

# TOWARD A NEW ODR PARADIGM: 21<sup>ST</sup> CENTURY ODR WITH SYNCHRONOUS AUDIOVISUAL IMMEDIATE ONLINE MEDIATION

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## INTRODUCTION

Like all areas of commercial enterprise, the emerging field of online dispute resolution needs to adapt to changing economic, environmental, political and social conditions. With current energy costs and urban crowding making intra-city and inter-city travel of all kinds more costly, risky and burdensome, on line forms of all enterprises must develop to minimize serious economic and social dislocations. The practice of alternative dispute resolution (ADR) is no exception.

Fortunately, the emergence of online dispute resolution (ODR), as a sub category or type of ADR, promises to provide a viable “alternative to ADR.” However, ODR has been until now confined to the relative sidelines by technological limitations, which have generally restricted ODR to email and chat-based systems or methods. At least in the case of mediation of litigated cases, these email and chat based asynchronous methods seem to be less than competitive for a variety of reasons when compared to live, face to face mediations.

This article describes the benefits of ODR verses traditional ADR, the deficiencies of past efforts at ODR, and the solution presented by the cutting edge and patent pending business method called SYNCHRONOUS AUDIOVISUAL ONLINE IMMEDIATE MEDIATION METHOD, or “SAVIOMM<sup>SM</sup>”, which has been developed and placed in operation by AADROL Inc., starting in January 2008, to provide an on line analog to the traditional old fashioned ADR via face to face meeting while avoiding the shortcomings of strictly text-based ODR.

## PRE- SAVIOMM<sup>SM</sup> ODR

It appears that the first commercial ODR practices emerged in the early to mid 1990s. The early alternative dispute resolution (ADR) movement of the 1970s of course was the progenitor of ODR. The 1976 conference on efficiency and fairness of court systems and their administration and how to improve the American judicial system (commonly referred to as the *Pound Conference*), provided an early conceptual framework. With the advent of the World Wide Web in 1991, and in particular its initial use by consumers and businesses in the mid 1990s, ADR practitioners and academics began to address how to resolve conflicts via the Internet. A primary focus was the resolution of online commerce disputes, including of course eBay type commerce. Over the years, offline conflicts have also appeared to profit from the speed, convenience, and low costs of ODR.

Compared to litigation, ADR has the following advantages: (1) lower cost; (2) greater speed; (3) greater flexibility in outcomes; (4) less adversarial; (5) more informal; (6) solution rather than blame-orientation (7) privacy. (Katsh and Rifkin, 2001) Others have asserted that ODR has the following additional benefits: (a) disputants do not have to meet face-to-face (an important benefit if there is a risk or history of violence); and (b) Mediation can occur at any time, with participants located in different countries. (Zelevnikow and Bellucci, 2003) The term ODR appears to have emerged in 1996 when Colm Brannigan contributed an article entitled "Online Dispute Resolution" to the *Alternative Dispute Resolution Practice Manual*. (Lodder and Zelevnikow, 2006) Also in 1996, the first law review articles on this topic were published, including one by Professor Ethan Katsh. (See Ethan Katsh, *Dispute Resolution in Cyberspace*, 28 CONN. L. REV. 953 (1996); see also E. Casey Lide, "ADR and Cyberspace: *The Role of Alternative Dispute Resolution in Online Commerce, Intellectual Property and Defamation*," 12 OHIO ST. J. ON DISP. RESOL. 193 (1996))

In the ensuing dozen years, ODR has become a recognized form of ADR, generating numerous conferences such as the International ODR Forum and Cyberweek among others. A prime example of the early commercial ODR efforts in the U.S. is Cybersettle. (See [cybersettle.com](http://cybersettle.com)) In the United Kingdom, [themediationroom.com](http://themediationroom.com) is another good example. Prior to the advent of SAVIOMM<sup>SM</sup>, ODR mediations were conducted initially by a variety of methods involving essentially an asynchronous exchange of emails between the participants and the mediator. (See [squaretrade.com](http://squaretrade.com)<sup>1</sup>, [themediationroom.com](http://themediationroom.com), and the NMB's site at [nmb.gov](http://nmb.gov)<sup>2</sup>] ODR arbitration was obviously not practical by this method. These email efforts were expanded to include synchronous chat-based features with the advent of convenient live chat capabilities online in the late 1990s.

Before describing the method embodied in SAVIOMM<sup>SM</sup>, a brief description of a typical pre-SAVIOMM<sup>SM</sup> online mediation method should be instructive. In the typical email or chat based version of online mediation, the user makes a mediation request online, by email, that a mediation be set up, whereupon a mediation file is opened, but the method does not immediately commence the mediation or put the user in immediate visual or audio contact, in a caucus with the mediator and other participants. Rather, the user first waits for the online mediation service to set up a file, and respond, again by email, or some other means of communication, to inform the user of the results of his request. The user must then go through additional stages of preparation before then setting up an asynchronous, sequential mediation accomplished by the posting of email exchanges.

Alternatively, in some cases the user must even set up a traditional face-to-face ("F2F") mediation which is conducted at some later time and is of course by definition totally offline. If the user chooses the sign up option on text-based "online mediation" Web site, the page typically re-directs to the site's email contact page. There the user fills out and submits a request by

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<sup>1</sup> In May 2008, [squaretrade.com](http://squaretrade.com) announced it would no longer accept filings of ODR disputes. (See <http://www.squaretrade.com/pages/odr-discontinued>)

<sup>2</sup> The NMB has recently apparently seen the merits of synchronous A/V technology and is even contemplating loaning webcams. (See <http://www.nmb.gov/adrservices/odr.html>)

clicking a mouse on a submit button, after which the user waits for an undetermined time to learn what the result of his/her request is, and then waits a further indeterminate time to engage in mediation. Mediations commenced in this type of online mediation typically are conducted mainly by email exchanges. However, they may also feature real time “chat” areas, computer sharing graphical presentations, and other types of graphical, non-verbal communications. While this type of online mediation allows online requests for mediation to be made, and non-verbal, asynchronous, sequential negotiations to occur, the user is not able to quickly and efficiently request, commence and conclude a mediation expeditiously on line, as can be done in a face to face mediation, mainly due to the absence of a fully synchronous audio and video connection of all MP. Additionally, this type of on line mediation also leaves a user waiting for information about whether the process has commenced. Said user then also must wait for a mediator to be assigned and commence later email exchanges or face-to-face meetings to conduct offline mediation.

In view of the shortcomings of the early text-based, and later chat-based, asynchronous on line mediations, many scholars and commentators forecasted a variety of changes in store for ODR. (See, e.g., Colin Rule, “Megatrends for Mediators in Technology,” Keystone Conference, October 2006) In his presentation at Keystone, Mr. Rule presciently forecasted “the emergence of video and audio conferencing” as the No. 2 change likely to affect online dispute resolution). Various forums have also discussed the future of ODR. One of the most recent forums to address the future of ODR was the panel discussion at the on line Cyberweek conference sponsored by the University of Massachusetts (see [www.odr.info /cyberweek](http://www.odr.info/cyberweek)) in October 2007, and ably overseen by Professor Katsh. None of the panelists at the “Future of ODR” panel at Cyberweek forecasted that any live, synchronous commercial ODR of litigated cases would occur within the near future. However, the patent pending SAVIOMM<sup>SM</sup> method was put into commercial operation less than three months later, in January 2008 by AADROL Inc. To this author’s knowledge, the world’s first on line synchronous audiovisual mediation of a civil lawsuit occurred on January 8, 2008.

### OVERVIEW OF SAVIOMM<sup>SM</sup>

SAVIOMM<sup>SM</sup> provides a dramatically improved, online mediation method. It enables the mediator and all other mediation participants (collectively referred to herein as “MP”) to use a computer, audio and visual communication means and a broadband Internet connection to request and participate seamlessly in a live, synchronous audio visual immediate online mediation proceeding. Said proceeding occurs before professional mediators who are “on duty” during normal business hours. It integrates video and audio connections into a seamless, real time online mediation where all MP can see and hear each other synchronously. All MP can also view synchronously any evidentiary materials, documents and audio video presentations online. SAVIOMM<sup>SM</sup> is thus functionally equivalent in usefulness, impact and immediacy to a face-to-face, in person, traditional mediation. However, SAVIOMM avoids much of the expense, delay consumption, risk and environmental impact entailed in traveling to a remote location to

participate in F2F mediation at court, the mediator's office, or elsewhere.

#### DETAILED DESCRIPTION: HOW SAVIOMM<sup>SM</sup> WORKS

SAVIOMM<sup>SM</sup> is used or operated by a person desiring to commence a synchronous audio visual immediate online mediation by said person powering up and operating his/her Web cam equipped computer and monitor, which is connected to the World Wide Web by cable, DSL, T1 or equivalent Internet connection. Said user then navigates said World Wide Web to enter a synchronous audio visual immediate online mediation method service provider's interactive online Web site, selects the synchronous audio visual immediate online mediation information page, on said Web site and clicks on a button on the said page to access the said Web site's synchronous audio visual immediate online mediation reservation/order form page. On said page the user inputs mediation order information, agrees to terms and conditions of said service, and authorizes payment by a major credit card for mediation fees for said service, and said payment and information are processed immediately upon the user mouse-clicking a submittal button on said order form page.

Upon approval of the order, the user is immediately notified by email of the acceptance of the mediation order and the said service provider's "on duty" mediator is immediately notified by email of the reserved mediation and promptly proceeds, with appropriate conflicts checking and disclosure, to notify the MP at the specified addresses of the confidential synchronous audio visual immediate online mediation URL to be typed into the web browser of each MP in order for him/her/them to proceed immediately to the synchronous audio visual immediate online mediation conference, in order to proceed with the mediation hearing. The mediator also provides all said parties with a common telephone number to call into by telephone 40, for a backup synchronized audio conference connection.

All MP in the mediation can see and hear each other synchronously and may conduct audio communications simultaneously by means of VOIP on line as well as telephone. The telephone audio connection is available in case of any problem with the use of VOIP service. The mediation is commenced when all said MP have joined the mediator through said connections, and proceeds online as appropriate under the circumstances of the particular case. The method uses a main virtual "conference room", as well as multiple, additional, separate virtual "caucus rooms," where the mediator may meet separately with any number of MP separately to facilitate negotiations in the mediation, and then shuttle between parties and/or re-join all MP together again. Said shuttling and re-joining can be done as many times as necessary without interrupting the synchronous audio visual immediate online mediation connections.

In the future, it should become possible to advance to F2F holographic audio visual mediations which will supplant the current Flash video modality. This future technology should ultimately make ODR virtually analogous to in person F2F mediation and potentially lead to ODR becoming the predominant form of ADR. (See "What's New: Meeting f2f Holographically,"

Geoff Sharp, mediate.com, June 10, 2008)

### POTENTIAL ADDITIONAL USES OF SAVIOMM<sup>SM</sup>

Alternatively, the Synchronous Audio Visual Immediate Online Mediation method can be used for neutral evaluations and mediation consulting. In said evaluations, typically only one side in a dispute will use the services of the neutral evaluator or consulting mediator to provide advice concerning the value of a case or tactics and techniques to employ to increase the prospect for a successful mediation. Another alternative is that SAVIOMM<sup>SM</sup> can be used for online arbitrations, and documents, photographs and other visual evidence or aids and presentations can be emailed to the arbitrator and opposing parties in advance, or immediately when the parties sign on to the arbitration web site address. The arbitrator may hold a preliminary hearing online and then schedule the evidentiary portion of the arbitration for a later online session. The arbitrator can show evidentiary exhibits and other evidence that has been emailed to him by the opposing parties online and elicit any objections, comments and/or any stipulations as to admissibility. Exhibits can be emailed to the arbitrator also during the hearing and shown to opposing parties or witnesses who can also be joined into the arbitration by going online. Witnesses can appear and be examined and cross-examined under oath or, subject to any objections, by affidavit emailed to the participants.

Further SAVIOMM can be used, where permitted by applicable law, for private or public small claims hearings for parties wishing to resolve their claims privately, following relaxed small claims hearings procedures. This possibility will become more feasible when new generations of PDAs and cell phones are equipped with streaming video capabilities and built in mini web cams linked to the Internet, enabling small claims to be handled on line engaging parties participating through their cell phones. Until this technology develops parties would need to appear via their home computer or be present at a court-provided on line computer facility. Another alternative is that SAVIOMM<sup>SM</sup> can be used for practice venues for small claims court parties to present their case in a short time period to a trained neutral evaluator who hears the argument and provides comments, asks questions and makes a mock "ruling," to provide a type of practice forum for such parties and to enable such unrepresented parties in seeing how their presentations may be perceived by the small claims court.

In addition, SAVIOMM<sup>SM</sup> for mediation training, where mediation trainees learning basic and/or advanced alternative dispute resolution and online dispute resolution and related skills through training classes conducted in a synchronous audio visual online mediation training room which is the same type of room as the mediation rooms used in this invention/method. Instead of having an intensive course in only a few days due to participant work schedules, the training can also be spread over several days, weekends or weeks, depending on the required length of the particular class. For example, the traditional 40 hour basic mediation course could be spread over four weeks, with 20 weekday two hour sessions. By breaking the training up into smaller segments in this way, and also scheduling training before or after working hours, or even over longer lunch breaks, mediation trainees could obtain the necessary training without needing to incur the financial burdens of taking time off from work or other daily schedules and traveling to remote

training sites. Recorded training sessions can also be podcasted and/or made available through a password protected web cast facility available to enrolled trainees. Recorded

Also, SAVIOMM as a simulator device for new mediators to practice their skills in simulated mediations using volunteers, actors and experienced mediators to role play and to evaluate the new mediator's skills and provide critiques for improvement thereof. Such simulation can be accomplished much more economically and conveniently on line with this method.

### ADVANTAGES OF SAVIOMM<sup>SM</sup> OVER TRADITIONAL ADR AND TEXT-BASED ODR

SAVIOMM<sup>SM</sup> has the following advantages over the traditional face -to-face and/or the text-based ODR mediation methods:

- Synchronous Interaction

Unlike email-based or chat-based online mediation, it allows all mediation participants to hear and see each other synchronously via the Internet in real time, as in a face-to-face meeting. This advantage greatly improves communications and interaction, including access to important verbal, "body language" and emotion-related cues or observations lacking in other forms of ODR methods. Mediation participant ("MP") satisfaction and interaction are thus enhanced thereby also improving the chances of dispute resolution. Arbitrations can be conducted via SAVIOMM<sup>SM</sup>, as it provides not only visual connection of participants but full document and graphics presentation and manipulation as well as white board and text inputs, making it fully equivalent to an in person arbitration.

- Speed of Mediation Commencement

SAVIOMM<sup>SM</sup> makes it easier and quicker to initiate a mediation than traditional face-to-face mediations. Said F2F mediations typically involve days and/or weeks of multilateral communications to work out convenient scheduling and procedures. However, the SAVIOMM<sup>SM</sup> method allows the mediation to start immediately without regard to the status of a mediator's calendar and to proceed to conclusion presently or be continued to a later mutually agreed time agreed to on the spot.

- Minimal or No Travel Time or Expense

SAVIOMM<sup>SM</sup> saves time and expense for all participants compared to traditional face-to-face mediation, by eliminating the need for travel to a remote mediation site.

- Fewer "Brick and Mortar" Mediation Offices

Another advantage of the SAVIOMM<sup>SM</sup> /method is that it is less costly than traditional F2F mediation, due to virtual facilities being used rather than expensive office space with multiple meeting or caucus rooms.

## § “Green” Mediation

Another advantage of the SAVIOMM<sup>SM</sup> /method is that it is environmentally preferable to traditional F2F mediations. F2F mediations contribute to air pollution, traffic congestion and consumption of business supplies, which are essentially avoided with SAVIOMM<sup>SM</sup>. Some approximate calculations based on data from the Los Angeles Superior Court (“LASC”) system will serve to illustrate the point. In LASC, there were approximately 165,000 cases filed in the latest annual reporting period (2006-2007) . (Source: Los Angeles County Superior Court Annual Report, 2008; see [http:// www.lasuperiorcourt.org /courtnews/ Uploads/ 142008311101628AnnualReport2008Issue.pdf](http://www.lasuperiorcourt.org/courtnews/Uploads/142008311101628AnnualReport2008Issue.pdf)) There are thus several hundred thousand cases pending in LASC at any given time. Under local court rules, virtually all of which are directed to mediation by court rules and must be mediated prior to trial within a one to two year time frame. A court-appointed panel numbering at any given time about one thousand active court approved mediators (including the author ) exists to handle this mediation case load. In my experience only about two thirds of these scheduled mediations actually occur (this is apparently somewhat higher than private mediations, perhaps because they are court-mandated). However in 2006-2007 there were still over 17,000 (slightly down from 2005-2006) completed mediations of litigated cases in the LASC system.

Virtually all of these mediations necessarily involved travel, mostly by automobile in one of the worst air pollution non-attainment areas, and with some of the worst traffic congestion, in the U.S. If we assume that each mediation only involves two attorneys and a mediator, and that the mediation takes place at one of their three offices, this means that typically four participants (two attorneys and their clients) must drive and park at a remote location. Assuming they drive a round trip of only 40 miles, this means there are at least about 2.7 million miles (4X40X 17,000) driven per year on LASC mediations.<sup>3</sup> Liberally assuming an average 20 miles per gallon consumed on those miles, that means a conservative 135,000 gallons (2.7 million miles/20 mpg) of gasoline are burned each year in traditional face to face F2F LASC mediations. This equates to about 3 million pounds of carbon dioxide emissions, not to mention smog producing VOCs.<sup>4</sup>

Additionally, assuming an average speed of 45 miles per hour, the participants spend approximately 240 minutes (4X [45 mi. /45mph]) in travel time. In most cases, half that time is attorney time which is a cost footed by the client. At a conservative \$250 per hour, this totals

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<sup>3</sup> Based on 2000 U.S. Census data, the average one way daily work commute in Los Angeles is almost 30 minutes one way in Los Angeles. See “Americans Now Spend Over 100 Hours a Year Commuting,” Robert Longley, at [www.about.com](http://www.about.com). It is undoubtedly higher today. Thus an average commuter commutes an hour roundtrip daily, which would equate to 45 miles at a 45 mile per hour average speed.

<sup>4</sup> A medium sized car emits about 22 pounds of carbon dioxide per gallon, based on studies showing medium car emissions of 1.1 pounds of carbon dioxide emissions per mile, generously assuming such a car can achieve 20 mpg fuel economy. (See “Carbon Dioxide Pollution and Travel Methods,” at [www.sightline.org](http://www.sightline.org))

over \$500 per represented party. The gasoline cost is at least \$24 (and rapidly rising in mid 2008). Parking is at least \$50 (also rising). Thus, the total travel expense is about \$600 apiece to the mediating clients, even in a local, relatively short trip. If longer distances or air travel are involved, the costs rise dramatically, to the point that the cost of the entire mediator's fee in an online mediation is exceeded. Also, if the scenario is changed to involve even one attorney traveling by plane the mediator fee is equaled or exceeded. For example, if one attorney must travel from San Francisco to Los Angeles (which I have had occur in F2F mediations) the costs rises by over \$1,500, as the economy airline ticket is at least \$500, the taxi to and from the airport is \$100, and the additional attorney time adds a cost of at least \$1,000. Using a moderate mediator fee of \$250 per hour for a 7 hour mediation, the cost of the travel in transportation costs and attorneys fees alone (\$1900) exceeds the on line mediator fee of \$1750. The more parties involved in the mediation and the further the distances they must travel, the more lopsided the economics become in favor of on line dispute resolution. We have not even factored in the lost time due to waiting on late arriving travelers, or the personal stress and strain of travel on participants.

- Enhanced Personal Security

Another advantage of SAVIOMM<sup>SM</sup> /method is that it increases personal security, particularly in highly emotionally charged disputes, and reduces undue stress to participants involved frequently in potentially intimidating face-to-face confrontation of adversaries at traditional F2F mediations. We have all heard horror stories of attorneys and clients being attacked by irate or deranged adversaries/opponents, particularly in the family law area, which is an ideal candidate for SAVIOMM<sup>SM</sup>. Any potential for a tragedy to occur at mediation is totally eliminated by SAVIOMM<sup>SM</sup>, as no one is present physically. Additionally, since the mediator using SAVIOMM<sup>SM</sup> controls the audio and video and indeed the entire on line connection, any verbal or gesture abuse or threat made on line can be terminated immediately for a cooling down period. There is no need to remove any party for security purposes.

- Accommodation of Disabilities/Travel Restrictions

Another advantage of SAVIOMM<sup>SM</sup> /method is that it allows dispute resolution where one or more participants cannot or will not travel for legal, medical or political or other reasons. In personal injury cases, for example if the plaintiff is severely disabled or too ill or injured to travel, SAVIOMM<sup>SM</sup> allows mediation even from a hospital room or the patient's home.

- Backup Mediation for Professional Mediators

Another advantage of SAVIOMM/method is that it provides a backup method for conducting mediation quickly in cases where traditional face-to-face mediation is canceled on short notice due to weather, natural disaster, road closures, etc. Traditional mediators can call on SAVIOMM<sup>SM</sup> in case they are indisposed for some reason as to an immediately pending mediation and cannot re-schedule the mediation due to deadlines, scheduling conflicts, etc.

## SUPPOSED DISADVANTAGES

Some commentators have raised various questions about supposed disadvantages of the SAVIOMM<sup>SM</sup> approach, essentially centering on practicality, security, privacy and confidentiality. The major issues raised have been as follows:

### § Privacy/confidentiality of the mediation

SAVIOMM<sup>SM</sup> also greatly reduces identity/security issues as the MP are all visible online and their identity can normally be confirmed by the other MP, as occurs in F2F, traditional mediation. This method addresses concerns about recording by contractual restraints and prohibitions as well as notification of all MP that surreptitious recording may violate applicable laws, regulations and professional ethical restrictions. Each “room” is hard password protected within the mediation session and externally protected from unauthorized connection by the 128 bit encryption. The system is HIPA compliant.

### § Privacy/confidentiality of caucus

The same factors are involved here as in the joint convening session. Each caucus “room” is hard password protected and externally protected by 128 bit encryption.

### § Possibility of audio or video recording of participants by other participants

While various types of on line, telephone and other electronic recording, as well as stenographic and personal recording, are possible during a SAVIOMM<sup>SM</sup> mediation, there are several reasons why this should not occur. First, the recording could not be used in the dispute as evidence for any purpose in any proceeding in California. (See Cal. Ev. Code Section 1119) Second, the mediation agreement (which is agreed to in advance by all participants) prohibits any kind of recording. Third, it is a Federal crime to record a phone conversation surreptitiously, which should deter most participants from that type of recording. Fourth, the mediator verbally should obtain verbal acknowledgements that no one is or will be recording any audio or video by any means during the mediation. Lastly, the risk of recording is no different than in a traditional F2F mediation as the host or other participants could surreptitiously “bug” the meeting by fixed or portal mikes and cameras, if this type of illicit activity were desired by the perpetrator.

### § Lack of “pressure” involved in participants being present physically

There is a fairly widespread myth that physical presence of participants together in an office or courthouse facility somehow increases the chance of settlement. There appears to be no scientific evidence this is the case. This theory appears to assume that the mediator gains some type of “power” over the participants by being with them physically. This is clearly a derivative of the evaluative model of mediation, which is of course only one of several approaches to mediation. Non-evaluative mediators would most likely not subscribe to this notion at all. However, even as a function of an evaluative approach to mediation, this concept seems to have little basis in fact.

Parties who are voluntarily mediating, and paying for mediation, usually need less pressure, as they are pre-disposed to resolve their dispute or they would not have commenced the mediation to begin with. Even involuntary mediation parties such as in the Los Angeles Superior Court system described above, are not subject to pressure as they only have to mediate for three free hours to meet the court's requirements and they can simply walk out of the mediation and refuse to pay or continue. Since they were compelled to mediate by court order, the mediator has even less "power" than is assumed under this myth. In the end the mediator's impact on the mediation is largely determined by the parties pre-disposition to settle combined with the mediator's interpersonal skills. Neither of these factors is substantially enhanced by the parties being present in person versus being present on a SAVIOMM<sup>SM</sup> mediation.

#### § Inadequacy of present technology

Until recently, technology suited for SAVIOMM<sup>SM</sup> was not available in an economical format. This changed in approximately early 2007 with the advent of Adobe Flash based streaming video capability synchronized with VOIP audio connections at prices affordable to conduct mediations. While the video involved in this level of technology is not yet at the high definition level, it should get there within the near future. VOIP audio is comparable to standard telephony, and such telephone connection is available as an adjunct if any participant has insufficient bandwidth to handle fluid synchronous video and audio connections.

#### § Technology issues of potential customers

SAVIOMM<sup>SM</sup> requires a broadband internet connection. Bandwidth of at least 150k seems to be the lower limit of feasibility. Although such broadband computer connections are relatively modest in cost (as low as \$25 per month recently) and becoming increasingly prevalent, obviously not all law firms and businesses have such a connection. Adequate Web cams cost \$30 to \$60 and a VOIP headset microphone for VOIP audio cost about the same. Thus SAVIOMM<sup>SM</sup> is not yet immediately accessible for everyone, even though the savings in just one mediation can easily pay for a year's broadband Internet subscription, a Web cam and a headset. This is a system which pays for the requisite technology very quickly. SAVIOMM<sup>SM</sup> is also very simple to use and requires no special software purchase. It can be rapidly mastered by first time users with no previous on line meeting experience. If desired, inexpensive training can be made available to users before the mediation or arbitration. Therefore, there is no substantial cost barrier for users to adopt the relatively modest technology, if not already present in the office, to take advantage of the SAVIOMM<sup>SM</sup>.

#### CONCLUSION

In conclusion, the supposed disadvantages to SAVIOMM<sup>SM</sup> are demonstrated to be relatively immaterial. SAVIOMM<sup>SM</sup> provides a business method for synchronous audiovisual online mediation which enables parties at remote distance to mediate together in real time, online without the need of traveling to a remote location to meet face-to-face, thus saving time and expense, minimizing stress, enhancing security and providing a substantial environmental benefit

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