

We Need Standards and Principles for ODR

Theory-of-Change Symposium

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[Linda Warren Seely](#) argues that many people in the public and ODR providers do not understand how ADR works. As a result, ODR platforms may not help the public effectively, efficiently, and ethically resolve their disputes, ensure compliance with the values of the DR profession, and serve the public good. She advocates for a coalition of interested stakeholders to produce standards and principles for ODR platforms. She is the director of the ABA Section of Dispute Resolution.

Recent reports on the future of the legal profession point to two strategies for its success. One is an increased focus on alternative / appropriate dispute resolution (ADR) and the other, which builds on ADR, is online dispute resolution (ODR).¹ Many disputants and technology experts don't have a clear understanding about ADR. As a result, ODR systems may not be as effective as they should be in providing access to justice. To remedy this problem, we need standards and principles for ODR providers.

The ADR field has not done a good enough job of explaining to the general public the benefits of ADR processes and how to access them. Many individuals with personal or relational legal disputes have little, if any, understanding of how ADR processes can help them. This is particularly true for self-represented litigants in small claims courts, who have no clear idea of how to choose an appropriate process. Some reports and surveys indicate that most U.S. citizens don't even know when they have a legal problem. Even some court administrative office technologists don't know what mediation is (as reflected in a session at the recent [International ODR Forum](#)).

As a result, the ADR field has failed both potential users and the justice system by failing to close the access-to-justice gap. Our processes haven't provided the relief valve needed to ensure that people with relational and personal problems understand how to get effective justice processes and avoid an overburdened court system that doesn't effectively deal with their problems. Instead, they crowd the court system, desperately seeking solutions.

Or they turn to other options. In an age when the public routinely seeks solutions online, it only makes sense that they would turn to ODR providers, who may or may not be ADR professionals. ODR platforms may or may not adhere to the values and principles that ADR professionals believe are most important in our profession. Some

¹People use the term ODR to mean many different things, including use of technology to facilitate communication (e-mail), online court process, software technologies that assist disputants to negotiate, and artificial intelligence to help disputants refine how they state their interests.

providers may focus primarily on making money with little knowledge of or interest in using good ODR practices.

One way to educate the public, ADR providers, and other professionals might be to develop and promote standards and principles for ODR providers. This would encourage ODR providers to provide high-quality products and services and enable ADR professionals to educate disputants about ADR processes and what to look for in ODR platforms.

As part of a coalition of interested stakeholders, the ABA Section of Dispute Resolution could help produce a set of standards and principles for effective development of ODR platforms. The goals would be to help the public effectively, efficiently, and ethically resolve their disputes, ensure compliance with the values of the ADR profession, and serve the public good. Using these standards, the ABA and its partners could educate the public about the use of ADR / ODR. We could publicize this information on websites of courts, legal services providers, ADR providers, and consumer organizations. We should encourage ODR providers to increase public confidence by publicizing their compliance with the standards.

This is the right time for ADR professionals to reach out to the public with accurate information about the ADR processes, how to use them, where to find them, and why they might choose an ADR process instead of proceeding as a self-represented litigant in a court system. As part of this process, ADR professionals should promote good ODR systems, which disputants will increasingly use in the future.