Conference Closing Remarks

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Abstract

Closing remarks at the 21st annual Online Dispute Resolution Forum highlighted key themes raised during the conference. Interestingly, they reflected both the push for integrating technology into dispute resolution systems and institutions and the push to resist such integration, urging instead system and institutional transformation. Creative and successful examples in each approach reflected attention to equality and access to justice.

Keywords: Online dispute resolution, ODR, technology, dispute system design.

Let me offer a couple of closing remarks regarding themes – there was so much that was rich in these three days and so I will try to pull to the surface several themes. Before I do that, I just want to thank Brian for mentioning the ODR Framework and the Standards. They are now up on odr.info.[1] You can find the Framework, *Framing the Parameters for Online Dispute Resolution*[2] under the Publications Resource webpage[3] and you can find the ODR Standards surprisingly under the Standards webpage.[4]

And so let me speak to some of the themes that I saw in the last three days. I think it's clear that the field is robust, it's not only growing now, it is robust and maturing and it's one that's grappling with the boundaries of what ODR is and what it can be particularly regarding the relationships between technology and humans and societal institutions. And I saw two trends related to those relationships in our three-day conversation. One is about integrating, the importance of integrating ODR into those institutions and one is about resisting that integration. I'll just point out some examples. I think there's great momentum, and we saw it in our Forum, for the call for deeper integration, for transforming the delivery of services in courts to enhance A2J (access to justice) and in other forms of alternative dispute resolution for adding new options that haven't existed before including ODR ethics in training and in ADR and court standards as well as in centralizing technology from the very beginning of dispute system design and reform. And

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1 Website of the National Center for Technology and Dispute Resolution.
2 *Framing the Parameters for Online Dispute Resolution* (National Center for Technology and Dispute Resolution 2022).
3 https://odr.info/publications/.
4 https://odr.info/standards/.

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then we've seen what might be called an entirely different perspective regarding integration and that's the desire to resist it, to purposefully work outside the institutions as they exist already; just as an example, blockchain arbitration was designed to circumvent existing legal and other institutional oversight. So, there's also an important and valuable discussion about pushback against just plugging and playing – what I'd say is this idea that we just want to add on tech and consider it a useful reform rather than fostering, literally fostering *and changing* institutions regarding their boundaries. This perspective urges harnessing the disruptive nature of technology and also – taking from some of the very important local contributions from this morning's presentation about teaching and educating online – the idea of identifying where there are barriers to such transformation: thank you Sabine! Importantly, I think the discussions regarding the pushback against integration and the push for transformation and for integration placed equality and access to justice at their centre with highlights about what ways we're doing this well in the field and highlights about some challenges. We had outstanding presentations on where we're making headway, where courts are using ODR successfully, where technology is responding faster than traditional behemoth institutions can in the use of ODR and then we also had a good example of how crowdsourcing can easily favour dominant views and lead to the replication of bias. As we continued our conversation on technology's disruptive and transformative nature, we had panellists talk about the interdisciplinary nature of ODR discussing mental health and ODR, public health and ODR, and ways in which AI in any sector potentially overlaps with dispute management.

So, as I begin to close, I just want to say I think that these themes explored during our 2022 ODR Forum examining the relationship between technology, humans and societal institutions actually have at their core questions of trust – what some have called credibility, efficiency and expertise and I want to point us towards remembering that these three are the foundation of ODR as envisioned 25 years ago by Ethan Katsh. His vision has had an impact on the entire world, transforming processes of dispute resolution and setting a foundation upon which all of us are working to expand ODR's reach to impact the quality of access to justice.

I think we can celebrate the exciting innovative ideas and accomplishments that have been shared from six continents during this Forum and look forward to our next gatherings which we intend to hold in Delhi in 2023 and in Tokyo in 2024. We anticipate those being hybrid events but it is wonderful when we can gather and see each other and share a glass of the best local brew. And now I would just like to say sincere thanks to Brian for the enormous work that he's put into making this a smooth sailing and stellar Forum and thank you all who presented and participated, both in Dublin and online. And I would leave you with just saying: 'Be well, be safe and make code count for justice.' Thank you.