

ONLINE COURTS: OPEN JUSTICE AND FAIR TRIALS

CHANGE



TRANSFORMATION



TRANSFORMATION: THREE SHIFTS



OFFLINE TO ONLINE



HUMAN 3RD PARTY TO AUTOMATED 4TH PARTY



SMALL DATA TO BIG DATA

WHAT ARE COURTS LIKE TODAY?

- **MOST CASES SETTLE**
 - judges actively promote settlements
 - litigation and ADR enmeshed
 - how do courts fulfill roles?
 - is procedure important?
 - are judges more free or less?
 - **BUT: IMAGE PERSISTS**
 - **CRITICAL JUNCTURE: RE-IMAGINE COURTS**

THE DEVIL IS IN THE DESIGN



WHO HAS A VOICE?



WHAT ARE THE GOALS AND VALUES?

THE DEVIL IS IN THE DESIGN

PROCESS-SUBSTANCE

- Connection between them complex
- Both realms impacted by change in medium
- Both realms offer opportunities and challenges

EFFICIENCY-FAIRNESS

- inherent tradeoff assumed
- distinction between courts and ADR
- technology **could** enhance both, or not...

INDIVIDUAL-SYSTEMIC

- dispute resolution vs norm elaboration
- dispute resolution vs. dispute prevention
- learning on sources of disputes, impact of procedural choices, adequacy of legal arrangements

HUMAN-MACHINE

- limits of AI?
- the potential and challenges of no f2f interaction
- removal of biases but loss of human touch?

DESIGNING FAIR AND OPEN ONLINE JUSTICE SYSTEMS

1 BROAD INPUT IN DESIGN AND MONITORING

2 ENHANCING BOTH EFFICIENCY AND FAIRNESS

3 COMMITMENT TO BOTH PROCEDURAL AND SUBSTANTIVE JUSTICE

4 LIMITS OF MACHINES AND ENSURING HUMAN VALUES

5 CONTEXT