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## ADR could achieve goals of stakeholders in eHealth dispute



Ontario's high-profile legal battle between eHealth and CGI Information Systems is going to arbitration in what could be an efficient and fair way to achieve the goals of all parties involved, says Toronto commercial arbitrator [Marvin J. Huberman](#).

EHealth Ontario was being sued for \$102 million by CGI Information Systems, which was contracted to design and build an online registry of diabetes patients, the [Toronto Star](#) reports.

The \$46-million contract was terminated by eHealth in 2012 without payment to CGI, with agency officials claiming that deadlines had not been met and a functional registry system was never delivered.

EHealth launched a countersuit for \$25 million, reports *The Star*, and now the case — which was slated to go to trial last month — will be settled out of court by former chief justice of Ontario Warren Winkler.

A government spokesperson told the newspaper that eHealth Ontario and CGI have “agreed to have their disputes relating to the termination of the diabetes registry contract determined through a confidential arbitration process” and that “upon issuance of an award by the arbitrator, there will be disclosure of that award together with some explanatory public statement.”



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Huberman, a Chartered Arbitrator, says one of the advantages of arbitration is that the matter becomes private and confidential and the process can be tailored to fit the parties and the problem.

“There is a duty on the part of the government to be transparent and fair. In a certain sense, this arbitration process — which seems to be at least partly for the purpose of removing this case from public scrutiny — would on its face run counter to those principles of transparency and fairness,” Huberman says.

However, he tells [AdvocateDaily.com](#) that if handled carefully and meaningfully, arbitration could achieve the goals of all of the stakeholders involved, including the public.

“This contemplated arbitration process can achieve the goals of arbitration — the fair, fast and cost-effective determination of a dispute — and the government's objectives to be transparent and fair by disclosing the award and by offering some meaningful explanation for the public in terms of what the case was all about,” Huberman says.

“If done right, then this process would be very appropriate. If it can achieve the goals of the various stakeholders then it’s an appropriate dispute resolution method that will further the interests of justice and the public.

*The Star* reports that the arbitration process should conclude at the end of June.

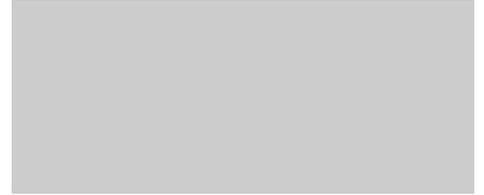
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