

Stakeholder FAQs and Answers¹

FAQs

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What is court ODR?

Online dispute resolution (ODR) is a common term that can mean different things to different audiences. *Court ODR* is a court-annexed, public-facing, online space where parties work to resolve their court case without having to physically travel to the courthouse.

- It is hosted, supported, and implemented by the judicial branch—a key difference from private online arbitration websites.
- It is an online platform/system that is available to all parties – not only attorneys or court staff.
- It's a convenient and efficient way for parties to resolve their disputes without ever having to step inside a courtroom.

What are the key features of ODR platforms?

- *Asynchronous communication*: ODR is accessible at any time during or outside court hours. A litigant can leave messages for the other party, and be notified of responses.
- *Legal information*: Using plain language legal information—not advice—the system helpfully guides users through the procedural requirements and options at each process stage. This empowers users to choose the best solution for themselves. The legal information is unique to the ODR site. It is not simply a menu of external links to third-party websites.
- *Triage*: The system's legal information also helps parties assess and decide whether they have a case that can be filed and the possible merits. Triage can also help determine if a case is appropriate for ODR or if it should instead proceed through the traditional court process. That is, ask screening questions of preliminary concerns such as domestic violence in family law matters, where there is proof of a valid debt in small claims cases, and so on.
- *Mediation*: ODR allows for negotiated outcomes that can also be used by court-approved neutral third-party mediators or facilitators.
- *Mobile friendly*: Many people only access the internet from their mobile devices.
- *Negotiation spaces*: ODR systems allow litigants to talk through the dispute with or without a mediator in a secure chat space. It also allows for mediators to converse with each party privately.

- *Document creation, storage, and management:* The system can transform agreed-upon terms into court documents, store the documents and evidence.
- *Online payment methods:* The system provides online ways for users to pay any fees or costs, whether the user has a credit card, bank account, or is unbanked.

What types of matters is court ODR being used for?

- Small claims and debt
- Domestic relations (such as child custody and parenting time arrangements and simple divorces)
- Civil infraction traffic resolution²
- Landlord-tenant
- Child support
- Local tax disputes
- Outstanding warrants for unpaid fines and costs
- Ability-to-pay determinations³

Do courts prefer an opt-in or opt-out ODR program design?

It depends on court preference and goals.

- In an *"opt-in"* system, ODR is used only if the court notifies the parties about ODR availability, and all parties in the dispute agree to use ODR. (Once ODR begins, a party can later decide to no longer use ODR.)
- In an *"opt-out"* design, all disputes in selected case types are automatically assigned by the court for ODR. Participation is mandatory unless a party *"opts-out"* of the ODR process. Courts that have an *"opt-out"* process typically define reasons for doing so as accessibility, limited English proficiency, or lack of internet access.

In either format, the ODR system should be designed to triage to determine if a case is appropriate for ODR.

Why do courts choose ODR?

- Over-burdened courts:
 - Civil cases are on the rise, particularly those involving debt.
 - 75% of court cases involve at least one side not represented by an attorney.
 - Increased jurisdictional thresholds for general civil or small claims dockets.
- Court efficiency:
 - ODR processes can free up judicial resources which can then be more focused on the matters that require in-court (in-person) attention.⁴
 - Cases can be resolved quickly and with greater personal convenience to the parties.
 - Reduces the need for in-court hearing adjournments and rescheduling processes. And that should reduce staff rescheduling tasks and lead to decreased postage costs.
 - With proper specs, the ODR platform can interface with the court's online presence and case management system (CMS), reducing duplication of staff time.
 - For non-e-filing courts, it decreases the number of mailed-in payments that need to be logged by mail-opening staff and later audited as a matter of internal control processes.⁵
- Building-related:
 - Physical congestion in court buildings and public parking areas is reduced. Less congestion translates to fewer security screenings, and fewer people security must monitor.
 - Increased access to the courts: Litigants and counsel (if any) can resolve disputes 24/7/365 from any location and are not limited by traditional business operation hours.
 - Operation continuity for some cases is ensured, even when there is a health epidemic or severe weather.⁶
- Increased and informed access to justice: Through a guided-interview design, the ODR process can be mapped to help individuals first understand—procedurally—if they have a claim or defense (jurisdiction, statute of limitations, protected income, and the like) before going to the next step.⁷

- Allows for more police on the street, on the road, and doing investigations—rather than spend time in court waiting to testify on traffic tickets. (Depending on the jurisdiction, be sensitive to law enforcement objecting to ODR if they fear losing their “court time” pay.)
- Unlike in-person mediation, ODR mediators can potentially manage higher caseloads simultaneously because they do not have to wait to meet with clients and can work asynchronously.

How do litigants benefit from ODR?

- An online platform ensures that all court users receive the same information (unlike telephone or counter assistance when information and degree of assistance depends on the individual court or clerk).
- Court users will have access to trusted legal information and referrals resources within the platform. There’s no risk of them having to navigate to multiple third-party and possibly inaccurate website.
- As with all forms of alternative dispute resolution, parties can creatively negotiate and agree to outcomes that a judge may not have the authority to order under existing law or rules.
- Parties can access the courts anytime, anywhere, and from any platform (mobile phones, laptops, tablets, and the like).
 - No need to take off from work, school, or use leave time.
 - No need to arrange childcare.
 - Mitigates the need for transportation to and from the courthouse.
 - The court becomes more accessible for those with mobility or safety concerns.⁸
 - Easier for non-locals (visitors or those who’ve moved) to engage with the court.
 - The court remains accessible to those who do not want to go to court in-person because they have outstanding arrest warrants, are fearful of an abusive partner.
- The asynchronous communication format allows parties to use translation software or family and friends as interpreters.

- The system still has “off-ramps” which allow a party to exit the ODR process, if necessary, and the case will proceed through the traditional court process.
- Unlike private ODR, court ODR can conclude with public judgments that can still be enforced by the state (such as garnishments and property seizures). Orders are still subject to judicial review.

How can ODR work for both SRLs and represented parties (including unbundled services⁹ or limited scope representation)?

- Most potential civil litigants decide that they cannot afford even the most minimal representation. “The costs are simply too high. That explains the exploding proportion of cases with self-represented litigants [SRLs] who are not poor and could in theory afford an attorney.”¹⁰ Other litigants may hire counsel to assist with only limited aspects of the dispute.¹¹
- No matter whether a party is represented, ODR increases the assurance of a level-playing field in two ways. First, a well-designed ODR platform minimizes how long judges and court staff spend providing procedural information to SRLs. Second, it eliminates the risk of a perception of judge or court staff providing legal advice or crossing the line to “protect” the SRL.
- The ODR system can accommodate for when a party begins as an SRL but then is later represented by counsel.
- Counsel can be present in ODR proceedings just as they are in traditional mediation.

Who pays for the ODR system, maintenance, and upgrades?

- Some courts absorb all the costs as part of their regular operational budget and do not require litigants to pay additional fees to utilize the ODR platform
- Some courts assess mediator fees but allow fee waivers, while others utilize volunteer or community mediators.
- Some courts increased jurisdiction-wide filing fees on specific cases to cover the cost.
- Some courts apply for grants.
- Courts need to make sure the selected funding model is stable and sustainable.¹²

What are the “costs” to the judicial system when ODR is not an available option?

- Online legal (information) services have advanced since [RocketLawyer](#), [LegalZoom](#), [Nolo](#), or various [Reddit](#) legal-related communities.
- Local courts may find that more SRLs will first opt to avoid the local court and, instead, try the [donotpay.com](#) app for dispute resolution. They are attracted to the online convenience and prefer to avoid trying to navigate their local traditional-paper-based-personal-appearance-required courthouse.¹³

What challenges may courts experience when implementing ODR? Or what types of operationalizing concerns may stakeholders raise?

- Accessibility/User-Based:
 - Engagement with those with Limited English Proficiency. The Civil Resolution Tribunal’s webpage <http://bit.ly/2xq15LT> shows how this can be successfully managed.¹⁴
 - Not everyone has access to the internet.¹⁵ This is why it’s important for courts to:
 - Design a smart-phone compatible platform.¹⁶
 - Partner with local libraries¹⁷ and local legal assistance centers.
 - The incarcerated may also lack online access. Here, the court can work with corrections administrators to provide online access, or exempt the incarcerated from ODR.¹⁸
 - If the ODR system requires a credit card, this can be a barrier for cash-only individuals and businesses.¹⁹ The system must be designed to include a fee-waiver process, and explain how individuals can buy a debit card at a local store (but be sensitive to the access to justice reminder that those purchases incur additional fees).
 - Providing legal information vs. legal advice. Questions may arise about the line between providing substantive and procedural legal information within the platform versus giving legal advice. Keep in mind that the legal information vs. legal advice discussion is not limited to the ODR space and should not be a reason to not pursue ODR.²⁰ Working with stakeholders to identify appropriate legal information to include in the platform can be helpful.

- Loss of court majesty. This is why it is important for the court to engage talented designers to infuse the justice system's values and principles into the online environment—whether it's the court website, ODR system, and other online resources.²¹
 - Not all cases are suitable for ODR. This is true. Some cases are better suited to traditional in-person hearings when questions of credibility are better explored in person. But for many low-value claims, online should be the default service. Everyone should assume that the challenging cases will still be diverted from ODR and will be decided in the traditional courtroom.²²
- Technology/Platform:
 - It's important to detect any underlying fear of: we tried something like this before, and it failed. Here, it's important to identify the "why" of the past experience. Remember that past failure does not mean that future success is impossible.
 - The court may lack an online presence, or its funding unit controls the website.
 - Avoid any assumption that the first rolled out version of the ODR system will be the last version.²³ It will not. Here, it's important to set and reinforce expectations that there will be ongoing maintenance costs and system improvements that follow from continuous feedback from all users (litigants, mediators, court staff, and judicial officers). There should be a spirit of constant evolution.²⁴ "Courts need systematic training in how to continuously innovate, or they will disintegrate under the constant pressure to raise productivity and service levels."²⁵
 - Some law firms use a generic email address for all attorneys and that can lead to non-appearances, defaults, or trials in cases that could otherwise be handled in ODR.²⁶ If that's true in your jurisdiction, courts have adapted by modifying the software and court order language.
 - Privacy/Security:
 - The court becomes a target for fraudsters who create bogus electronic judgments and try to swindle the vulnerable to pay up. This is an existing problem in traditional courts.²⁷ All courts need to set up a process that allows third parties to verify a court order's validity.²⁸
 - Identity-theft concerns. This is only a concern if there is a default judgment. Court rules are already in place to set aside default judgments.

An important thing for a court to consider is whether it will allow set aside motions to be filed online.

- Data security. Ensure that appropriate privacy and data security protocols have been established with vendors for information contained within the platform. This is always an important concern for the court's other existing data.²⁹
- Internal and External Stakeholder Engagement:
 - If the system uses independent mediators, selecting, training (both on modern technology and online mediation techniques), and compensating them (including adding an automated fee-waiver process).³⁰
 - Some may feel that there is less public transparency because the public (and media) cannot attend an ODR session like they can attend a public court hearing.³¹ In practice, there aren't that many court watchers today. Alternative dispute resolution is traditionally private and ODR is a form of ADR. Even so, the court can regularly publish ODR activity reports, much like what CRT does.³²
 - Some law enforcement officers may feel that they don't have the experience or don't want to negotiate tickets (they don't want to take on a new responsibility). This is not true in all places, of course. If this is a concern, it must be talked through and worked out with cross-branch management partners.
 - Court staff may hesitate that this will add to their responsibilities, will not make their work easier, or it will not minimize or eliminate other tasks. This is an important window to set a positive tone, collaborate with staff on workflow refinements, dial into those who want to learn new things, include them into design demos, and design a system that avoids duplicate data entry by court staff. Include staff so that they can be proud of their contributions. Understand, however, that if the ODR system is not integrated with any e-filing and the existing CMS, there may be inefficiencies because of the duplication of staff time and efforts.
- Court Procedures/Process:
 - It is important to think through how final judgments will be enforced when a party does not voluntarily comply. For example, will follow-up steps (such as filing a garnishment petition or a motion to show cause) also be online? Or, instead, will the post-judgment procedural information only be explained through the platform, and a litigant will have to follow traditional court processes?

- Post-case disposition: can the court still serve as a neutral escrow entity for payments to satisfy judgments, and can this be done online?
- Will the ODR system notify a court clerk of non-activity so that a case does not slip between the cracks and grow stale?
- How will users be trained to properly redact documents before uploading (and not just draw and fill a black box on things)?³³
- Some may be concerned that if ODR is intended to be more of a traditional alternative dispute resolution process, there's no way to ensure negotiation confidentiality and privacy. Indeed, it will not be difficult for individuals to record and screenshot exchanges and publish them elsewhere. There are two ways to address this concern:
 - Remember that local laws and rules still apply. For example, information exchanged in ODR cannot be used as an admission of responsibility in a separate proceeding, yet threats of physical harm or instances of unprofessional conduct can still be referred to appropriate entities for investigation.
 - The court can enter a preliminary order of confidentiality, notify the parties, and any violation can later lead to contempt of court processes.³⁴
- Default judgments: Court must consider at what point a default may be entered. If a party does not respond via ODR, particularly in an opt-out process, is that a basis for a default judgment?
- Lacking legal authority for digital signatures or electronic notary. Many jurisdictions already allow for it. If yours does not, study and take appropriate steps to adopt any needed statutory, court rule, or administrative order changes.
- Less public access to court records. This is no different than all the other court matters already being resolved through traditional alternative dispute resolution processes.

How are courts able to screen for when a party may have ADA, LEP, domestic violence, lack of computer or email, or other power-differential circumstances which could make ODR impractical?

Responsive court forms can be designed to ask parties about these areas. The responses allow the court to filter cases before referring the parties to ODR.

Who are the stakeholders courts should engage?

- Judges
- Clerks of the court and court staff
- Mediators
- Law library and self-help centers
- State and local legal aid providers
- State and local bar associations (including specific sections such as young lawyers and access to justice committees)
- Executive agencies like the Attorney General's office
- Community advocacy groups
- Human service providers
- Court finance personnel
- Court technology personnel

How can stakeholders partner with courts on ODR?

- The goal is to identify, cultivate, and regularly reinforce a partnership ecosystem.
- All stakeholders can dialogue and identify shared purposes e.g., simplify processes for the SRL, shape the informational content so that all are comfortable about what is procedural information and not legal advice, and improve the litigant experience, etc.).
- Both can dialogue and identify early perceived or actual process barriers—fail early and modify.
- Disability and non-English³⁵ advocates can assist in program design (for context, the court can compile historical information of how many times they've processed ADA and LEP accommodation requests for designated case types).
- Consider including the Attorney General as a stakeholder (particularly since that office receives many consumer complaints).
- Consider including partners' IT departments (not just the court's IT personnel or contractors), as appropriate.

- Courts should include anticipated naysayers at a strategic time. Their constructive input can improve the ODR design, and it is possible to turn them into a champion or at least dial down their resistance.
- Courts should consider reaching out to local complaint-entities to anticipate how they may later approach the court for ODR-related records if a user files a complaint with the judicial tenure commission, attorney grievance commission, or state or federal civil rights agency about their experience. Similar consideration for local law enforcement and prosecutors if they seek warrants as part of a criminal investigation flowing from an ODR experience. Similar consideration for state court administrative staff for auditing a court to ensure the processes comply with applicable laws, court rules, and administrative orders.
- Stakeholders can help draft legal information, identify referral resources, and supply “off-ramp” exiting information to be included in the ODR notices and platform.
- Stakeholders should be included pre-launch and be part of ongoing user-testing.

How can courts implement ODR in a way that does not increase or replicate current A2J issues?

- ODR is an opportunity to design a system based on the litigant’s perspective.
- ODR planning is the court’s chance to review and streamline existing processes (and forms) for the selected ODR case type(s).
- It’s also the ideal time to revisit plain language practices.
- Courts can incorporate legal information and referrals in ODR platforms.
- Courts can utilize triage features to ensure that cases meet a specific threshold to proceed (e.g. proof of valid debt in small claims).

How is the monitoring and evaluation data collected?

- Court CMS data
- ODR platform data
- ODR user surveys
- Attorney satisfaction surveys
- Court staff interviews

What types of ODR outcomes are courts monitoring and evaluating?

- Costs to courts and users
- Does ODR improve individual access to the legal system?
- User experience and procedural satisfaction
- Does ODR improve, compromise, or have no effect on public access to court operation information?
- Procedural Due Process and Adjudicatory Outputs
 - Court delays vs. speedy resolutions
 - Distribution of outcomes
 - Use of court procedures and rules
 - Behavioral nudges in the platform
- Demographic differences
 - Are there differences in outputs / procedural fairness by groups?

¹ The audience includes legal services providers, court staff and administrators, clerks, social services organizations, private attorneys, and the like.

² Matterhorn has studies showing how courts more quickly collect (and dispose) on tickets processed through ODR than those that are later scheduled for hearing and later paid (it's not uncommon for a person to ask for time to pay when they are in court). ODR can assist with quicker revenue collection. <https://perma.cc/CHP5-CS6Z>

"During short financial crises in the past, courts simply delayed minor case types and prioritized high-stakes cases. Since most of the case volume comprises dispositional case types, which often bring most of the revenue collected by the courts, such a strategy risks destabilizing the court fiscally while also lowering its legitimacy. Improving adjudicatory processes [for example, by adding traffic resolution ODR] is clearly a superior strategy." *Reimagining Courts: A Design for the Twenty-First Century*, Victor E. Flango and Thomas M. Clarke, Temple University Press, 2015, pp. 82-83.

³ Feedback from Matterhorn user Judge Alexis G. Krot: "The thing that I use the most is the ability to pay platform. I can get more information from a person about their financial situation. They're not embarrassed in the courtroom. They're not giving me information in front of a crowd of people. They don't have to say, 'I just lost my job,' or 'I'm just back to work, but I'm only making \$10 an hour.' It's a less invasive way to get the information. They're not doing it in public, so it's more confidential for them. And, I'm getting more information, information that I need to make a decision on their payment plan." <https://perma.cc/PB55-NRZD> (Slide 24)

⁴ Jurisdictions experiencing case trend increases in criminal cases or more complex civil cases may be more sensitive to this.

⁵ "Duties and responsibilities for handling receipts and disbursements should be arranged and separated so an employee does not perform more than one of the following functions. a. Opening mail. b. Receipting payments. c. Balancing receipts to accounting records. d. Performing bank reconciliations." *Michigan Trial Court Administration Reference Guide*, Section 6-05(D), p. 208. <https://perma.cc/3X8L-65D6>

⁶ *Analysis: Courts Issue Range of Orders Responding to Coronavirus*, Bloomberg Law, March 10, 2020, <https://perma.cc/SNH5-K2NG>

⁷ This includes providing users with legal information and referrals. Information that is right-sized and in plain language. Legal Services Corporation *CSR Handbook 2017* can be a helpful resource. <https://www.lsc.gov/csr-handbook-2017> There are also [TexasLawHelp.org](https://www.texaslawhelp.org) and [MichiganLegalHelp.org](https://www.michiganlegalhelp.org).

⁸ Matterhorn user feedback: "The online option was perfect as I was going in for surgery and wouldn't have been available for 12 weeks." <https://perma.cc/PB55-NRZD> (Slide 21)

⁹ When lawyers provide “unbundled” legal services, the clients hire them to perform a specific task or represent them for only a limited process or issue of the matter instead of the entire legal matter. There is no standard unbundled process because lawyers perform many different tasks and clients have different needs. Some specific tasks that clients may hire lawyers to perform include (but are not limited to): evaluating the client's analysis of a case, advising about legal rights and responsibilities, advising about court procedures, advising about other dispute resolution options, suggesting documents to be prepared, reviewing documents, drafting documents, conducting factual investigations, giving references to appropriate experts, performing legal research, evaluating settlement options, planning for negotiations, providing standby telephone assistance during negotiations, planning for court appearances, appearing in court for a limited purpose, and assisting with an appeal. American Bar Association, <https://perma.cc/K3UW-FK7Y>

¹⁰ [*Reimagining Courts: A Design for the Twenty-First Century*](#), Victor E. Flango and Thomas M. Clarke, Temple University Press, 2015, p. 155.

¹¹ As an example, see the Michigan Supreme Court September 20, 2017 administrative order revising various rules allowing for limited scope representation. <https://perma.cc/L6VL-2P33>

¹² Courts that have started reengineering projects “have often been granted budget-cut reprieves or delays from supportive funders. Doing nothing costs the court credibility, but trying to do the right thing, even if unsuccessful, usually gains strong support.” [*Reimagining Courts: A Design for the Twenty-First Century*](#), Victor E. Flango and Thomas M. Clarke, Temple University Press, 2015, p. 165.

¹³ Parties can find the courts to be undesirable forums because of time, cost to disposition, and unpredictability of result. Criminal cases aside, “courts no longer have a monopoly on legal decision making. *** [T]heir primary problem was not to provide high-quality services to happy customers, but to match the supply of their services to whatever demand came through the door. That’s what government agencies do.” [*Reimagining Courts: A Design for the Twenty-First Century*](#), Victor E. Flango and Thomas M. Clarke, Temple University Press, 2015, pp. 153, 154.

¹⁴ U.S. Department of Justice Civil Rights Division, *Language Access in State Courts*, September 2016, <https://perma.cc/GHT3-24EY>

¹⁵ *State Broadband Policy Explorer*, Pew Research Center, July 31, 2019, <https://perma.cc/ATR3-KBDU>

¹⁶ *Mobile Fact Sheet*, Pew Research Center, June 12, 2019, <https://perma.cc/P5T5-G5EQ>

¹⁷ *Partnering with Libraries*, National Center for State Courts, <https://perma.cc/QL3Z-SVBW>

¹⁸ Michigan Request from Exemption from Use of MiFile and Order <https://perma.cc/CKS3-UWYP> and Michigan Department of Corrections Director’s Memorandum 2020-18 re: Pilot Prisoner Electronic Filing Program <https://perma.cc/6ZDY-B2RL>

¹⁹ *Nearly 1 in 4 Americans without a credit card don’t qualify—here’s why you may be denied*, CNBC, February 10, 2020. <https://perma.cc/EJ65-88B7>

²⁰ “One can imagine a sort of litigant portal that courts would jointly sponsor with other groups that provide legal services. That portal would help litigants make decisions about how to proceed and with whom. Supporting information might be provided by multiple organizations and litigant information might be shared with multiple organizations.” [*Reimagining Courts: A Design for the Twenty-First Century*](#), Victor E. Flango and Thomas M. Clarke, Temple University Press, 2015, p. 158.

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- ²¹ Susskind, p. 209.
- ²² Susskind, p. 235.
- ²³ *You built a killer product, yay! Now make sure it doesn't die*, Nicole Bradick, February 14, 2020, <https://perma.cc/T37N-AZXN>
- ²⁴ [*Why Digital Transformations Fail: The surprising disciplines of how to take off and stay ahead*](#), Tony Saldanha, Berrett-Koehler Publishers, Inc., 2019, p. 146.
- ²⁵ [*Reimagining Courts: A Design for the Twenty-First Century*](#), Victor E. Flango and Thomas M. Clarke, Temple University Press, 2015, p. 159.
- ²⁶ Collin County had this experience in its pilot.
- ²⁷ *CBS News investigation finds fraudulent court orders used to change Google search results*, CBS News, July 25, 2019, <https://perma.cc/MA37-3SHF>; and Texas Supreme Court Clerk Blake Hawthorne February 20, 2020 tweet <https://perma.cc/8DCP-EAP5>
- ²⁸ NCSC's James E. McMillan proposed setting up "verified electronic copy" service with fees that Google and others could pay to the court to receive a verified copy of an order. *Punchline—Google Edition—And an Idea*, July 26, 2019, <https://perma.cc/PHX6-QQ6C>
- ²⁹ *Equifax data breach FAQ: What happened, who was affected, what was the impact?*, CSO, <https://perma.cc/E7WZ-XJCD>
- ³⁰ Courts should be sensitive to the default presumption that parties should not have to pay for a separate ADR-related process mandated by the court. Another cost, outside any traditional civil filing fees, is likely to be met with strong resistance and less ODR engagement. Courts should also be sensitive to leaning on the prestige of office to nudge private practitioner mediators to waive their fee for ODR matters. Separately, courts must identify the statutory or rule authority to impose any additional costs/fees to litigants.
- ³¹ [*Online Courts and the Future of Justice*](#), Richard Susskind, Oxford University Press, 2019, pp. 193-200.
- ³² Civil Resolution Tribunal statistics, <http://bit.ly/3aHTff0>
- ³³ *Jones Day and local counsel flub redactions in court filing, leading to show-cause order*, ABA Journal, September 12, 2019, <https://perma.cc/64ED-5FRJ>;
How to Redact, U.S. District Court Eastern District of California, <https://perma.cc/QE8D-G342>;
Michigan Supreme Court Administrative Order 2017-28, <https://perma.cc/K56F-R9P8> ("The responsibility for excluding or redacting personal identifying information listed in subrule (9) from all documents filed with or offered to the court rests solely with the parties and their attorneys.")
- ³⁴ This is not from an ODR or ADR setting but a vivid example includes Roger Stone's February 12, 2020 video deposition in a civil case: <https://perma.cc/7LNV-9EW7> and <https://youtu.be/pptzks0x6wI>
- ³⁵ <https://www.lep.gov/index.htm>; U.S. Department of Justice Civil Rights Division, *Language Access in State Courts*, September 2016, <https://perma.cc/GHT3-24EY>; <https://www.ada.gov/access-technology/guidance.html>; and see *Tennessee v. Lane*, 541 U.S. 509 (2004) (holding that the ADA's Title II applies to state courthouses and courtrooms) <https://www.oyez.org/cases/2003/02-1667>