

ONLINE DISPUTE RESOLUTION
And
GlobalMedArb

Online Dispute Resolution represents the use of distance communications by electronic means in the areas of arbitration, mediation and negotiations. These three principal forms of peaceful non judicial settlement processes are known collectively as Alternative Dispute Resolution (ADR). In other words, alternate semi structured means outside of a court of law are provided for resolving controversies. One of these settlement processes - negotiations - has employed the telephone as a form of distance communications over more than one hundred years. With the expanded use of the computer and growth of the Internet, other electronic types of distance communications, such as email, audio communications, and video conferencing, have been adopted for use with the three principal forms of ADR. This is what is known as Online Dispute Resolution or ODR.

GlobalMedArb (GMA) is a newly established international entity, created to provide ODR to commercial enterprises involved in disputes beyond their nation's borders. The advantages of utilizing the services of GMA are many, including the contractual provisions set forth within its website for insertion into commercial contracts. This binds the parties to peaceful settlements of any and all disputes, enforceable under the law in over 130 nations that have ratified the UN treaty known as the New York Convention

Early Neutral Evaluation (ENE), a quick and inexpensive means for settlement, provides for the parties to electronically submit a brief representation of their positions by secured email to a Neutral, selected by GMA but subject to the parties' approval. Within three days after receipt, the Neutral notifies the disputants that either (1) their arguments are so close that the adversaries should be able to settle the matter themselves, (2) their differences are close enough to be settled by mediation, or (3) only arbitration or litigation can determine their controversy. If (1) or (2), the Neutral will offer to provide a settlement agreement.

Mediation is negotiations with a third party to assist the adversaries in settling their dispute. It is voluntary and non-binding, requiring mutual consent for any settlement. Instead of meeting within a physical space, GMA provides the parties with an audio or video connection permitting the Mediator (also selected by GMA and subject to approval) to engage in secured individual or conference calls directed towards resolution of the dispute. By keeping the parties at a distance through ENE or mediation, an ongoing business relationship can be maintained following settlement of the dispute.

Arbitration is a quasi-judicial proceeding, determined by one or more decision makers selected by the parties. In ODR, the final ruling is based upon the evidence presented by means of a desk-top computer facilitating within its screen the arbitrator(s), attorneys, and witnesses through split images. Although most offline arbitration decisions are not appealable, GMA provides a means for expedited review before a panel of five well known international jurists.

The major advantages of ODR over offline ADR and litigation are speed, convenience, and expense. Not only are time lags eliminated and voice over translations provided, where necessary, the convenience of being free from airport lines, hotel accommodations, and restaurant reservations is obvious. Finally, the cost of online commercial arbitration

where international lawyers charge astronomical fees within a Paris, London or New York setting, is considerably offset in ODR where parties can comfortably utilize the services of their local counsel who are just as knowledgeable of the applicable law as their supposedly more cosmopolitan and expensive colleagues.