'Join the Conversation': Why Twitter Should Market Itself as a Technology Mediated Dispute Resolution Tool

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Abstract

For almost a decade, the social medium of Twitter has provided a platform for individuals to instantly connect with others, businesses to build their brands and movements to attract new followers. Yet, although Twitter, Inc. has promoted its product as a customer service application, it has not actively marketed itself as a technology mediated dispute resolution tool (TMDR). This article explores ways in which organizations have utilized Twitter's power as a conflict avoidance mechanism and as a reputation system, leveraging its ability to provide convenience, trust, and expertise to their followers. It then argues for Twitter, Inc. to actively 'join the conversation' of TMDR or risk being left out altogether.

Keywords: Twitter, technology mediated dispute resolution (TMDR), conflict avoidance and prevention, online reputation system, convenience, trust and expertise triangle.

1   Introduction

On 21 March 2006, Jack Dorsey, the Co-Founder and current Chairman of Twitter, Inc., revolutionized the way human beings communicate and interact with one another by sending the very first tweet.[1] This form of social media was created as a way for people to connect with others (including family and friends, those with whom one shares an interest and those whom one would like to get to know), express oneself "quickly and easily" and learn about what is happening around the globe.[2] Twitter's stated mission is "[t]o give everyone the power to create and share ideas and information instantly, without barriers",[3] and it accomplishes this mission by creating a space in which people send and receive

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1   <http://about.twitter.com/milestones>.
2   <http://discover.twitter.com>.
3   <http://about.twitter.com/company>.

what are essentially public text messages.[4] Twitter has grown significantly in the more than nine years since that first tweet was sent. In fact, there are now "230+ million monthly active users" of Twitter, "500 million [t]weets are sent per day" and "77% of accounts are outside the U.S".[5] To ignore Twitter as a global force would be to ignore the fact that many people in the 21st century have completely altered the ways in which they live their lives because of this technology.[6]

In addition to marketing itself as a way for individuals to connect with others, Twitter specifically advertises itself as a tool for businesses, media and developers.[7] In order to promote itself as a method to "[g]row your business, 140 characters at a time",[8] Twitter dedicates an entire web portal to helping organizations learn how to "use Twitter to share information about their services, gather real-time market intelligence, and build relationships with customers, partners and influencers".[9] This web portal includes links with information on how businesses can learn the basics of Twitter, how companies and organizations can grow their Twitter and real-life communities, how to market using Twitter and how to purchase Twitter advertisements.[10] In addition, there is an entire link dedicated to highlighting organizations and causes ranging from The American Red Cross and Barack Obama to Arby's Restaurants and Adidas UK[11] that have successfully used Twitter to drive donations,[12] mobilize and inform political supporters,[13] increase newsletter sign-ups[14] and maximize corporate sponsorship.[15] To further drive its message that organizations should seriously think about all of the ways in which it could be used as an invaluable tool in today's tech-savvy age, Twitter also features a YouTube video on this web portal, calling for organizations to 'join the

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4   <http://discover.twitter.com/learn-more>. Twitter was actually created to be a mobile service, even though it has a website counterpart that can be located through the traditional World Wide Web. Thus, "[i]t was designed to fit into the character limit of a text message, and Twitter still works on any SMS-ready phone". Therefore, tweets are limited to 140 characters, and this "[b]revity keeps Twitter fast-paced and relevant by encouraging people to Tweet in the moment and to focus on the essential idea they are trying to communicate".

5   <http://about.twitter.com/company>.

6   To ignore Twitter's global force would also be to ignore the fact that it is now making headway in the marketplace. Twitter, Inc. began trading shares on the New York Stock Exchange on 7 November 2013 and "ended the day with a market capitalization of about $25 billion". T. Demos *et al.*, 'Twitter Shares Take Wing With Smooth Trading Debut', *Wall Street Journal*, 8 November 2013, p. A1.

7   <http://about.twitter.com>. This web page focuses on the specific uses of Twitter as product rather than Twitter as a company. However, it clearly outlines the strategic vision that the company sees for its product.

8   <http://business.twitter.com>.

9   <http://about.twitter.com>. Although Twitter uses the term 'business' throughout this web portal, its content focuses on non-profit organizations and political causes and campaigns as well. I thus interchange the terms 'business' and 'organizations' throughout this article in order to emphasize this breadth of focus, which could include governments as well.

10   *See* <http://business.twitter.com>.

11   *See* <http://business.twitter.com/success-stories>.

12   *See* <http://business.twitter.com/success-stories/american-red-cross>.

13   *See* <http://business.twitter.com/success-stories/barack-obama>.

14   *See* <http://business.twitter.com/success-stories/arbys-restaurant-group-inc>.

15   *See* <http://business.twitter.com/success-stories/adidas>.

conversation'.[16] Through these self-promotion efforts, Twitter clearly views its own success and potential growth as being tied to the successes of other businesses and organizations that use Twitter for a variety of purposes.

Unfortunately, one of the purposes that Twitter could promote as being useful for organizations is not fully addressed by the social media giant. Even though it does mention that businesses can use Twitter to improve customer service,[17] offering the example of Zappos (the online shoe and clothing retailer) as a company that has been able to leverage Twitter to "increase real-time responses to customer care inquiries and build further loyalty with their customers",[18] Twitter neither highlights the fact that organizations can utilize it as a conflict prevention tool, nor does it dedicate space on its business-specific web portal to strategies for being effective in this area. This restricts Twitter's potential. By neglecting to leverage the real-time communications of customers or constituents with businesses, non-profits or governmental organizations as a method of preventing or addressing conflict, Twitter risks being left behind as other companies and entrepreneurs venture into the world of dispute prevention and resolution.[19] Specifically, Twitter, Inc. should explicitly 'join the conversation' surrounding technology mediated dispute resolution (TMDR) by marketing itself as a dispute prevention tool for organizations to use as they expand the ways in which they interact with customers or constituents on Twitter.[20]

This article analyses the potential for Twitter to grow its own user base by making a concerted effort at promoting itself as a TMDR tool. The first part of this article addresses the importance of TMDR today and how Twitter already fits

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16   <www.youtube.com/watch?v=BGirUZq1WtQ>. This video adds further weight to Twitter's self-promotion as a business and organizational tool by emphatically stating: "Because Twitter isn't just 140 characters; it's content that brings the world closer through conversation. Those conversations lead to customers. Customers lead to business, and leading businesses say it on Twitter."

17   *See* <http://business.twitter.com/success-stories/goal/improve-customer-service>.

18   <http://business.twitter.com/success-stories/zappos>. This particular page highlights the fact that Zappos has been able to have "40 Twitter conversations per day on average with customers", and therefore the company "reinforced their reputation for excellent customer service through responses to nearly every service and product inquiry they received via Twitter".

19   Amazon.com entered into this conflict prevention and resolution world on 25 September 2013, when it unveiled its newest version of the Kindle Fire tablet. This device prominently features a 'Mayday button' that gets users who are having difficulties with their devices in touch with a customer service representative by video at any time for no extra charge. *See* M. Maisto, 'Amazon's New Kindle Fire HDX Tablets Feature 24×7 "Mayday" Button', *eWeek*, September 2013, p. 1. In addition, the customer service representative can see what is on the user's tablet's display and "can draw highlights on the display to point out buttons and features and can navigate to other areas in the user interface". <www.computerworld.com/s/article/9242714/New_Kindle_Fire_HDX_s_tech_support_button_could_push_IT_to_yell_Mayday>. Furthermore, Amazon prepared three TV commercials to promote this specific feature of the product.

20   *See* D.A. Larson, 'Technology Mediated Dispute Resolution (TMDR): Opportunities and Dangers', 38 *University of Toledo Law Review*, 2006, p. 213, n. 1. Although the term 'online dispute resolution' (ODR) is more prevalent in the field, I find David Larson's term 'technology mediated dispute resolution' (TMDR) to be more on point because it expands the concept beyond an 'online' and 'offline' dichotomy; instead, it is "a more accurate and inclusive description of the different technologies that can be used to help resolve disputes". I will thus use 'TMDR' throughout this article to describe the field, even though 'ODR' may be seen in citations to other authors' works.

within the TMDR paradigm. It does this by examining the roles of conflict avoidance mechanisms and reputation systems within TMDR, and how convenience, trust and expertise create the basis for TMDR tools. Throughout, the unique features of Twitter are brought in as examples to show how it can actually already be viewed as a TMDR tool.

The second part of the article provides the framework for the ways in which Twitter should advertise its use as a TMDR tool to both organizations and to consumers. It does this by providing two brief case studies of different types of organizations that have already used Twitter as a TMDR tool. Attention is paid to the ways in which organizations have done this successfully while also highlighting reasons why individuals as consumers should use Twitter as a TMDR tool in which to connect with organizations.

This article does not, however, provide an exhaustive list of organizations that currently utilize Twitter as a TMDR tool, nor does it analyse the ways in which Twitter, Inc. could handle its own disputes through Twitter.[21] Instead, this article provides a framework for Twitter, Inc. to see the value in promoting Twitter as a TMDR tool generally.

2   TMDR and Twitter

2.1   The Role of Conflict Avoidance and Prevention Mechanisms

As new technologies have made it easier for people to expand their contacts and personal networks with others (including organizations), there have also been increasing opportunities for conflicts to arise. This is both a problem and an opportunity: advances in communication technology have made conflict more likely owing to expanded social connections, but these same advances open doors for people to prevent, address or even resolve these conflicts in new and innovative ways.

Owing to the constant evolution of technology, the idea of 'technology mediated dispute resolution', or TMDR, is not new,[22] but it has assumed greater signif-

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21   Twitter, Inc. could, however, heed the call of using Twitter as a TMDR tool by using it with itself. Conflicts that could arise between Twitter, Inc. and its users include disputes over trademark rights, for it follows its own policies instead of the 'uniform domain-name dispute resolution policy', or 'UDRP'. *See* F. O'Raghallaigh, 'How to File a Complaint with Twitter', *Managing Intellectual Property*, 4 November 2010, p. 87. Another major area of conflict that could (and does) arise between Twitter, Inc. and its users includes how to handle the issue of cyberbullying. Twitter does have a policy in place, along with suggestions, to handle online abuse situations. *See* <http://support.twitter.com/articles/15794-online-abuse>. Although these areas of conflict are serious and deserve specific attention, they are beyond the scope of this article.

22   Larson, 2006, p. 213. Here, Larson emphasizes that while the technology is constantly changing, the fact that people use these technologies to aid dispute resolution practices is not. Instead, one must get past the idea that technology mediated dispute resolution is a novelty (for it is not), in order to focus on the reasons why people should seriously adapt to and learn how to use technology as a fundamental part of dispute resolution processes. *See* Larson, 2006, pp. 213-214. This article, published in 2006, is prophetic, especially when one realizes that the very first tweet was sent that same year. Since that time, a plethora of new technologies have emerged, making Larson's thesis all the more resonant today.

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icance since the invention of the World Wide Web and Internet Service Providers.[23] It is important to understand, then, that technology, especially Internet technologies, can help address the problems that it has exacerbated.

The use of new technologies to address the conflicts that it has fostered has already taken place in the arena of conflict avoidance and prevention. This is particularly true when looking at conflicts that arise between consumers and businesses.[24] These conflicts can begin offline and then later filter online, or they may occur entirely online. The primary example of the former is when a customer is unhappy with either the product or the service that was provided in a face-to-face encounter with a business or organization and therefore communicates this dissatisfaction on the Internet. For instance, if I were frustrated with the amount of time it took for McDonald's to fill my drive-through order, I could voice that frustration online through an e-mail to McDonald's customer service representatives. As for the latter situation, I may become frustrated when my order from Amazon.com is delayed and could post a complaint to my personal blog. Technology plays a major role in both examples. In the first, the technology allows me to actually communicate my frustrations to the company even after I had pulled away from the McDonald's drive-through. In the second, the business operates primarily through the Internet, and I can utilize that same technology to voice my dissatisfaction. In both situations, the conflict is in its infancy; if I do not hear a response from either company, I may make this more of a formal dispute by pursuing a remedy (such as refund).

The above situations are exactly where conflict avoidance and prevention can play a major role. According to Pablo Cortés, "[d]ispute avoidance mechanisms include internal complaint procedures, escrows, online payment services, reputation systems and trustmarks."[25] Although Cortés focuses on how these mechanisms bring in independent entities such as automated negotiators or mediators and are implemented in electronic interactions,[26] they can be implemented by the parties themselves in an effort to curb full-fledged disputes that occur both online and offline. In fact, these mechanisms actually empower both the con-

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23   *See* E. Katsh, 'ODR: A Look at History – A Few Thoughts about the Present and Some Speculation about the Future', *in* M.S. Abdel Wahab, E. Katsh & D. Rainey (Eds.), *Online Dispute Resolution: Theory and Practice*, Eleven International Publishing, The Netherlands, 2012, p. 9. Katsh highlights the fact that the opening of the Internet to the general public for commercial purposes does serve as a type of milestone in the TMDR (ODR) field, for increased access to the Internet made it "relatively easy to communicate and to obtain large quantities of information" and created new types of conflict, including e-commerce disputes (pp. 10-11).

24   *See* P. Cortés, 'Online Dispute Resolution for Consumers – Online Dispute Resolution Methods for Settling Business to Consumer Conflicts', *in* M.S. Abdel Wahab, E. Katsh & D. Rainey (Eds.), *Online Dispute Resolution: Theory and Practice*, Eleven International Publishing, The Netherlands, 2012, p. 139. Cortés particularly focuses on the transactional relationship between businesses and consumers, where the "individual, acting on a personal capacity, buys goods or services for his or her personal use" and where the business "acts on a professional capacity selling goods or services as part of their profession" (Cortés, 2012). The business–consumer relationship, however, can go beyond electronic transaction boundaries; it could result from a face-to-face or an electronic one.

25   *Id*., p. 143.

26   *Id*.

sumer and the business to address the dispute themselves before it gets to the point of needing a third party such as a mediator, arbitrator or judge to intervene.[27] One of the most well-known examples of a successful TMDR mechanism is that of eBay's in-house dispute tools that provide a way for parties to address concerns before rising to the level of needing a different procedure involving humans.[28]

A challenge, though, for many businesses (whether online, offline or hybrid) is that it takes technological know-how or extra capital to develop a custom-made dispute prevention mechanism such as eBay's.[29] This is where Twitter can play a role. Since a Twitter account is free, organizations can use it as a method by which consumers can get in touch with them about any sort of concern before it becomes a larger issue. In addition, since it is a multi-use tool that many consumers already use to stay connected with others, consumers may find that it is easier to tweet their concerns to the organization instead of trying to find a consumer complaint portal on the organization's website. Furthermore, since Twitter was originally designed to work on mobile devices,[30] it can be used quickly while someone is on the go (although the desktop option would still be available to the consumer). This gives both the consumer and the organization the opportunity to address the potential dispute very close to the actual time of its birth. Twitter, then, even though it is not really a 'third party' in the traditional alternative dispute resolution sense, can serve as an intermediary between the organization and its customers. Since both parties are using the same tool to communicate with

27 *See* O. Rabinovich-Einy & E. Katsh, 'Lessons from Online Dispute Resolution for Dispute Systems Design', *in* M.S. Abdel Wahab, E. Katsh & D. Rainey (Eds.), *Online Dispute Resolution: Theory and Practice*, Eleven International Publishing, The Netherlands, 2012, p. 39. Rabinovich-Einy and Katsh suggest that this can be accomplished "by lowering barriers for voicing complaints and concerns, allowing them to stream in at an early stage, perhaps even before they have materialized into full-fledged disputes or prior to being experienced by additional potential claimants". The message here is clear: one can actually stay on top of conflict, and therefore address it more efficiently, by actually providing a way for businesses to become aware of problems that their customers are encountering. It seems counterintuitive, but since conflict is inevitable, a business should encourage people to voice their grievances as early as possible in the process.

28 Cortés (2012) notes that eBay's in-house conflict avoidance mechanism "has resolved hundreds of millions of disputes, while its previous preferred ODR provider, SquareTrade . . . resolved just over two million in its life time" (p. 144). Although there are many reasons why the in-house mechanism has resolved exponentially more disputes than the formal one (even though they are both Internet-based), one factor could be that eBay itself recognized the need to be able to address the potential conflicts early and therefore made a planned effort to utilize its own in-house service.

29 In addition, if a company decides to develop its own dispute prevention mechanism, such as an online customer service complaint procedure, it would require that business to make sure that it has a strong enough technological infrastructure to keep that mechanism technologically up to date. So even though a business may be able to build a mechanism in the first place, it will need to have the capital and know-how to sustain it. Funding such a project could be a challenge, even if the business accesses private resources, for that "may also jeopardise [sic] the independence of an ODR service provider". *See* Cortés, 2012, p. 145.

30 *See* <http://discover.twitter.com/learn-more>.

one another,[31] there is a little more balance of power, especially since Twitter as a whole is not operated or controlled by either party.

2.2 The Role of Reputation Systems

Two constant challenges with non-face-to-face interactions that occur with the help of technology (such as phones, letters, texts or blog posts) are authenticity and accountability. For example, if one decides to talk with a friend through text message, she would want to know that the person sending the message is actually her friend and not someone else who happened to pick that phone up. If one decided to purchase a new phone online, one would want to make sure that the seller is who he says he is and that he will actually deliver the phone once payment is made. Therefore, people need a way to trust the interactions that are facilitated through technology. This can be accomplished through reputation systems.[32] These systems "provide targeted, useful data to help us make informed choices" because they "enabl[e] individuals to refer to information left by others to better determine who is trustworthy and who is not".[33] In the end, reputation systems help authenticate and hold others accountable in technologically mediated encounters.

In the world of online communications and connections with others, reputation systems have a few common characteristics. Specifically, "they rely on 'user generated content,'" they "allow both positive and negative reviews" and they "organize all of this submitted content to make it easily understood".[34] In addition, dispute prevention mechanisms and online reputation systems fit together by providing a specific place for people to leave feedback that others can then use to make informed decisions. In a business–consumer situation, if a consumer is dissatisfied with the merchant (for any number of reasons, including being sent the wrong product after purchase or never receiving a product at all), she can go to the relevant online reputation system and post a public response so that both the business and others can see it. The business can then decide to remedy the situation, perhaps prompting the consumer to update her public response. Throughout, the general public can see how business and consumer interact with each another, and thereby either acquire the confidence to enter into their own encounters with the business or avoid interaction all together.[35]

Although it does not feature a feedback system like the one described above, Twitter in its own way is an online reputation system. If a consumer were to have a problem with an online retailer, for example, he could post his short complaint

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31 I use the term 'tool' instead of 'system' to distinguish between a specific application used for a variety of dispute resolution purposes and an entire system structured for a closed setting. *See* Rabinovich-Einy & Katsh, 2012, pp. 40-42.

32 *See* C. Rule & H. Singh, 'ODR and Online Reputation Systems – Maintaining Trust and Accuracy through Effective Redress', *in* M.S. Abdel Wahab, E. Katsh & D. Rainey (Eds.), *Online Dispute Resolution: Theory and Practice*, Eleven International Publishing, The Netherlands, 2012, p. 163.

33 *Id.*, pp. 164-165.

34 *Id.*, p. 164.

35 This example is modeled on the eBay Feedback system, which is now "the largest online reputation system ever created" (Rule & Singh, 2012, p. 175).

to Twitter, addressing it to the company's Twitter account. The company would be able to see the complaint, decide whether to interact with the consumer to find out more about the problem and then decide whether to fix or ignore the problem. Using Twitter, however, could be much more effective as a dispute prevention tool and as an online reputation system as compared with the more traditional feedback systems such as eBay's. It has the power to incorporate feedback from totally offline encounters, and it also has the power to send the feedback to many more people than just those looking for a particular product or to work with a particular business or seller online. For example, going back to the McDonald's example noted earlier, I could send out a tweet to McDonald's based on an entirely face-to-face encounter at the drive-through, and my tweet could be seen by any of the people who follow me on Twitter or by anyone who searches for key terms that I include in the tweet (such as 'McDonald's' and 'poor service').[36] Thus, Twitter has a broader and more widely applicable reach than a site-specific or business-specific online reputation system.[37]

2.3 Convenience, Trust and Expertise: Twitter's Advantage

It is clear by now that Twitter's functionality fits within the TMDR paradigm as both a dispute prevention mechanism and an online reputation system. However, Twitter's actual capabilities are only one part of the TMDR puzzle; truly effective TMDR tools require their users to understand the importance of what is known as the "convenience, trust, and expertise triangle".[38] Since Twitter is an application that is open for anyone to use for a variety of purposes, organizations themselves, instead of Twitter, Inc., should understand how each element of this triangle factors into its particular use of the application as a TMDR tool.

Businesses can begin by recognizing that their mere use of Twitter to respond to consumer disputes or feedback does not automatically or magically make it convenient to use. Convenience is important to TMDR tools because "as levels of comfort with participating online increase, expectations of what disputants should be capable of doing may also increase".[39] The same principles that other customer service methods espouse factor in here: it should be easy to file a com-

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36 The use of search terms can enhance a person's online voice because it can be read by any one of the more than 230 million monthly Twitter users. *See* <http://about.twitter.com/company>. Furthermore, one can specifically highlight words or phrases to make it even easier for others to see by using what is called a 'hashtag', or '#' symbol, before the message. Also, "[u]sers can click on hashtags to see similarly-themed Tweets". <http://business.twitter.com/glossary>.

37 Also, the fact that Twitter can easily be used on mobile devices further keeps organizations accountable and authentic, for the feedback can be left anywhere in real time. Although not comparable in gravity to the examples that Sanjana Hattotuwa offers of mobile phones being used in the developing world for peace and democracy movements, the fact that a person with a mobile phone and Twitter could immediately give feedback to a business or organization helps them "bear witness and strengthen accountability". S. Hattotuwa, 'Mobiles and ODR: Why We Should Care', *in* M.S. Abdel Wahab, E. Katsh & D. Rainey (Eds.), *Online Dispute Resolution: Theory and Practice*, Eleven International Publishing, The Netherlands, 2012, p. 83.

38 E. Katsh & J. Rifkin, *Online Dispute Resolution: Resolving Conflicts in Cyberspace*, Jossey-Bass, San Francisco, CA, 2001, p. 74.

39 *Id.*, p. 82.

plaint, and that complaint should be addressed as quickly as possible. Currently, there are a number of ways in which businesses have made themselves available for feedback, including phone, letter, e-mail or online complaint form.[40] Perhaps the *fastest* and *easiest* method for a customer to get in touch with a business would be through an e-mail or an online complaint form. Yet, there is a risk that the e-mail will not be responded to or that the online complaint would disappear into the far reaches of the Internet. In addition, one may decide to call the business only to discover that it is difficult to find the phone number or get a human being on the line. In the end, the conflict will probably escalate instead of being prevented, simply because it was not convenient for a customer to get in touch with a business.

Businesses using Twitter as its TMDR tool should recognize that it may be one of the most convenient ways in which a customer will get in touch with them. One way to maximize this ease of communication would be to create a separate Twitter account to just handle customer service interactions (including complaints). One example of this would be Bank of America's customer service Twitter account, @BofA_Help, which "provides assistance to customers from 8 a.m. to 8 p.m. on weekdays and from 9 a.m. to 1 p.m. on Saturdays".[41] According to Chris Smith, senior vice president of enterprise social media for Bank of America, the company is "in social media because that is where our customers are and where they've asked us to be".[42] By dedicating an entire Twitter account to customer service and TMDR, companies indicate to customers that they are writing to the correct account for their purposes and that, therefore, the company takes convenience seriously.

In addition, businesses that use Twitter must build the consumer's confidence and trust in the company's TMDR tool.[43] Businesses can do this by letting consumers know that they are actually listening to their concerns. Instead of simply ignoring (or worse, deleting) a consumer's tweet, it should respond as quickly as possible to the concern. One specific way to help accomplish this would be to "[s]taff the social media channels with the same service-level goals as your phones, or nearly as quick".[44] In addition to building trust with the customer, this method contributes to the entire goal of conflict avoidance and prevention, for if customers "do not get instant gratification, the situation can escalate rapidly and publicly".[45] Again, simply having a Twitter account is not enough to be a successful TMDR tool; it requires dedication and commitment that builds trust with the public.

Finally, the third side of the triangle is expertise. This can come in two forms. The first is content expertise, meaning having the ability to competently address

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40 It is worth noting that, in the spirit of the encompassing definition of TMDR, all of these methods would actually be considered part of TMDR.
41 L. Klie, 'Hearing 140 Million Voices: It's Easier Than You Think to Make Sense of Twitter', *Customer Relationship Management*, June 2012, p. 23.
42 *Id.*
43 Katsh & Rifkin, 2001, p. 73.
44 D. Fluss, 'Use Social Media Proactively', *Customer Relationship Management*, June 2011, p. 8.
45 *Id.*

the specific problem that customers raise on Twitter with a particular business.[46] The second is conflict resolution expertise, meaning having some level of skill to "respond appropriately to communications, to keep the parties 'talking,' and to move them somehow toward a mutually acceptable solution".[47] One way that businesses could accomplish this would be to "develop their Twitter strategies", which includes keeping track of any consumer mentions of the company as well as looking towards "replies, retweets, and hashtags to see where the tweets have gone, how many people might have seen them, and what kind of response they generated from other consumers".[48] In addition, companies should have a clearly laid out plan for what authority the employees charged with responding to tweets should have.[49]

By keeping in mind the TMDR triangle of convenience, trust and expertise, businesses can better utilize Twitter as a TMDR tool for dispute prevention and as a reputation system. Simply creating a Twitter account does not automatically make a company more prepared to handle and address conflict. Instead, a focus on access, accountability and credibility can help companies address problems before they get out of hand and, hopefully, maintain a positive reputation.[50] Twitter, Inc. should emphasize these elements as building blocks for business success in its own advertisements to businesses.

3 Twitter as a TMDR Tool

3.1 Two Case Studies

As a multinational company with locations on what seems to be every square mile of America, McDonald's Corporation interacts with people face to face all of the time. With so many interactions, many are bound to turn into a conflict. Although I already mentioned above how one such conflict could be a delay at the drive-through window, other potential conflicts with customers could include anything from a dirty restroom or an incomplete order to a health hazard due to undercooked food or a slip hazard due to icy sidewalks. McDonald's does have a customer service link on its website, offering a mailing address, phone number

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46   Katsh & Rifkin, 2001, p. 90.
47   *Id*. Although this specific quote appears to have a 'mediator' and 'mediation' situation in mind, it also applies to customer service representatives in connection with business–consumer relations.
48   Klie, 2012, p. 24.
49   *See Id*., p. 26.
50   Although this article has primarily focused on how businesses can leverage Twitter as a TMDR tool, this is not to say that the same principles apply to non-profits and governments as well. Government does provide a special role for Twitter as a TMDR tool, though, because accountability and trust are paramount. If either is missing, the government would likely not function, and the distrust would be hard to overcome. Governments should seriously address the role of TMDR, which could be done through Twitter, because "the very existence of online tools to enhance government transparency, access by citizens to government policy debates, delivery of government services, and redress of citizen grievances, is going to transform the traditional roles and responsibilities of government agencies." D. Rainey & E. Katsh, 'ODR and Government', *in* M.S. Abdel Wahab, E. Katsh & D. Rainey (Eds.), *Online Dispute Resolution: Theory and Practice*, Eleven International Publishing, The Netherlands, 2012, p. 237.

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and an online customer service form.[51] Yet McDonald's efforts at conflict prevention do not stop there; it also has a specific customer service Twitter account (@Reachout_mcd) that is separate from its original business account (@McDonalds). By analysing one particular conversation between a customer and McDonald's customer service Twitter account, one can see how this corporation implements the convenience, trust and expertise triangle into its TMDR toolbox.

This specific conversation began with a tweet to McDonald's original business account from Twitter user @redladybug829. It read: "I have 5yr boy at home w/ ear infection. To make it worse, this is what @McDonalds gave him in happy meal last night."[52] Attached was a photo of what can be described as a plastic toy princess. Within the hour, the @Reachout_mcd account replied by with: "@redladybug829 Oh no, so sorry about this! Please let us know if you would like us to send you a different toy! We'd be happy to do this!"[53] Immediately, @redladybug829 responded: "@Reachout_mcd Aww thank you, that's very nice. He really wanted another Batman & we are still laughing! Let me know how to contact you??"[54] McDonald's then through its @Reachout_mcd account replied: "@redladybug829 No problem! Can you and [sic] follow us and then DM us your address? Any specific Batman toy you would like?"[55] The conversation publicly ended with @redladybug829 exclaiming: "@Reachout_mcd @McDonalds YOU ARE THE ABSOLUTE BEST!!!!"[56]

Food and gender politics aside, there are a few lessons to take away from this exchange between business and consumer on Twitter. McDonald's was able to demonstrate convenience, trust and expertise throughout. By immediately recognizing and responding to a negative comment publicly posted on the main Twitter account for the corporation, McDonald's Customer Service team built the consumer's confidence, and thus trust, in the TMDR tool that is Twitter. The consumer used Twitter like a reputation system, essentially moving from a negative rating all the way to an extremely positive one by the end of the exchange, once McDonald's built up trust. McDonald's immediate feedback as well as the offer to 'DM', or 'direct message', with the consumer demonstrated its expertise with Twitter as a medium and with general conflict resolution strategies. Finally, McDonald's made the TMDR tool of Twitter extremely convenient for the consumer. Since the consumer essentially initiated the conversation to the 'wrong' account, McDonald's stayed with the medium of Twitter but proactively responded with its customer service-specific account. Overall, this case study demonstrates ways in which a very large corporation is able to make a direct connection with its customers, change a potential conflict into a happy ending and alter its reputation from a negative rating to a positive one. It also demonstrates that consumers can reach effective and quick redress through Twitter.

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51 <www.mcdonalds.com/us/en/contact_us.html>.
52 <http://twitter.com/redladybug829/status/387946247853965312>.
53 <http://twitter.com/Reachout_mcd/status/387955161261670402>.
54 <http://twitter.com/redladybug829/status/387956712604696577>.
55 <http://twitter.com/Reachout_mcd/status/387958931256909824>.
56 <http://twitter.com/redladybug829/status/387962824389308416>.

The second case study specifically highlights how a public service entity, the Toronto Transit Commission, uses Twitter as a TMDR tool to better address the real-time needs and concerns of its passengers. Through this exchange, the Toronto Transit Commission (TTC) Customer Service Twitter account (@TTChelps) demonstrates its ability to listen to a concern, even if it cannot exactly solve the problem raised by the constituent. The conversation began with Twitter user @PersianWanderer directing a complaint to the Commission: "@TTChelps the time marker of the 72A bus at Yonge King is always wrong. Bus always comes ahead of schedule and I missed again 3 days in row."[57] This short conversation is quickly followed up within one minute by @TTChelps saying: "@PersianWanderer Thank you for letting us know.^TM."[58] The Toronto Transit Commission does build trust into its use of Twitter as a TMDR tool, for it immediately responded, and it also, presumably, used the initials of the actual person writing for @TTChelps at that time. This use of Twitter can build constituent confidence because it shows that an actual person is investigating the complaint. However, one way in which the Commission could improve its use of Twitter as a TMDR tool is by following up with the constituent for more details or even acknowledging that the situation caused the constituent some inconvenience. The constituent, on the other hand, demonstrated her or his ability to utilize a public reputation system to hopefully fix the problem.

4   Conclusion

As a rapidly growing medium of communication and connection, Twitter has a wonderful opportunity to become one of the leading TMDR tools in use today. It can serve as a dispute avoidance and prevention mechanism and as an online reputation system. Both uses can specifically aid organizations and consumers in addressing and, hopefully, mitigating conflict. Although Twitter, Inc. does market its product specifically to businesses as a way to reach out to customers and build brand loyalty, it does not specifically market itself as a TMDR tool for those businesses to maintain their goodwill with customers. Other companies are currently marketing direct customer service tools to their customers[59]; if Twitter does not 'join the conversation' of TMDR, it risks being left out altogether.

57   <http://twitter.com/PersianWanderer/status/403172773096599552>.
58   <http://twitter.com/TTChelps/status/403173056023375873>.
59   *See* Maisto, 2013, p. 1.