A

AAA. See American Arbitration Association
ABA. See American Bar Association
accessibility
affordability and, 79
case of, 41, 67–68
ethical considerations of, 73–74, 78–79
of Internet, 14–15
of ODR, 41, 67–68, 73–74, 78–79
ADR. See alternative dispute resolution
affordability, accessibility and, 79
All That Shimmers Is Not Gold(fish) case study, 119–21
alternative dispute resolution (ADR), 17–18, 71–72, 75, 78
Amazon, 31
American Arbitration Association (AAA), 72
American Bar Association (ABA), 72
Andreesen, Mark, 21
appeals, in newhandshake.org, 104, 126
arbitration
binding, 11–13, 86–87
chargebacks and, 15
class actions and, 12
in consumer advocacy, 69–70
ethics of, 72–76, 78–79
ignorance about, 5
Aresty, Jeff, 76
artificial intelligence, 133–34
asymmetries
global redress system fighting, xiii, 84–85
in information, 8, 34, 63, 84–85
resource, 84–85
volume, 84
ATMs. See automated teller machines
AT&T v. Concepcion, 11
audits, 80, 102–3
Aunt Prue archetype, 22–23
automated ODR, 37–41, 53, 89–91
automated teller machines (ATMs), 25
B
B2B disputes. See business-to-business disputes
B2C disputes. See business-to-consumer disputes
good guys, identified quickly, 89, 91–92
Bad Hair Day case study, 115–19
Better Business Bureau (BBB), 5, 88
big data, 8
binding resolutions, 11–13, 45, 86–87
branding, of newhandshake.org, 110–11
business case, for resolutions
external scrutiny and, 58–59
investment in resolutions and, 51–52
loyalty benefit, 53–54, 57
overview of, 49–50, 59
RoR, 52–58
sharing economy and, 50–51
signaling benefit and, 58–59
business-to-business (B2B) disputes, 85–86
business-to-consumer (B2C) disputes, 5, 85–86
C
call centers, 24–25, 28
case studies
All That Shimmers Is Not Gold(fish), 119–21
Bad Hair Day, 115–19
data and, 128
It’s in the Bag, 124–27
Missing Dog Toy, 113–15
Prepaid and Pre-Spent, 121–24
Recycling, 127–28
Resolution Centers in, 114–15, 117–18, 120, 124–28
cellular phone companies, 8–10, 12, 31
CFPB. See Consumer Financial Protection Bureau, U.S.
chamber of commerce, 5
case, 12
chargebacks, credit card, 15–16, 103, 116, 123
CI. See Consumers International
Civil Justice Council, UK, 18
class
in class actions, 9
social, 6–7, 14
class actions
arbitration and, 12
class in, 9
current state of, 9–11
tripwires and, 66
The Cluetrain Manifesto (Searls, Levine, Weinberger, and Locke), 3
Cohen, Adam, 34
collaboration, 16, 22
Committee on Consumer Policy, OECD, 17–18
competence, of neutrals, 72–73
confidence
in consumer advocacy, 66–67
ethics of, 71–72, 74–75
 Consortium, newhandshake.org, 105, 109
customer advocacy
arbitration in, 69–70
challenges facing, 61–63, 67–68, 70
confidence and privacy in, 66–67
ease of access to, 67–68
human-powered redress provided by, 69–70
information lacking in, 63–64
international cooperation in, 64–65
lack of resources in, 68–69
mediation in, 69–70
in ODR, 61, 63, 65–70
technology changing, 63–65, 68–70
transparency and, 64
tripwires and mass claims in, 65–66
Consumer Financial Protection Bureau, U.S. (CFPB), 12, 70, 87

consumer protection authorities, 5, 14
bureaus, 12, 61–62, 64–65, 70, 87
by Council of Consumer Protection in eCommerce, 17–18
Internet and, 3
new attitude of, 16–17
rethinking of, 26–27
Consumer Protection Bureau, New Zealand, 61–62, 64–65
consumers. See also customers
advantages of, x
binding arbitration clauses for, 11–13
contracts for, ix–x, 4–5, 7–8
difficulty getting solutions for, 4–5
education of, 62–63
giveaways not motivating, 28–29, 41
inertia of, 4–5
lawyers avoided by, 23
limited legal redress options for, 13–15
newhandshake.org and, 95–106
online interaction preferred by, 22
resolution processes for, 30–31
rights of, vii–viii
sellers' advantage over, 42, 44, 84–85, 89, 92
sharing economy and, 50–51
as squeaky wheels, 5–7, 24
technology changing lives of, viii, 3, 21–22, 137
wants of, 21–31
Consumers International (CI), vii–viii
contracts, ix–x, 4–5, 7–8
Cordray, Richard, 12
cost
ethical considerations of, 73–74, 79
of newhandshake.org, 99–100, 102, 110
Council of Consumer Protection in eCommerce, 17–18
credit card chargebacks, 15–16, 103, 116, 123
CSRs. See customer service representatives
Customer Contact Council, 27–28
customer loyalty
benefit of, 53–54, 57
resolutions and, 25–26, 30, 41, 53–54, 57–59
customer service representatives (CSRs), 5, 24–25
customer support
in-person, 22, 25
online, 22–23, 27
phone-based, 22, 24–26, 28
race to bottom in, 23–25
SWs and, 24
customers
cellular phone, 8–10, 12, 31
retaining, 59
satisfaction of, 24, 26, 41–42
deadbeat process, 38
defective item dispute, 118
delight experiences, 23, 28, 51
Devanesan, Ruha, 76
digital divide, 14–15
disclosure laws, 8
discoverability, of ODI, 41
dispute resolutions. See also business case, for resolutions; face-to-face dispute resolution; human-powered resolutions; New Handshake; newhandshake.org; online dispute resolution, 17–18, 71–72, 75, 78 of B2B disputes, 85–86 of B2C disputes, 5, 85–86 binding, 11–13, 45, 86–87 consistency of, 44–45 continuous learning and improvement of, 45–46, 94 downplayed, 30–31 effectiveness of, 42
investment in, 51–52
loyalty and, 25–26, 30, 41, 53–54, 57–59
nonbinding, 86–87
for online consumers, 30–31 processes for, 30–31 return on, 52–58 satisfaction with, 42
tone of, 43 disputes
B2B, 85–86
B2C, 5, 85–86
"defective item," 118
eBay, characteristics of, 35, 37–39, 45–46
fee, 123
eBay class action against, 10
data warehouse of, 53–54
disputes, characteristics of, 35, 37–39, 45–46
fraud, 33, 36, 41, 43–44
gameability and, 39–40
legal remedies and, 10, 45
lessons learned from, 33–46
ODR by, 34–46, 53–58, 75, 84
PayPal and, 33–35
RoR of, 53–58
sellers' advantage in, 42, 44
tone of, 43
trust in, 33–35, 88
e-commerce. See also online dispute resolution
challenges of, ix–xiii
dearth of information about, 63–64
resolutions, 30–31
sharing economy and, 51
trust in, 33–35, 52, 57–59, 88
education, 62–63, 110–11
effectiveness, 42, 78
embeddable resolutions, 67–68
end-user software license agreements (EULAs), 8
enforceability, of global redress system, 93–94
ethical considerations
accessibility, 73–74, 78–79
ADR, 71–72, 75, 78
of arbitration, 72–76, 78–79
competence, 72–73
confidentiality and privacy, 71–72, 74–75
cost, 73–74, 79
effectiveness, 78
for face-to-face dispute resolution, 71–75, 78–79
fairness, 78
flexibility, 79
impartiality, 72–73, 77–78, 80
independence, 77
of mediation, 72–76, 78
for neutrals, 72–75
ODR, 71–80
standards for, 72
for systems designers, 76–79
technology and, 71–76, 80
transparency, 76
EU. See European Union
eULAs. See end-user software license agreements
European Union (EU)
newhandshake.org
cooperating with, 106, 131
Regulation on Online
Dispute Resolution for
Consumer Disputes, 18–19,
65, 130–31
external audits, 80, 102–3
external scrutiny, business case
for resolutions and, 58–59

face-to-face dispute resolution, 65
binding, 86
ethical considerations for,
71–75, 78–79
fairness
consumers wanting, 29–31,
37, 44–45, 89, 91
eBay ODR, 37, 44–45
ethical considerations of, 78
in global redress system
design, 89, 91
refunds and, 80, 29, 44
federal regulators, 5
fee disputes, 123
flexibility, ethical considerations
of, 79
fourth party, 133
fraud, eBay, 33, 36, 41, 43–44
Freeman, Karen, 27–28
Fullford, Lord Justice, 18

GBDe. See Global Business
Dialogue on eCommerce
gender, social pressures and, 6–7
giveaways, 28–29, 41
Global Business Dialogue on
ECommerce (GBDe), 17
global redress system. See also
case studies; New Handshake;
newhandshake.org
asymmetries in, xiii, 84–85
binding vs. nonbinding
resolutions in, 86–87
continuous learning by, 94
design criteria for, xiii,
89–94
enforceability of, 93–94
envisioning of, 83–94
individual claims vs. mass
claims in, 87–88
merchants benefiting from, 93
sellers’ advantage in, 84–85,
89, 92
trustmarks in, 88–89
governance, newhandshake.org,
108–9

Guidelines on Consumer
Protection (UN), vii

H
hold times, 4
Holmes, Oliver Wendell, 44
human-powered resolutions. See also face-to-face dispute resolution
by consumer advocates, 69–70
New Handshake and,
129–30, 134–35

ICANN. See Internet
Corporation for Assigned
Names and Numbers
impartiality, 72–73, 77–78, 80
independence, ethical
considerations of, 77
individual claims, in global
redress system, 87–88
information
asymmetry, 8, 34, 63, 84–85
in consumer advocacy, lack
of, 63–64
security, 66–67, 74–75, 109
in-person support, 22, 25
intermediaries, Internet, 16–17
international cooperation, in
consumer advocacy, 64–65
Internet
access to, 14–15
consumer empowerment by,
viii, 3
inertia and, 4–5
intermediaries, 16–17
lives changed by, ix–x,
21–22, 137–39
new redress process and, 16–18
Internet Corporation for
Assigned Names and Numbers
(ICANN), 76, 107, 109
“item-not-received” dispute, 115
It’s in the Bag case study, 124–27

K
Katsh, Ethan, 35, 133
KISS principle (Keep It Simple,
Stupid), 22–23
Kurzweil, Ray, 134

landline telephones, 15
language, 43, 91
lawyers
of class actions, 9–11
consumers avoiding, 23
information security and, 75
legal remedies. See also class
actions
eBay and, 10, 45
limited options for, 13–15
newhandshake.org and, 103
Lessig, Larry, 77
Levine, Rick, 3
Lex Mercatoria (Merchant Law),
138
Locke, Christopher, 3
loyalty. See customer loyalty

marketing, of newhandshake.org,
110–11
mass claims. See also class
actions
in global redress system,
87–88
newhandshake.org, 106
tripwires and, 65–66, 87
mediation
in consumer advocacy,
69–70
effects of, 72–76, 78
Merchant Law (Lex Mercatoria),
138
merchants
advantage of, x, 42, 44,
84–85, 89, 92
benefits of global redress
system for, 93
newhandshake.org and,
95–106
Missing Dog Toy case study,
113–15
Moore’s Law, 134
multilingual capabilities, of
newhandshake.org, 104
mutual respect, in
New Handshake, 91

Net Promoter Score (NPS), 26
neutrals
in consumer advocacy, 69–70
fourth party and, 133
online ethical dilemmas for,
72–75
New Handshake. See also case
studies; newhandshake.org
additional integrations to,
130–31
Aunt Prue wanting, 23
consumer wants and, 23, 29
future of, xiii, 129–35, 137–39
human-powered resolutions
and, 129–30, 134–35
mutual respect in, 91
need for, ix–xiii, 137–39
technology and, 129–35
New Zealand Consumer Protection Bureau, 61–62, 64–65
newhandshake.org. See also case studies
appeals in, 104, 126
branding, 110–11
Consortium, 105, 109
consumers and, 95–106
cooporation with external systems by, 106, 131
cost of, 99–100, 102, 110
credit card chargebacks and, 103, 116, 123
design of, xiii, 95–106
delivery of, 107–8
deadline audits and, 102–3
functionality of, 97–100, 102–3
governance, 108–9
legal remedies and, 103
marketing of, 110–11
mass claims and, 106
merchants and, 95–106
multilingual capabilities of, 104
nonresponse on, 100–101
project management, 109–10
risks of, 107–8, 110–12
signing up on, 95–97
single platform of, 95
software, 96, 107–8
success of, 107–8, 110, 112
suspension or removal from, 101
trust in, 111–12
updates on, 100
website of, 104–5
nonbinding resolutions, 86–87
“nonpaying bidder” process, 38
NPS. See Net Promoter Score

OAS. See Organization of American States
ODR. See online dispute resolution
ODR Working Group, of UNCITRAL, 17–18, 45, 65, 85
OECD. See Organisation for Economic Co-operation and Development
Omidyar, Pierre, 34
online customer support, 22–23, 27
online dispute resolution (ODR). See also global redress system; New Handshake; newhandshake.org
accessibility of, 41, 67–68, 73–74, 78–79
automated, 37–41, 53, 89–91
consumer advocacy in, 61, 63, 65–70
consumer empowerment by, vii
consumer wants and, 22, 27
discoverability of, 41
easy access to, 41, 67–68
by eBay, 34–46, 53–58, 75, 84
ethical considerations for, 71–80
EU, 18–19, 65, 106, 130–31
framework, building, 36–37
gameability of, 39–40
need for, xi–xiii
role of, 135
standards, 17–19, 76, 106
technology and, 27
UNCITRAL Working Group on, 17–18, 45, 65, 85

Online Dispute Resolution: Theory and Practice (Aresty and Devanesan), 76
online ethical dilemmas, for neutrals, 72–75
Online Ombuds Center, 35
Organisation for Economic Co-operation and Development (OECD), 17–18
Organization for American States (OAS), 17

P
payment disputes, on eBay, 35, 37–39
PayPal, 33–35, 53
The Perfect Store (Cohen), 34
perks, consumers not motivated by, 28–29
phantom customer satisfaction, 24, 26
phone-based support, 22, 24–26, 28
Prepaid and Pre-Spent case study, 121–24
privacy
consumers wanting, 29, 91
ethics of, 71–72, 74–75
violations, in consumer advocacy, 66–67
procedural independence, 77
project management, newhandshake.org, 109–10

R
race, 6–7, 14
Rainey, Dan, 72
Recycling case study, 127–28
redress. See also dispute resolutions; global redress system
broken system for, 7–9
credit card chargebacks and, 15–16
difficulty getting, 4–5
digital divide and, 14–15
new process envisioned for, 16–18
for online consumers, limited, 13–15
right to, vii–viii
social pressures not to pursue, 6–7
SWS and, 5–6
technology and, 3–4
window of opportunity for, 18–19
refunds, fairness requiring, 29, 44
repeat player advantage, x, 34, 84–85
Resolution Centers in case studies, 114–15, 117–18, 120, 124–28
resolutions. See dispute resolutions
resources
asymmetry of, 84–85
consumer advocacy lacking, 68–69
return on resolutions (RoR)
in business case for resolutions, 52–58
experiment, 54–58
Rifkin, Janet, 133
rights, consumer, vii–viii
RoR. See return on resolutions

S
satisfaction, customer, 24, 26, 41–42
Searls, Doc, 3, 16
sellers, advantage of, 42, 44, 84–85, 89, 92
service disputes, 121
sharing economy, 16, 50–51
shill bidding, 39–40
signaling benefit, 58–59
singularity, 134
small claims court, 4–5
smartphones, 14–15
social class, 6–7, 14
Society of Professionals in Dispute Resolution (SPIDR), 72
software
code, 77–78, 80, 96
EULAs for, 8
integration with, 131
newhandshake.org, 96, 107–8
SPIDR. See Society of Professionals in Dispute Resolution
SquareTrade.com, 35, 37
squeaky wheel system (SWS), 5–7, 24
stereotypes, social pressures and, 6–7
Supreme Court, 11
SWS. See squeaky wheel system
systems design
criteria for, xiii, 89–94
ethical dilemmas in, 76–79
of newhandshake.org, xiii, 95–106

T
technology
artificial intelligence, 133–34
consumer advocacy changed by, 63–65, 68–70
digital divide in, 14–15
ethical considerations and, 71–76, 80
lives changed by, viii, 3, 21–22, 137
new, 132–34
New Handshake and, 129–35
ODR and, 27
redress and, 3–4
transparency enabled by, 22
telephones
cellular phone companies and, 8–10, 12, 31
landline, 15
phone-based support and, 22, 24–26, 28
smartphones, 14–15
“Third Party Ethics in the Age of the Fourth Party” (Rainey), 72
TnS team. See Trust and Safety team
Toman, Nicholas, 27–28
transparency
consumer advocacy and, 64
ethical considerations of, 76
success and, 58
technology enabling, 22
tripwires, 65–66, 87, 92
trust
in eBay, 33–35, 88
in e-commerce, 33–35, 52, 57–59, 88
in newhandshake.org, 111–12
Trust and Safety (TnS) team, 33–35
trustmarks, 88–89

U
UDRP. See Uniform Domain Name Dispute Resolution Protocol
UK Civil Justice Council. See Civil Justice Council, UK
UN. See United Nations
UNCITRAL, ODR Working Group of, 17–18, 45, 65, 85
Uniform Domain Name Dispute Resolution Protocol (UDRP), 76
United Nations (UN), vii, 17–18, 45, 65, 85
University of Massachusetts Amherst, 35
unpaid item (UPI) process, 38–40
U.S. Consumer Financial Protection Bureau. See Consumer Financial Protection Bureau, U.S.

V
“Virtual Virtues: Ethical Considerations for an Online Dispute Resolution (ODR) Practice,” 72
volume asymmetry, 84

W
Warren, Elizabeth, 12
website, of newhandshake.org, 104–5
Weinberger, David, 3

Y
Yahoo, privacy class action against, 11