

Resolving Disputes Online

CITY



EXAMINING THE BENEFITS AND CHALLENGES OF VIRTUAL COURTROOMS



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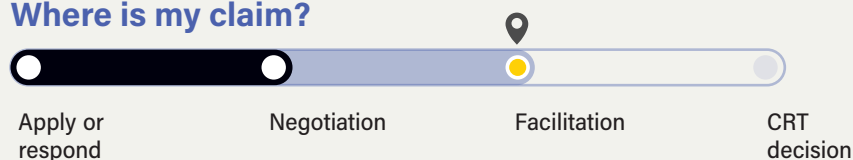
Technology has revolutionized our daily lives – giving us powerful tools to communicate, shop and solve problems. Today, almost every aspect of our commercial transactions can be handled online, from finding the best deals to resolving legal disputes. But online avenues are no longer relegated to commercial activity. Within the next decade, experts predict that 75% of all legal disputes will be settled online.

and PayPal, settling millions of disputes between buyers and sellers faster and more efficiently, while simultaneously reducing costs and enhancing convenience. The online tools were also good for business, with buyers and sellers reporting extremely high levels of satisfaction.

With ODR poised to expand its reach in the coming years, some critics are raising concerns that remov-

ing physical encounters and human insight and judgment from legal proceedings introduces unintended harmful consequences, such as the inability to build personal rapport between the parties and unequal access to computers and high-speed internet.

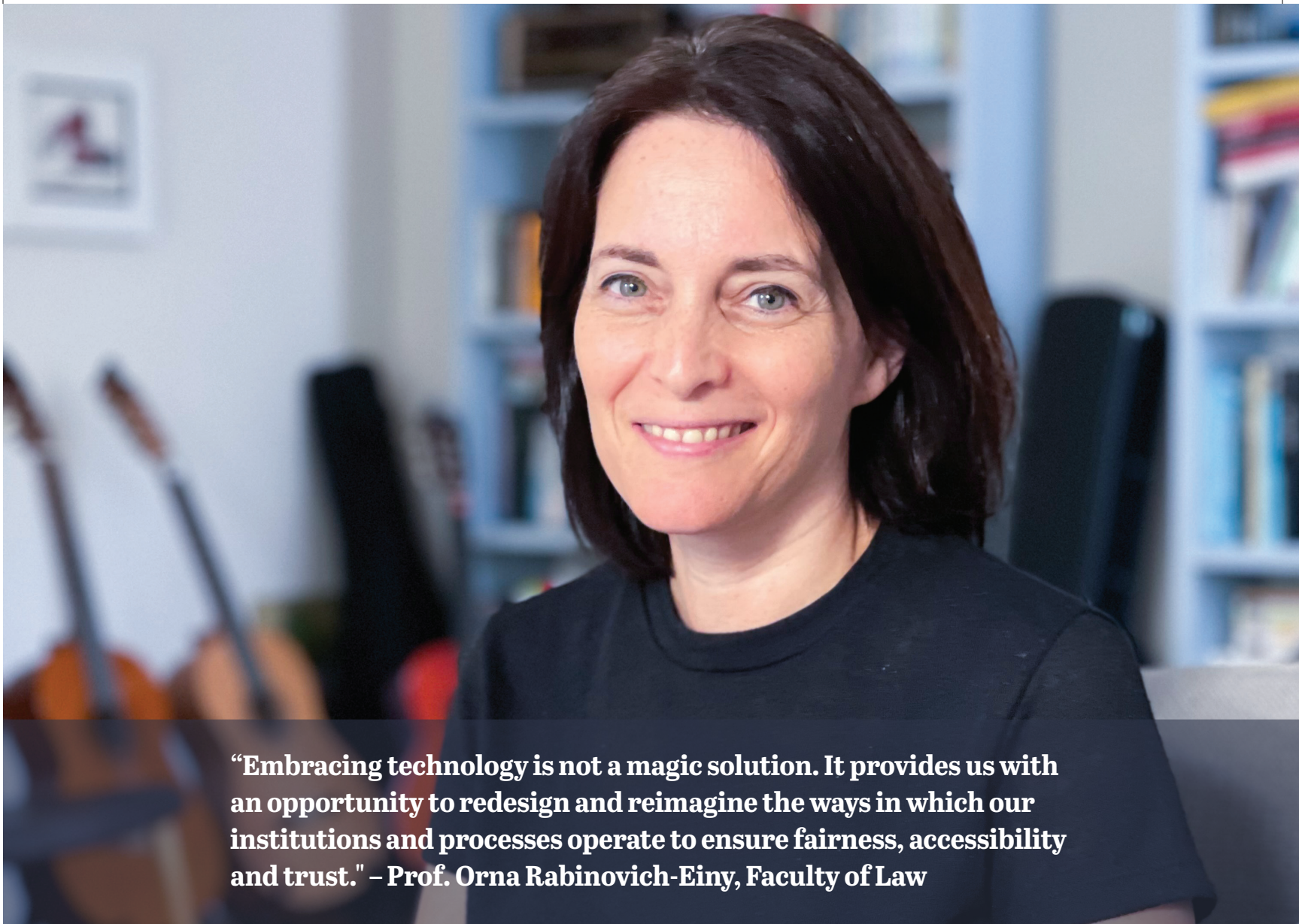
Where is my claim?



Before the advent of the Internet, commercial disputes between two parties were traditionally settled by a judge or a neutral third-party mediator. With the shift from face-to-face legal processes to online proceedings, the digital revolution is redefining the roles of judges, lawyers, and courts. “It’s difficult to grasp the magnitude of the change because we still think of courts as a ‘place’,” says Prof. Orna Rabinovich-Einy. “We are entering an era where algorithms will support, and even replace, judges, and many of our processes for addressing disputes will take place remotely.”

Online Dispute Resolution (ODR) tools were developed in the ‘90s and pioneered by companies like eBay





“Embracing technology is not a magic solution. It provides us with an opportunity to redesign and reimagine the ways in which our institutions and processes operate to ensure fairness, accessibility and trust.” – Prof. Orna Rabinovich-Einy, Faculty of Law

In an Israel Science Foundation funded research study conducted last year, Prof. Rabinovich-Einy and Avital Mentovich (both from UofH Faculty of Law), together with J.J. Prescott (University of Michigan), explored the ability of technology—specifically, online judicial procedures—to eliminate systematic group-based litigation outcome disparities. In comparing outcome disparities among minorities between online processes and face-to-face hearings, they found that online court proceedings offer new hope for reducing racial and age disparities by removing implicit and structural biases of the legal system. The study concluded that, under appropriate design schemes, ODR is capable of producing significantly fairer outcomes for members of disempowered groups.

Rabinovich-Einy and her colleagues at the Bar Ilan Faculty of Law are currently working with the Ministry of Justice and the Israeli Office of Administration of the Courts, which are planning to adopt online dispute resolution processes in Israel.

Prof. Orna Rabinovich-Einy (Faculty of Law)

is an international expert in online dispute resolution, alternative dispute resolution and civil procedure, and was recently awarded the ERC Consolidator Grant. She is one of thirteen Israeli scientists to receive the prestigious grant this year, and the only grantee in the social sciences and humanities in Israel.

Her study, *“The ‘Vanishing Third Party’: Access to Justice, Procedural Justice and Substantive Justice in the Age of Dispute Resolution Automation”* examines the impact of the substitution of judges and mediators by automation on the accessibility and fairness of our justice system.