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E-Justice/ODR scheme project – a plan of action

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Background

- DG Justice funded project
  - Project number: 101046468
- Duration : February 2022-January 2024

Funded by the European Union

Partners

- European University Institute – Centre for Judicial Cooperation (Coordinator)
- PRK Partners Prague
- Politécnico do Porto
- Jagiellonian University Krakow
- University of Twente

- Global Advisory Board open to all interested experts

Funded by the European Union

Objectives

Start an open digital MODEL of the future standard e-justice/ODR processes.
Verify what is possible/realizable/sustainable vis-à-vis the existing technology available.
Identify new services related to the future access to e-justice/ODR and their new governance.

- What the future e-justice/ODR will look like
- What are the needs of the future e-justice/ODR
- How we address these needs in the Scheme

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Our Approach

- Our key considerations include online ethics and improving access to justice for vulnerable persons
- We assume that the future online justice will be decentralized, with massive sharing of mostly anonymized data
- Cross-domain character of e-justice/ODR (flexibility to adapt to different domains)
- Interoperability with Open ODR and other reference materials

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Principal Outcomes

The e-Justice ODR Scheme composed by:

- Initial description of e-justice processes, subprocesses and steps
- Initial list of code identifiers
- Initial set of data structures, data sets and process data flows
- Initial rules and identifiers for data exchange
- Cross-domain considerations
- Description of (new) public services and their (new) governance (if needed)

Meta Scheme

- E-Justice ODR Scheme project will deliver a starting point from which it will be possible to design and develop open, flexible blocks and their editor which will be as close as possible to tools for developing low code/no code e-justice ODR platforms and applications for accessing them.
  - Such platforms and apps will be built according to the same structure and accordingly will also be able to communicate among themselves.
  - The added value of this communication feature is that the developed software and apps share anonymized data for the purposes of new data driven services under new governance to ensure ethics and improved access to justice for all.

Scheme includes three inter-related components:

- E-justice ODR processes;
- Access processes; and
- New data services based on data sharing.

1. E-Justice ODR processes

- Prepare a structure for describing a basic e-justice ODR system; and
- Develop this structure into a semi-specification from which it will be possible to design and develop building blocks and editor for designers and developers of e-justice ODR platforms.

Initial documents :

- Draft standard ODR processes for civil claims
- Draft composite parts of standard ODR processes

Both are living documents : they were discussed with national judges but they are still open to further comments, discussion, addtitions and editing.

2. BPMN of e-justice ODR processes

- Prepare initial BPMN model of e-justice ODR civil processes and subprocesses;
  - Set of associated forms
  - Set of associated data elements
- Develop a textual description of the open initial model providing a checklist for the digital BPMN model – Initial model of standard e-justice ODR processes;

3. Public AI services

- Assistance to select ODR provider;
  - ODR disclosure
  - ODR evaluation
  - Access to ODR
- Reputation assessment;
- Detection of potential bias; and
- Basic AI assistance for negotiation / mediation.

4. Data processes and structures

- Anonymized data extraction from BPMN;
- Anonymized data structures for defined legitimate purposes; and
- Data integration aiming at achieving in the future interoperable trans-national judicial datasets.

5. How to operationalize online ethics in e-justice / ODR

Multi-staged approach:

- Anticipatory Tech Ethics combined with the ethical-by-design approach;
- Experimental Ethics Approach; and
- Ethical certification.

Results of our research will form part of the BPMN Model and (textual) Initial Model in the form of ethical annotations.

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Thank you!

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