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