

Second Life and other three dimensional visual worlds: next phase for Online Dispute Resolution?

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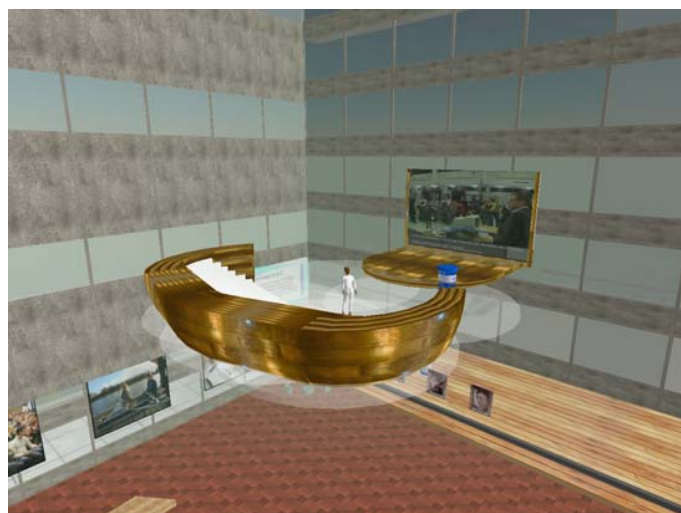
<http://lodder.cli.vu>

Abstract

Virtual communities and virtual worlds have become popular places on the internet, with some visited even more than Google. The virtual worlds offer opportunities to Online Dispute Resolution. With the advent of the virtual worlds, virtual conflicts ask for an adequate online resolution mechanism: a virtual courtroom. Insights from Online Dispute Resolution research can be applied in developing such a courtroom. The interesting aspect about these environments is that they are electronic by nature but that they look and feel like the real world. As such they might be able to bridge the gap between online and offline dispute resolution. This paper elaborates upon the potential of ODR in three dimensional worlds.

Introduction

In three dimensional virtual worlds humans use virtual identities called avatars to socially interact. Virtual worlds that partly mimic the real world are growing exponentially, becoming platforms in which we shop, play, socialize, work and learn. Examples are Second Life and Activeworlds, viz. worlds created by their users, which include companies and governments.



For lawyers these worlds offer challenges. How should the legal status of in-game objects, transactions and relations between avatars be determined? The traditional distinction in legal systems between physical shape and electronic formats is difficult to maintain. Obviously virtual objects are in electronic form, but other characteristics are more common to physical goods such as look, transfer of rights and in particular singularity. These same characteristics, physical shapes in an electronic environment, make these worlds an interesting place to develop Online Dispute Resolution platforms. An additional benefit is that parties in ODR will be either already familiar with the particular three dimensional world the ODR platform is built in, or due to the user-friendliness of these environments can get to work on the ODR platform fairly quickly.

In this short paper I would like to tip on some of the elements of these worlds that make them suited for ODR. I am not discussing the nature of the disputes

to be resolved, for just like is the case for ODR in general in my opinion the virtual dispute resolution platforms could become resolution mechanisms suited to resolve both ingame and real life conflicts, and probably in time also be an option for litigation.

During the workshop I would like to discuss the potential three dimensional worlds have (or have not) for building ODR platforms. Below I will use as an example two recent classes I gave in Second Life, and indicate the experiences relevant for dispute resolution. Although the examples are about Second Life, the observations apply in general to three dimensional worlds where users have the ability to create their own buildings, tools, etc. The ‘classic’ Massive Multiplayer Online Role Playing Games (MMORPG) such as World of Warcraft, Lineage and Everquest are not suited for this purpose, but for example Activeworlds is.



I will share some observations about this first class, and indicate its relevance for ODR. I also refer to the second class I gave on May 1 2007 with my Canadian colleague Michael Deturbide.

Virtual classes

On March 1 the Vrije Universiteit opened its virtual office, VU University NL, in Second Life. On March 22, 2007 I had the pleasure to be the first to lecture in the virtual class room with a small group of app. 10 students. The class was on 'Online Dispute Resolution', and lasted 90 minutes. After a short introduction on the topic, we had discussions on e.g., enforceability of rules (in the context of conflict prevention) in virtual worlds such as the internet. The transcript (with some parts missing) is in Dutch and available online.¹⁰⁸



Directions to get there

- Most students were on time, but I will give more precise instructions in the future (some people had some difficulties to get to the class room);

It is easy to navigate in these worlds. The name of the ODR provider should be enough. Even better would be to provide a so-called slurl, as the abbreviation suggests this is a Second Life URL that will transport you directly to the specific spot in Second Life. At this moment I guess a website with

¹⁰⁸ <http://lodder.cli.vu/mmorpg/transcriptSLclass.doc>

some information about the services offered is still required. First, because then the service can be found when using normal search engines such as Google. This would not be possible if the ODR provider would only be present in Second Life. Second, you can provide links in Second Life to normal websites. You could use this option to provide information about the procedure, and other relevant details. Maybe even the registering of the parties/avatars can best be handled through normal websites.

Confidentiality

The virtual space should be separated in different sections or rooms that are only open to the parties in dispute. Confidentiality should be guaranteed. Any owner of land in Second Life can set conditions for access, so this can easily be implemented.

Other locations, including virtual demos

- It is also a good idea to share a list of places to teleport to (if any), I did not and lost two attendees with the first teleport;



This will not be relevant in all disputes. For in-game disputes it may be important to share information about the location the dispute is about, to allow easy visiting of these locations during the dispute resolution process. For other disputes maybe information on particular websites may be relevant, and should be provided. An interesting option is to use the virtual world to illustrate what the dispute

actually is about. Just like in virtual worlds complete movie scenes are ‘built’, you can make a virtual demo that helps to make your point clear. In time, this is in particular an interesting option for prosecutors, to build a crime scene in the virtual world.

Standard text and other preparatory work

- I had prepared some text to cut/past into the chat, this is of course quicker than typing (I might introduce voice in the future).

This is something that is relevant for type-based ODR in general. You could prepare some general opening remarks, that you could use any time when opening a session. You can also prepare some case specific text. Whether or not this is necessary depends on the complexity of the case. Both the disputing parties and the third party may want to prepare certain texts, and the option of Powerpoint or video is easily built into the platform. This adds to what was said above about virtual demos.

Structuring the discussion

- The discussion became lively, with three or more students typing at the same time. Advantage is that the discussion can evolve quick, but it can be hard to structure the discussion.

This is serious problem when using chat communication. My hypothesis is that over time people will get more and more used to this kind of mixed up discussions, because this is how normal chats are conducted all the time. I guess the younger generation may not even experience it as a problem. During the virtual class I interrupted and said that even in dispute resolution with only 2 parties a chat discussion can get mixed up. For a while students were looking if others were typing and the discussion became more structured. This is a good point in Second Life, you can see if someone is typing a reaction. But in the heat of the dispute parties probably forget this.

Another option is to give turns, e.g. by pointing at people or let people raise their hands. You then mimic the offline situation. It is striking to note how easily people act in these worlds as if it were the ordinary world. For instance, no student during any of the two classes did anything else than just sit and listen. No one sat on the stage, or started flying. Even no student was standing, or if they did it was only because they did not know how to sit. During my second class, the room was quite crowded and when moving the avatars experienced some performance problems. One of the students used the computer of a colleague and this colleague came to my room saying “She is anxiously trying to sit, but cannot manage”. This was due to performance problems, but it nicely illustrates how completely natural it feels for them to sit and listen in virtual worlds. The power of this technology is that it incorporates aspects of behavior we know from our normal lives, and makes it feel familiar.

Presence of others and who is behind the avatar?

- I left a message at an ingame Dispute resolution provider that I would be at his office the next day with a law class, but he was not there. In future classes I would like to involve both people I know IRL (and are expert on the topic I am lecturing on), and ingame characters that are relevant for the topic of the class.

You can easily use witnesses or experts, and invite them to give an, if so desired anonymous, (expert) testimony. The second class was a nice example of how well Second Life facilitated a class given by two professors both being at a different continent. This emphasizes one of the general benefits of ODR, its cross-border capacity. Michael Deturbide visited me in April 2007, and we did two classes on online contracting. For international exchange students as well as for a group of Dutch students. Both groups were given the same assignment. Since we had lectured from our own background (Common law and Civil Law), and Michael Deturbide returned to Canada before the students had to hand in their assignments, we decided to do this Second Life class. On May 1, Michael from his

office in Canada, and I from my office in the Netherlands entered the class room 15 minutes early. Still no students were there at that time, but they entered gradually before the actual start of the class.

For the first class I had asked all students to give me their avatar names, but I did not for this second class. If all students would show up there would have been approximately 30-40 students. I expected only 10-15, but over 20 were there. When I told the students this, some indicated that they were with three of them using one avatar. So, there were even more students attending than avatars in the virtual room. This is of course something that is always unclear in case of ODR. I think that in particular because of the physical characteristics of the avatars it is even more important than with other forms of ODR to indicate who and how many are at the other side of the screen.

Conclusion

In this short paper I have put some of the experiences I had during two recent ingame classes into the ODR perspective. I did not provide a complete picture, but still some obvious benefits and disadvantages are already apparent. I hope during the workshop to share ideas about how these virtual worlds may be used for ODR. Three dimensional worlds resemble in appearance the normal world, but are carried out in online environments. The design of the virtual courtroom should strive to combine the best of both worlds.

For the development of platforms to resolve conflicts, three dimensional worlds offer an environment that interests obviously the younger generation that is used to online activities, but also adds to the electronic environment necessary elements for those that had reluctance to shift to the online environment. These worlds offer the opportunity to implement ODR in a way it is expected to appeal (and hence contribute to resolution) to both non-technical lawyers and computer scientists.

I expect that we are entering a new phase in the development of ODR.