

Faster, cheaper resolution path

IMMEDIATION

Laura Keily and Claire Bibby explain their online dispute resolution strategies

Chris Merritt: Why would parties use online dispute resolution?

Keily: They do it for many reasons but the main one is cost efficiency and also time effectiveness. We are promising to get people a result in as little as 30 days rather than waiting a couple of years for an outcome.

So we also have put together a panel, which is a world first, where former judges as well as arbitrators, mediators and solicitors are available to assist parties.

It saves relationships and keeps things amicable as much as they can be when people are having a dispute.

Merritt: Claire, is this a threat to law firms?

Bibby: I think you could call it a threat but you could also call it an opportunity and we would prefer to call it an opportunity. The composition of the panel includes a number of former judges and various partners and senior people in the legal profession.

So there is an opportunity for them to come on the journey with us and also I think the in-house counsel such as myself really welcome the opportunity to have access to different types of lawyers who may not necessarily be on

their own corporate panel but they can access them through their mediation panel instead.

Merritt: I can see the advantage in corporate-to-corporate disputes. Are there other areas where this can be used?

Keily: Once we have bedded down the corporate-to-corporate or B2B dispute market we will move into the consumer market.

Our ultimate goal is to improve access to justice more broadly. There is also an opportunity here where we can revolutionise the way tribunals and ombudsmen and other dispute resolvers in our system work.

At the moment it is still all very manual. They do a great job but we can streamline those processes. We are already receiving inquiries internationally and locally for those types of organisations to pick up our technology and embed it in their systems.

Merritt: So you are the cross-over between law and technology?

Keily: We are, and we believe that we are unique because we are not just a tech company and we are not just a legal service company — we are both.

A lot of legal tech is focused on improving existing processes. We have actually created a new process where people can have a true alternative to litigation.

Merritt: Do you have any competition?

Keily: Online dispute resolution is a growing global phenom-



JOHN FEDER

Immediation's Claire Bibby and Laura Keily in the News studios

enon but the number of companies working on it is quite small. It has traditionally been the province of governments, not-for-profits and dispute resolution bodies to try to innovate in this area.

But for whatever reason, they have not really penetrated the market. There are a number of technology companies who are trying to create dispute resolution platforms but they do not have what we have, which is 150 years of legal domain expertise.

So I think the reason we are getting such penetration and acceptance by the profession is be-

cause we know what we're talking about. We are not just a bunch of engineers.

Merritt: How cost-effective is this?

Bibby: We engaged with 22 pilot clients from the general counsel market and we had them answer a number of questions before they used the platform and some of the questions we asked were about how much they are currently spending and we were told that our clients were potentially spending anywhere between 20 per cent and 30 per cent of the value of any dispute in legal fees.

Keily: Our fee will end up being less than 10 per cent of the value of the dispute. There's a small flat fee and then a percentage, which is a descending percentage, but it starts around 3 per cent of the value. So in most cases it will be less than 10 per cent of the value of the dispute.

Merritt: Who were the pilot clients?

Bibby: We partnered with people such as Coca-Cola Amatil, Uber and Aurora and we got them to run exercises on the platform to replicate what it would be like to have a real-life dispute. Aurora do

the packaging for Coca-Cola. So they shared with me their template agreements that sets out their commercial terms. And we created a dummy dispute, which they then mediated on the platform with an independent mediator and they were able to see all of the functionalities and give their feedback.

So we've done that with every one of the 22 clients.

Merritt: Were there any surprises?

Bibby: I was a little surprised at some of the lack of tech savviness by some of the pilot clients. But having said that, once they got into the platform they started off perhaps with a little bit of trepidation.

But as soon as they saw how the platform has been created we got overwhelmingly favourable responses.

Merritt: So formal kick-off is when?

Keily: The start of the new financial year.

Merritt: Now the panel, let's talk about that. Who have you got?

Keily: We have a rock-star panel from across the profession so we have some very senior former judges, two former chief justices — Marilyn Warren and Wayne Martin; a former president of the Court of Appeal from Western Australia, Carmel McLure; John Gilmore, a former judge of the Federal Court; and also Tony Fitzgerald from the Fitzgerald inquiry, who is a former president of the Queensland Court of Appeal.

They are at the upper end of the profession but we don't want this to be just an elitist offering. We also have specialists in various areas of law.