

# Table of Contents

Foreword	xi
Acknowledgments	xiii
Introduction	1
CHAPTER 1	
ODR and Access to Justice	3
§1.01    What Is ODR?	3
§1.02    ODR History	4
[A]    eBay ODR	4
[B]    ICANN's UDRP and URS	7
[C]    Private ODR Platforms	9
[D]    UNCITRAL ODR Initiative	10
[E]    EU ODR Platform	12
§1.03    Lessons Learned: The Key Is People's Interest and a Well-Designed Flexible Technology	14
§1.04    ODR and Online Courts	15
§1.05    Access to Justice	16
[A]    What Is Access to Justice?	17
[B]    Components of the Access to Justice	18
[C]    How to Measure Access to Justice	20
[1]    Subjective Criteria	21
[2]    Objective Criteria	22
[D]    Serious Concerns	22
CHAPTER 2	
First Online Civil Courts	25
§2.01    User Surveys: Are Online Civil Courts Popular?	26
§2.02    End to End ODR Processes	28

## Table of Contents

---

[A]	Advise/Assessment Portals	29
[B]	Direct Negotiation	31
[C]	Assisted Negotiation	32
[D]	Elevation to Online Court	34
[E]	Online Hearing	34
[F]	Online Resolution	35
[G]	Enforcement	36
§2.03	What Components Implement the End-End Processes	37
[A]	E-filing	38
[B]	ODR Procedures	39
[C]	Digital File	41
[D]	Case Management Systems	41
[E]	Enforcement Module	42
[F]	Integration and Interconnection	42
§2.04	Examples of the Current Online Courts	43
[A]	Selected Online Courts from Management Perspective	43
[B]	Other Online Courts	49
[1]	Australia	49
[2]	Danemark	49
[3]	China	51
[4]	Money Claim Online, U.K.	53
[5]	Blockchain Courts	53
 CHAPTER 3		
Designing Online Courts: Ethical Issues		55
§3.01	Principles of Fair Trial	55
§3.02	Ethical Issues of ODR	56
[A]	Accessibility	57
[B]	Accountability	58
[C]	Competence	59
[D]	Confidentiality	59
[E]	Empowerment	60
[F]	Equality	61
[G]	Fairness	62
[H]	Honesty and Impartiality	63
[I]	Informed Participation	63
[J]	Innovation	64
[K]	Integration	64
[L]	Legal Obligation, Neutrality	64
[M]	Protection from Harm	65
[N]	Security	66
[O]	Transparency	66
[P]	Efficient Enforcement	66
§3.03	Ethical Issues of AI	66
[A]	Principle of Respect for Fundamental Rights	67

[1]	Open Data	67
[2]	Open Statistics	69
[3]	Predictive Justice	70
[B]	Principle of Non-discrimination	71
[C]	Principle of Quality and Security	73
[D]	Principle of Transparency, Impartiality And Fairness	73
[E]	Principle “Under User Control”	74
[F]	Recommendations How to Use AI in Judicial Context at Present	75
§3.04	Ethics of IT Technology	76
 CHAPTER 4		
Designing Online Courts: Implementation Issues		79
§4.01	Online Courts Are a Multi-dimensional Project as Well as a Big Political Issue	80
§4.02	How to Get Judges, Court Employees and Attorneys on Board	81
§4.03	Design Similarity of Online State Civil Courts and Private ODR Platforms	82
§4.04	Online Courts Try to Be Data Driven	85
[A]	Standard Data Formats and Processes	86
[B]	Central E-filing and Case Management	87
[C]	Central Data Repositories	87
[D]	Artificial Intelligence	87
[E]	New Cross-Domain Services	90
§4.05	Customer Services	90
§4.06	Protection of Privacy	91
§4.07	Need of More Research, Test, Pilot and Sometimes Fail; and Have Sufficiently Long Time for Preparation	92
§4.08	Access to Online Courts Is Usually Provided as a Limited Opt-Out Option	95
§4.09	IT Development Must Not Take the Leading Role	97
§4.10	Prevention of Potential Misuse	99
§4.11	Stages of Development for Online Civil Courts	99
 CHAPTER 5		
Future Hurdles and Perspectives		105
§5.01	Perspectives	105
[A]	Negotiation and State Online Courts	105
[B]	Future Market for Private ODR Services	106
[C]	How Will the Future Private ODR Providers Look Like	108
[D]	Sharing of AI Data	109
[E]	Conclusions on Future ODR Perspectives	110
§5.02	ODR on Blockchains	111
§5.03	Challenges of the Decentralized ODR	113
[A]	New Open ODR Technology	113
[B]	Sharing of AI Data	114

## Table of Contents

---

[C] Need for New Governance	114
§5.04 Future Cooperation of Public and Private ODR Platforms	116
CHAPTER 6	
Open ODR Processes for Civil, Commercial and Administrative Cases	119
§6.01 Business Model for Open ODR	119
§6.02 Access and Integration	121
§6.03 Access Layer: How People Can Easily Access State or Private Dispute Resolution Platforms for Civil Cases	123
§6.04 Additional Features of the Access Layer	124
§6.05 Integration Layer: How to Describe Public and Private ODR Processes for Civil Cases and Their Component Parts	126
§6.06 Initial Checklist of the Access Layer	128
§6.07 Initial Checklist of the Integration Layer for Civil Claims	131
§6.08 Conclusions on Open ODR Modeling	152
Book Summary	155
ANNEX 1	
Customer Door Codes	177
ANNEX 2	
Composite Parts of Standard ODR Processes (Initial Draft)	185