

Alternative Dispute Resolution Based on the Storytelling Technique

Pedro Antunes¹, Sara Relvas¹, and Marcos Borges²

¹ Department of Informatics of the Faculty of Sciences of the U. of Lisboa, Portugal
paa@di.fc.ul.pt

² Graduate Program in Informatics, NCE & IM, U. Federal do Rio de Janeiro, Brasil
mborges@nce.ufrj.br

Abstract. This paper describes a groupware prototype addressing the alternative resolution of legal conflicts. The groupware prototype integrates the storytelling and argumentation models with the legal process, accomplishing two major complementary objectives: eliciting spontaneous and informal explanations about the conflict, while contributing to the process with correct inferences and logic. The paper discusses in detail the integrated information model and provides a prototype implementation. These results were significantly enriched by a formative evaluation conducted by a dispute resolution professional. The contributions of this research to the state of the art are twofold: (1) the innovative integration of the storytelling and argumentation models; and (2) the support to self-help legal representation based on group technology.

1 Introduction

The major purpose of Alternative Dispute Resolution (ADR) is to resolve conflicts out of the court. ADR has been accepted by many companies seeking to resolve litigations in a more expedite and less expensive way, and many authorities trying to rationalize their legal systems.

ADR has also gained momentum with the popularity of e-commerce, considering that the world-wide market, new business opportunities and extended flexibility – as well as new threats, such as identity theft and lack of clear legal borders – brought by e-commerce should, at least, be accompanied with equally flexible mechanisms to resolve disputes. Online Dispute Resolution (ODR) is a kind of ADR providing fully-automated or assisted-automated mechanisms to resolve conflicts utilizing online technologies and in particular the Internet [1]. Examples are the Cybersettle, Settlementonline and Clicknsettle sites.

Electronic communication is one feature adopted by most ODR [2]. This feature is implemented in various ways, including email, chat and video conferencing. However, it is recognized that electronic communication introduces an impersonal factor reducing the effectiveness of ODR [3]. Very often, behind this problem, lie the difficulties participants have intervening in the most clear, convenient and efficient ways. This has been expressed in the research literature as worries about the quality of self representation from people who may not know in detail how to align their

interventions with the requirements of the legal process, instead of relying on professional representation [4].

This research reports our efforts developing an ADR groupware prototype supporting self representation. The prototype relies upon the Issue Based Information System (IBIS) [5] argumentation model to facilitate the expression of arguments.

We nevertheless regard argumentation models – and IBIS in particular – as artefacts which are difficult to master, especially by untrained users [6]. In our perspective, some additional support is necessary to effectively integrate argumentation models in ADR/ODR technology.

To overcome this problem, we tested the applicability of the storytelling technique as a front-end for eliciting arguments in ADR. Storytelling is a narrative technique allowing to express complex information using a conceptual scheme that is well-known by the untrained user: telling stories [7]. Storytelling allows expressing unstructured and incomplete events using a narrative framework from where logical and temporal relationships may later emerge [8]. Storytelling is inherently a group activity, which has been found to improve knowledge recall, creating synergy and providing richer information about past events [9].

In this paper we argue that: (1) telling stories is a simple and adequate approach for expressing conflicting situations; (2) Storytelling may be combined with argumentation models with the purpose to derive arguments from stories; and (3) Storytelling and argumentation models may be combined with ADR.

Our prototype addresses the above assumptions. It allows gathering information about a dispute as a collection of stories. It also supports a mediator or arbitrator analyzing the story, deriving and organizing the facts relevant to the resolution process.

The paper is organized in the following way. We start with a review of the major concepts involved in the prototype: ADR/ODR, argumentation and storytelling. We propose a model integrating these concepts. We then address the model evaluation and finish the paper with a discussion of the obtained results and open issues.

2 Literature Review

ADR and ODR. ADR is an amicable and extrajudicial approach to reestablishing dialog among conflicting parties, sustaining healthy relationships, applying justice, and restoring social harmony whenever it has been damaged [10]. The major advantages of ADR rely on the possibility of resolving disputes based on the social and economic responsibilities and self-organization of the conflicting parties.

Although ADR is nowadays mostly focussed on resolving e-commerce disputes, its origins rest in family law, where it has been considered an absolute necessity [10]. Also, in many countries of the European Union, ADR is considered a mandatory preliminary procedure in labour law. These two fields of law, although very different, share one common defining characteristic of ADR: the interest in maintaining good communication and future relationships.

The ADR process helps two conflicting parties reaching an agreement with the assistance of one neutral third party. The ADR process falls into one of the following categories [11]: negotiation, mediation and arbitration. In negotiation, the third party is responsible for assisting communication. In meditation, the third party has no