



IMMEDIATION

Litigation lawyers may find this online dispute resolution platform useful.



Which practitioners would find this technology useful?

Litigation lawyers looking for a location agnostic, cost efficient and more streamlined private mediation, evaluation or arbitration process.

Immediation is an online dispute resolution platform that allows litigators to set out the nature of the dispute; upload and share relevant documents; book a mediator and mediation date; and ultimately conduct the entire mediation process via a purpose built video conferencing system.

The process begins with the parties to the dispute agreeing to utilise the Immediation system instead of conducting a more conventional face to face mediation. The mediation might be prior to the issue of court proceedings or the formal mediation ordered by the court prior to a trial. The initiator of the process (such as the plaintiff's solicitor) initiates the claim within Immediation, answers 10 simple questions regarding the dispute, uploads key documents and then initiates an invitation to the other party or parties to join.

The other party or parties then complete the same process and a mediator is nominated by Immediation. The mediators are selected from a panel of experts – barristers, former judges and solicitors – to ensure that the expertise of the mediator is appropriate for the nature of the dispute. Both parties confirm the nomination. A date is then agreed by the parties for the mediation which occurs via a bespoke and patent pending video conferencing tool. The tool allows the mediator to control who participates in the conferencing at different points, thereby allowing full group discussions but also confidential discussions between the mediator and individual parties.

If agreement is reached, the Immediation platform allows parties to complete and execute electronic terms of settlement. Immediation will also shortly allow parties to conduct expert determination and arbitration processes via the same online dispute resolution process.

Benefits

A key benefit of Immediation is that it allows a mediation process to occur without all the parties having to be in the same location. For disputes where

parties reside in different locations, this can make both the organisation of the mediation simpler and the cost lower. The same applies with the mediator. As the mediator does not have to be in the same place as the parties, a wider pool of expert mediators can be used. The mediation process can be more streamlined in that the parties do not necessarily have to provide position papers but can instead complete the online questionnaire and upload the required documents. Extensive mediation briefs may not be required.

Risks

Solicitors need to ensure the requirements for the mediation process, whether set out in a contract or ordered by a third party, such as a court, are satisfied by the Immediation processes. Practitioners can look to the assistance of the *Electronic Transaction Act* regime, in this regard. All parties need to ensure their internet connection is stable and secure for the video conferencing part of the process. Cyber risk, as with any cloud offering, is present as regards confidential and sensitive data moving beyond a firm's internal systems.

Costs

Signing up to Immediation is free, which then allows access to some of the Immediation functionality without holding an actual mediation. The cost of an Immediation mediation incorporates the cost of a mediator and is dependant on the value of the dispute. The cost is commensurate with the usual mediator cost, which thereby delivers additional value to the parties who are paying the same cost for one mediator but receive all the additional benefits of the Immediation process.

Downsides

Online mediation might not be appropriate for all circumstances. Practitioners should exercise their own judgment as to whether their client is best served by an online mediation process or a more conventional face to face process. Sometimes, getting the relevant players in a dispute in the same room and looking at each other eyeball to eyeball is the best way to get parties to compromise and reach a settlement. Much of the time, however, a mediation is really just another type of negotiation and it is the formality of the process (not to mention the cost of the mediator) that focuses the minds of parties in getting them to achieve a resolution to their dispute. ■

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SNAPSHOT

What is Immediation?

An online dispute resolution platform

What type of technology?

Cloud platform

Vendor

Immediation Pty Ltd

Country of origin

Australia

Similar tech products

Skype and Zoom

Non-tech alternatives

In person mediation

Arbitration

More information

www.immediation.com/faq/