *Government*
- Leverage *technology* innovation

Our purpose - the simple reason for FairWay to exist!
The road to ODR

- Question was to develop ourselves or seek partners?
- Initial relationship with Modria, and now Tyler Technologies
- Exclusive agreement for NZ market and reach into Asia Pacific
- Establish relevant market and corresponding solution
- Leverage form global reach and relationship with Tyler Technologies
ODR opportunities are closing and growing

• Our Tyler relationship provides access to world class capability and the ability to build from international deployments.

• Of particular interest are Family ODR (care of children agreements), and Small Claims deployments which are now live.

• Using this capability we are launching the first ODR deployment in New Zealand next month.

• The similarities align well with the B2B / SME sector.
ODR as part of our process...

- ODR does not eliminate any existing processes
- It is just another resolution option
- Let’s look at how FairWay will be using it

A closer look
A closer look…

Dispute triaged as suitable for ODR → Dispute filed in ODR platform. Email to claimant for intake → Claimant completes intake & chooses resolution method (med, arb, adj) → ODR provider notified & initiates process

Negotiation

Counterparty responds No

Parties negotiate

Agreement reached No

Agreement signed and dispute closed

Mediation

Provider assigns mediator No

Online mediation

Agreement reached

Agreement signed and dispute closed

Arbitration / adjudication

Provider assigns decision maker

Online arbitration / adjudication

Decision rendered
What we are expecting...
Clark and Travis County provide some clues

56% Petitioner Participation

45% Respondent Participation

ADR: 71% resolution rate
ODR: 74% resolution rate
What we are expecting…
Insights from the Outcomes of completed disputes

Mediator Efficiencies are expected
parties were able to agree to almost half of the topics prior to engaging the mediator, resulting in less time and cost associated with mediation sessions

Completed Online Agreements
were generated for more than half of the cases where there was party engagement

ODR is Expanding Access to Justice
90% of all agreements finalized were done so outside of court hours
In summary

- The dispute resolution sector recognises the need and role of ODR.
- Scale, expertise and experience matters.
- ODR does not replace existing dispute resolution processes, it offers an alternative, and has relevant benefits.
- Credible ODR providers have examples, insights and data to share.
- The marriage of ODR capability and dispute resolution expertise provides credibility, vital to generating trust within user groups.
Thank you
rhys.west@fairwayresolution.com