



# **Online Dispute Resolution:**

A Growing Area of Need in a Post-COVID-19 World



**CommonSense Mediation Academy Presents:**

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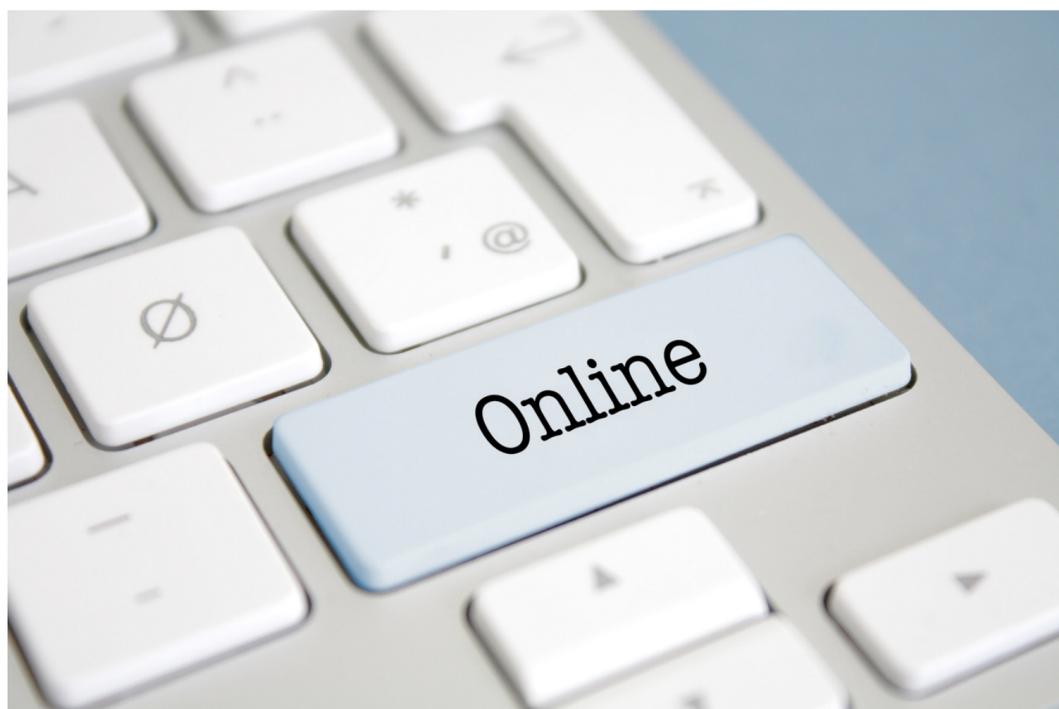
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# Online Dispute Resolution:

## A Growing Area of Need in a Post-COVID-19 World

People all over the world are eager to receive services using the internet because it is cost effective, safe, and efficient. What may initially come to your mind is product and food delivery, however, many more services are now accessible to clients in the safety and shelter of their own home. Mental health and medical services are being offered online – so why not dispute resolution and conflict management services?



For many years dispute resolution professionals believed that the only way to shape a connection with their clients was to meet face to face, but in the wake of a global pandemic, dispute resolution professionals began to learn that connections can be made with clients in many ways. Mediators pivoted to providing services using their cell phones. Arbitrators wrote decisions based on written submissions. Courts held pre-trial conferences using video communication platforms. And as a result of this, many clients now expect that at least some part of their dispute resolution services will be handled using online communication platforms.



The birth of Online Dispute Resolution predates COVID-19, however, its popularity skyrocketed when people who were in conflict with one another found that they were sheltering together and needed immediate dispute resolution services while staying safe. Couples participated in divorce mediation proceedings with one partner video conferencing in from an upstairs bedroom, while the other partner called in from the basement. Mediators and other dispute resolution practitioners were shocked to find that Online Dispute Resolution made the process options the offer more efficient and cost effective for their client than in person meetings had been. Furthermore, dispute resolution practitioners discovered that using online communication applications expedited rapport building. Technology may once have seemed like a cold, unfeeling medium, however, through our shared experience of surviving a global pandemic, we now know that technology can be a means for connection. Sometimes the only means of connection that is safe and accessible!

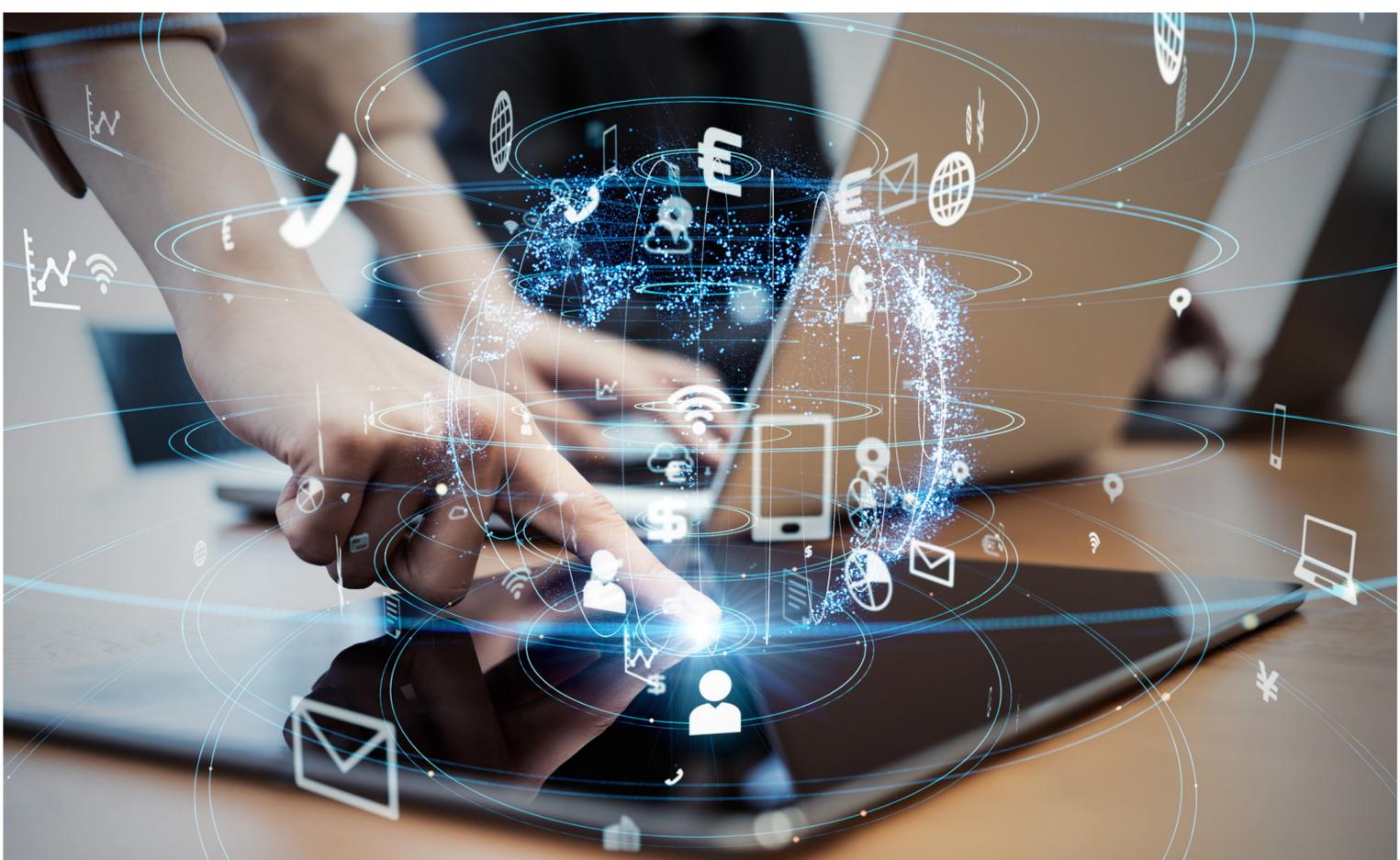
As the use of Online Dispute Resolution is on the rise, many practitioners worry about the quality of the services being offered. Practitioners may have excellent dispute resolution skills, but they do not have the technological savvy to be able to provide their services online. Many people think that dispute resolution work is easy, and therefore people with tech skills may be tempted to offer services that they are not trained in. There are clients who need these services and practitioners who want to do the work, but there is a separation between the skills needed to provide dispute resolution services and the ability to do so online. Practitioners may want to link up with someone with technological know-how to provide dispute resolution services, but another obstacle arises – what about confidentiality?



Because much of the work dispute resolution practitioners do is on a confidential and without prejudice basis, practitioners may be fearful of including a tech assistant into their practice. And tech assistants may be hesitant to help a dispute resolution practitioner as they are not likely to understand the nuances of assisting parties through difficult conversations to reach a satisfactory outcome. Many tech people and dispute resolution practitioners are also protective of the work they do, fearful of sharing their knowledge thinking that by revealing their secrets they may somehow lose their value or work. Dispute resolution practitioners find themselves fumbling in the dark, piecing together a process that is clunky and less than ideal for their clients, because they have limited experience and knowledge in using technology to provide dispute resolution services.



A wave of tech savvy professionals saw this disconnect and sought to fulfill this need. Suddenly Online Dispute Resolution specific platforms began to pop up. Dispute resolution organizations created task forces to test and evaluate the viability of these programs. Partnerships and collaborations began between the dispute resolution practitioners and people with the technological know-how to create seamless Online Dispute Resolution process experiences. Though many practitioners still opt to use online communication applications that are familiar to them, some practitioners have committed to putting their practices fully online and have purchased subscriptions to robust, Online Dispute Resolution platforms.



The collaboration between tech savvy professionals and the experienced dispute resolution practitioners was a great starting point, however, there was still a missing gap in knowledge and skill. That gap was dispute resolution practitioners had no training in using online communication platforms to provide their services. Tech professionals could show dispute resolution practitioners how to use the platforms and troubleshoot issues as they arose, however, they could do nothing to guide dispute resolution practitioners on how to engage with clients effectively using these platforms. And worse than that, prospective clients could not tell legitimate practitioners from people who were just trying to make a quick buck by providing sub-par services. Excellent dispute resolution practitioners were closing their doors and unable to provide services, while people with little to no experience were popping up claiming to be able to assist parties in reaching a resolution, when really their only skills were technology based.

This was the landscape of the Online Dispute Resolution world when the few practitioners who were both skilled in dispute resolution and in using technology began to come forward with suggestions on how to train new dispute resolution professionals and seasoned dispute resolution professionals in using technology to provide services. There are now training courses available to practitioners to help them navigate how to effectively, safely, and efficiently provide Online Dispute Resolution services. And more courses are becoming available all the time. This assists both practitioners and clients alike. Practitioners can feel confident that they can help their clients reach satisfactory solutions to their disputes effectively using technology. Clients can inquire as to the training a practitioner has in providing Online Dispute Resolution services. Practitioners can promote that they have training in the provision of Online Dispute Resolution services. Clients can fact check and be reassured that their practitioners have an appropriate level of training and experience in Online Dispute Resolution.

Even though the world may be opening back up, we are forever changed by our shared experience of living through a global pandemic. Because of that experience, there will now always be an appetite for people in conflict to be able to access cost-effective, safe, and efficient dispute resolution services from the comfort of their own homes.



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