

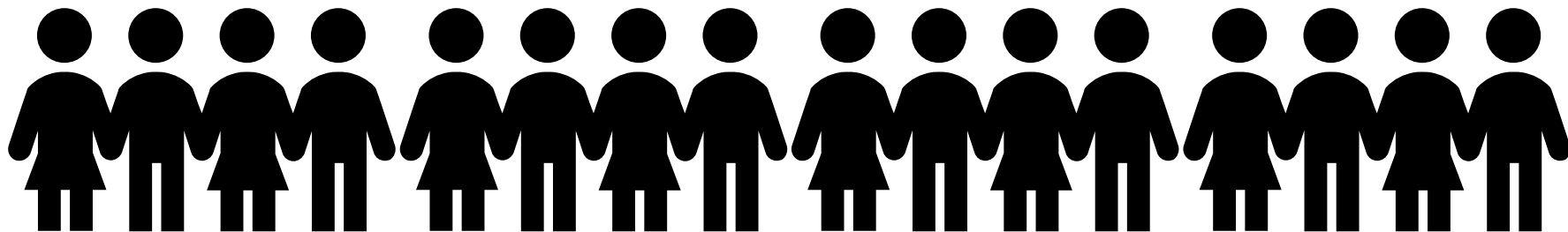
Online Dispute Resolution

Roadmap

- Why is ODR Needed?
- What is Court ODR?
- Who is Doing ODR?
- Why are Pew & NCSC Interested in Court ODR?

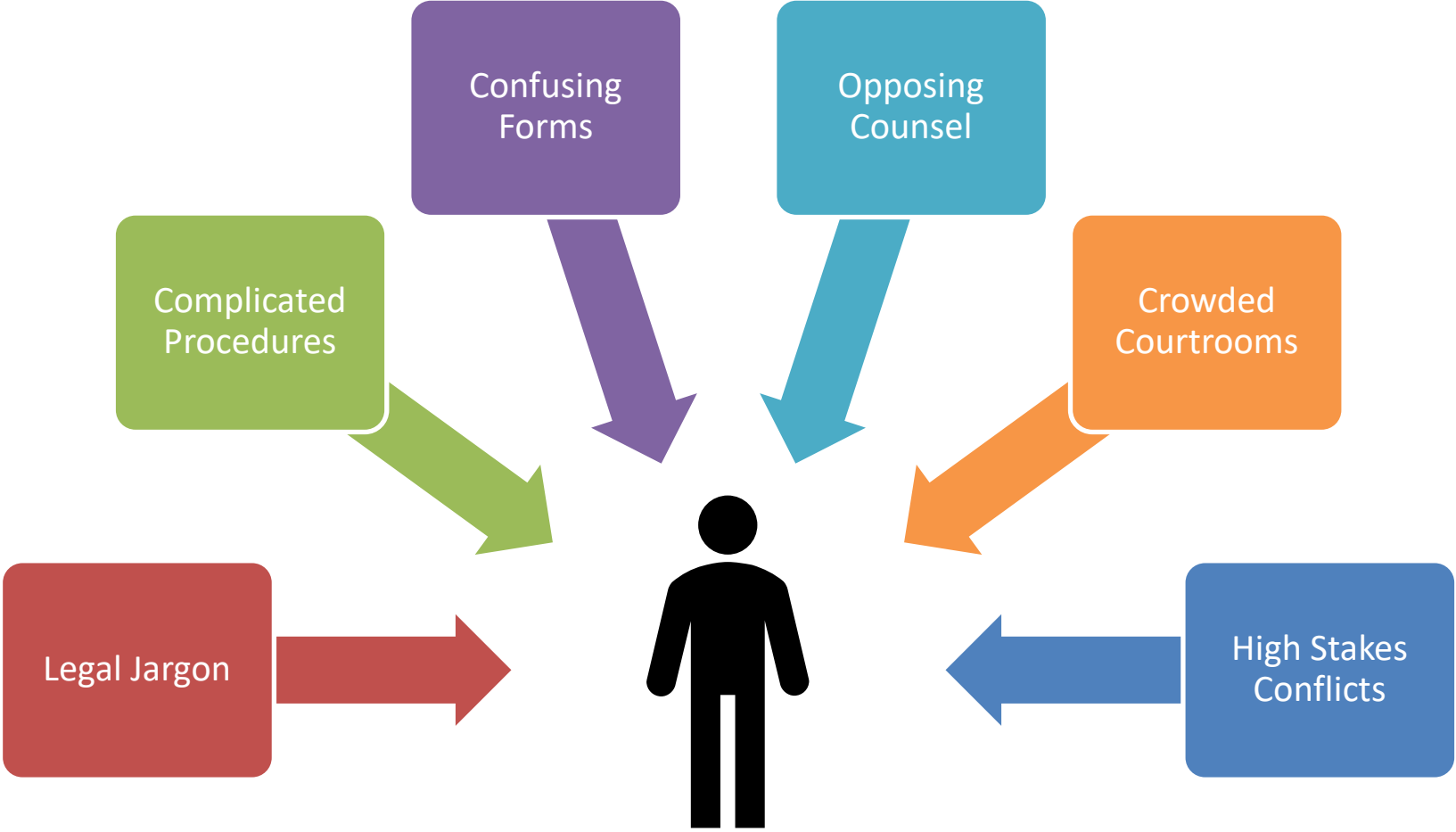
Why Is ODR Needed?

People Need Help Resolving Legal Issues

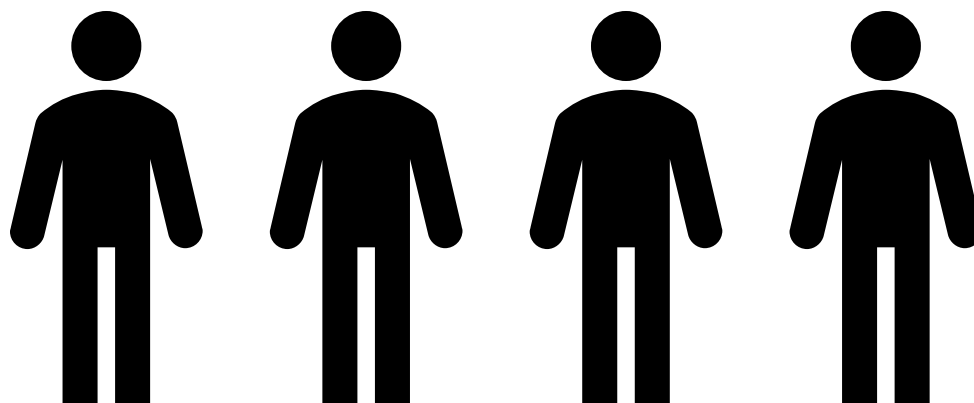


Half of U.S. households experienced a problem with legal consequences or solutions in 2018.

People Need Help Resolving Legal Issues



Courts Demographics are Changing



Litigants are changing.

3 out of 4 cases have at least one side with no lawyer.

Courts Must Embrace New Delivery Models to Serve the Public

59% of registered voters agree that courts are not doing enough to empower regular people without legal help.

ODR Helps Meet Users Where They Are

People can:

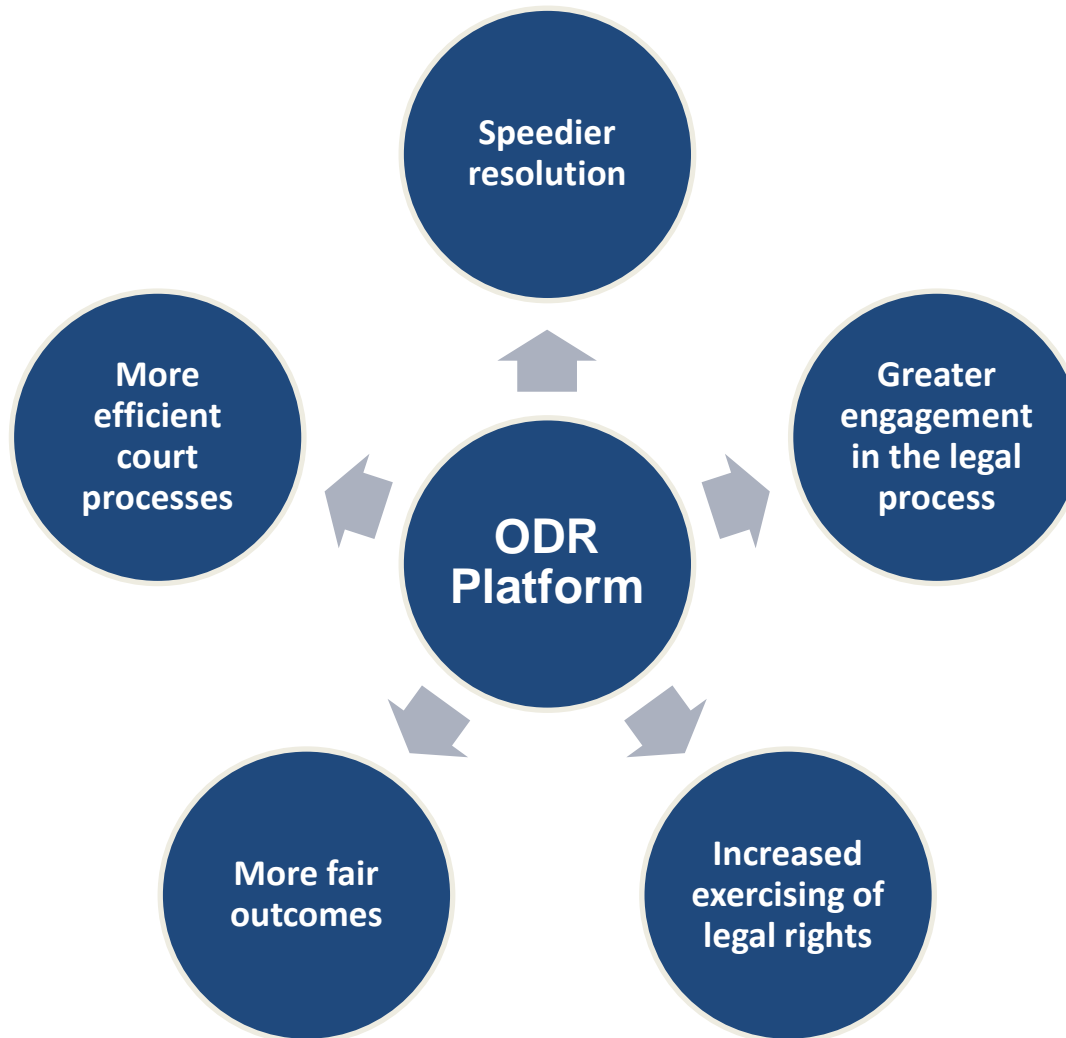
- Dispute cases outside of court hours from anywhere
- Avoid taking time off work &/or the need for child care
- Resolve issues more quickly
- Access legal information within/from the platform
- Access online translation or family/friend interpreters

ODR Could Fundamentally Change How Courts do Business

Courts can:

- Improve customer service
- Boost efficiency and fairness
 - Re-think the procedures in place for those case types where most people don't have a lawyer anyway (Small Claims)
- Reduce costs
- Offer another choice to court users

Successful ODR Could Deliver...



ADD Local Data for presentation – Why is it needed here?

What Is Court ODR?

What is Court ODR?

A Court ODR platform is a...

Court-annexed

- Hosted or supported by the judicial branch

Public-facing

- Available for litigants to resolve disputes, not an internal tool for court staff

Digital space

- Online resources that can manage a case from start to finish and never require users to set foot inside a courtroom

...where parties can convene to resolve their dispute or case.

ODR: One Point of Access



What Makes it Work?

ODR Components

Asynchronous Communication

Triage

Negotiation Spaces

Mediators

Document Creation

Electronic Document Management

Online Payment Methods

Legal Information

Who Is Doing ODR?

Rise of ODR Tools in Courts

- 57+ jurisdictions in 13 states

- Arizona
- Arkansas
- California
- Connecticut
- Georgia
- Illinois
- Kentucky
- Michigan
- Nevada
- New Mexico
- Ohio
- Texas
- Utah

- Pilots Pending in 6 states

- Florida
- Hawai'i
- Iowa
- New Hampshire
- New York

- Over 35 private sector ODR tools

Lessons Learned from Other States

- Notify clients of the case
- Provide legal information
- Review and monitor the case
- Building stakeholder buy-in and support
- To build or not to build
- And more...

Why are Pew & NCSC interested in ODR?

Our Approach to ODR

1. Promote Adoption of ODR Fundamentals/
Principles
2. Implement Successful ODR w/
Fundamentals/Principles
3. Evaluate Effectiveness

ODR Fundamentals

Inform

Provide users with **legal information & referrals**

- Right-sized, plain language
- Within the ODR platform

Notify

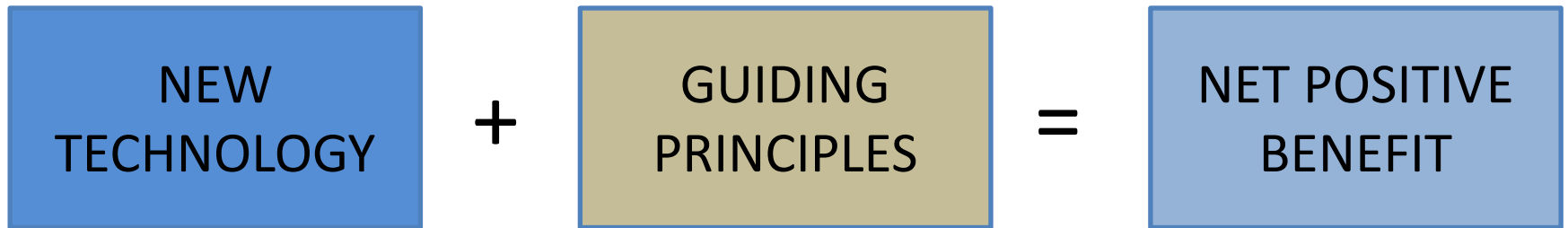
Courts notify parties of the case/ODR

Review

Oversight to ensure ODR does no harm

- Judicial review (where Court enforces the order)
- Controls in platform design/procedures

ODR Guiding Principles



Launching Successful ODR

- Select case type(s) & pilot site(s)
- Review/modify/simplify business processes & data procedures
 - Incorporate ODR Fundamentals/Principles
- Determine integrations with existing court tech
- Engage stakeholders
- Collect, develop, revise legal information
- Explore sustainable funding models
- Ongoing monitoring & evaluation

Stakeholders to Engage

- Judges
- Clerks/Court Staff
- Mediators
- Law Library/Self-Help Center
- State/Local Legal Aid
- State/Local Bar Associations (including specific sections)
- Young Lawyers Commission
- Access to Justice Commission
- Executive Agencies/Bodies
- Issue-Area/Community Advocacy Groups
- Human Service Providers
- Finance Personnel

What to Evaluate

- Costs to Courts + Users
- Access / Entry
 - Does ODR increase access to the legal system for individuals with legal problems?
- User Experience and Procedural Satisfaction
- Transparency
 - Does ODR affect public access to information about court processes?
- Procedural Due Process and Adjudicatory Outputs
 - Court delay + speedy resolution
 - Distribution of outcomes
 - Use of court procedures + rules
 - Behavioral nudges in platform
- Demographic differences
 - Are there differences in outputs / procedural fairness by group?