USAID New Justice Program

Conference

ODR and the Courts: Improving Access to Justice in Ukraine

September 19 and 20, 2017

Rus Hotel
4 Hospitalna Street
Kyiv, Ukraine

Objectives:

- Introduce Ukrainian stakeholders to online dispute resolution (ODR) as a means to reduce court caseloads, promote timely resolution of disputes, and increase public satisfaction and engagement;
- Present and discuss the impact, best practices, and lessons learned in implementing ODR programs in Canada, Europe and the United States;
- Discuss the challenges, opportunities, and best fit for introducing ODR in Ukraine; and
- Develop recommendations and next steps for advancing ODR in Ukraine.

AGENDA

Day One: Tuesday, September 19, 2017

9:00   **Registration – Welcome Coffee**

9:30   **Opening Remarks – Session Pitches**
            David Vaughn, Chief of Party, USAID New Justice Program
            Thomas White, Director, USAID/Ukraine Office of Democracy and Governance

10:00   **Introduction to Online Dispute Resolution (Video Presentation)**
            Dr. Orna Rabinovich-Einy, University of Haifa, Faculty of Law

            During this introductory session, Orna will provide participants with background information about the historical development of ODR. She will discuss how ODR applies not only to disputes that arise from online transactions, but to offline disputes as well. Orna will also present the strengths and limits of ODR as well as how ODR is supporting a shift from dispute resolution to dispute prevention.

10:30   **Session 1: Overview of ODR in Europe**
            Graham Ross, UK Lawyer/Mediator, Expert Advisor and Trainer in ODR
            www.ODRtraining.com

During this session, Graham will define and clarify the scope of ODR, reviewing the journey of ODR from online ADR to online courts. He will also outline the benefits ODR can bring to a justice system for citizens, lawyers, judges, and the courts.

11:00   Coffee Break

11:30   **Session 1: Overview of ODR in Europe (Continued)**
            Graham Ross, UK Lawyer/Mediator, Expert Advisor and Trainer in ODR

            In continuing this session, Graham will provide a review of ODR in Europe both as developments in actual operational services as well as a key element in developments in European Union consumer law. This will include presenting drawbacks in EU consumer law related ODR and suggestions how non-EU countries can learn the lessons to improve and gain 'second adopter' benefit, i.e., how online ADR for consumer disputes can reduce the burden of court issued consumer claims. Graham will also cover the Council of Europe's Resolution on ODR in the context of Article 6 of the European Convention of Human Rights (Access to Justice) and outline the journey to online courts in the UK, including hurdles and criticisms raised regarding online courts and how they were responded to.

12:30   **Session 2: ODR in Practice: Dutch Legal Aid Board – *Rechtwijzer***
            Liselotte Maas, Team Leader, Dutch Legal Aid Board

            This session will introduce participants to *Rechtwijzer*, an online dispute resolution tool resulting from a public-private partnership implemented by the Dutch Legal Aid Board aimed at enabling people to write their own marriage separation plan, with both optional and mandatory online support. *Rechtwijzer* received significant international acclaim and was nominated for the Crystal Scale of Justice in 2015. In her presentation, Liselotte will provide her unique perspectives on the development of *Rechtwijzer* and the overall use of ODR in the Netherlands.

13:00   Lunch

14:00   **Session 3: ODR in Practice: Civil Resolution Tribunal**
            Shannon Salter, Chair, Civil Resolution Tribunal, Vancouver, British Columbia
            http://www.civilresolutionbc.ca

            The Civil Resolution Tribunal (CRT) is Canada's first online tribunal, resolving neighbour and small claims disputes. Participants will learn how online dispute resolution can increase access to justice by building the justice system around the public, leveraging technology to connect people with legal help wherever and whenever it's convenient for them. During this session, Shannon will introduce the CRT model and discuss the changing role of lawyers in a digital age.

Participants will learn about what worked, what didn't work as well as best practices in developing an ODR system.

15:30   Coffee Break

16:00   **Session 4: Emerging Practices in the Use of ODR**
Kyle Snowdon, Vice President of International Sales, Tyler Technologies
http://modria.com/

This session will explore emerging best practices in the use of ODR throughout traditional ADR environments and formal judicial organizations. During this session, Kyle will discuss the most valuable uses of ODR within formal court settings; as well as provide an overview of proven tools and techniques that can be used to most effectively deploy technology throughout the judiciary.

17:00   **Session 5: ODR Systems Roleplay**
Graham Ross, UK Lawyer/Mediator, Expert Advisor and Trainer in ODR

During this session, Graham will set up a live demonstration of an ODR system. Participants will see the case from the perspective of each party on a separate screen. The case entry process will profile the case not just from the facts of the case itself, but asks the parties questions normally only asked in mediation. Participants will witness firsthand how the system will offer solutions to both parties.

17:30   **End of Day One**

Day Two: Wednesday, September 20, 2017

9:30   **Session 6: ODR in Practice: *Demander Justice***
Jeremy Oinino, Co-Founder and CEO, Demander Justice
https://www.demanderjustice.com/

Demander Justice is the number one online small claims court filing service in France. Jeremy will share with participants how *Demander Justice* developed its affordable online platform, procedures, and forms. This will include a discussion of the types of disputes, especially disputes between consumers and corporations, and success rates. Jeremy will also talk about the challenges facing ODR, including the lack of public awareness, a poor legal and regulatory framework, and resistance from the bar and other organizations.

11:00   Coffee Break

11:30   **Session 7: ODR in Practice: Youstice**
Jakub Klimes, COO and Filip Tvrdon, IT and Operations Specialist, Youstice
http://www.youstice.com/en/

Youstice is an award-winning web application that helps resolve customer complaints and make shopping trouble-free. During this session, Jakub and Filip will share their experience in the ODR world and outline the main obstacles and opportunities that they see. They will offer their point of view on how ODR can be beneficial not only for the end-users and consumers, but also for retailers and service providers and even the governmental sector and society as a whole. Finally, they will share their belief that today's technology is the best way to bring these benefits to people and their ideas on how to do it.

13:00   Lunch

14:00   **Session 8: ODR in Ukraine: PINKY Solutions**
https://www.fb.com/pinky.solutions/
https://www.facebook.com/pinky.solutions/posts/357466578025104
http://pinky.solutions

This session will introduce participants to PINKY Solutions, an online platform for resolving e-commerce disputes. The PINKY Solutions team will share their lessons learned and challenges in establishing an ODR resource in Ukraine, including issues related to changing the public's mindset away from paper-based systems, enforcing agreements reached online, and engaging the legal profession and courts in the process.

14:30   **Working Groups: Models of ODR for Ukraine**

During this session, participants will break into smaller working groups to discuss different areas where promoting ODR would be the best fit for Ukraine. Working group discussions will be facilitated by ODR experts and result in specific recommendations and possible next steps in advancing ODR in Ukraine.

15:30   Coffee Break

16:00   **Presentation of Working Group Results**

During this session, a representative of each of the working groups will present their findings and recommendations for promoting ODR in Ukraine.

17:30   **Conclusions and Closing Remarks**

18:00   **Reception**

SPEAKER BIOGRAPHIES

ORNA RABINOVICH-EINY

Orna Rabinovich-Einy is a Senior Lecturer at the Faculty of Law at the University of Haifa. Her areas of expertise are alternative dispute resolution (ADR), online dispute resolution (ODR), and civil procedure, with research focusing on the relationship between formal and informal justice systems, dispute resolution system design and the impact of technology on dispute resolution. Orna is a fellow of the Haifa Forum of Law and Society, the Haifa Center for Law and Technology, and the Center for Information Technology and Dispute Resolution at UMass, Amherst. Orna holds a doctorate in Law (J.S.D.) degree from Columbia University. She was admitted to the Bar in Israel and in New York, and was certified as a mediator in New York by the Safe Horizon Mediation Center.

GRAHAM ROSS

Graham Ross is a UK lawyer and shareholder mediator who helped pioneer the development of Online Dispute Resolution (ODR) with particular reference to online mediation since 2001. Graham co-founded the UK's first ODR service, We Can Settle, in 2000 (a blind bidding system), and the online mediation service The Mediation Room. Conducted ODR pilots for PayPal, and for two Small Claims Courts. He is a fellow of the National Center of Technology and Dispute Resolution (NCTDR) at the University of Massachusetts and member of the ODR Advisory Group appointed by the UK Civil Justice Council. Advised on ODR to court services in the UK, Bulgaria, and Canada, and the EU. Member of the United Nations Expert Panel on Online Dispute Resolution. Graham advises Modria, the recognized global leaders in the field. He is a member of the EU funded EMCOD project which has developed an online tool for the measurement of justice through ODR and is helping develop ODR standards for the International Mediation Institute. Graham is lead tutor at www.ODRtraining.com) as well as for individual mediators in over 20 countries. He delivered training

for the Milan Chamber of Arbitration and for the UK Ministry of Justice.

LISELOTTE MAAS

Liselotte Mass is an expert in ODR in the Netherlands. Liselotte is a project leader at the Legal Aid Board, which designed and implemented *Rechtwijzer*, an online dispute resolution tool built on a public-private partnership aimed at enabling people to write their own separation plan, with both optional and mandatory online support. *Rechtwijzer* received significant international acclaim and was nominated for the Crystal Scale of Justice in 2015. She currently leads a team in implementation of the Debt Rescheduling Natural Persons Law.

SHANNON SALTER

Shannon Salter is an expert in online dispute resolution and administrative law with over 10 years of experience. Shannon is Chair at Civil Resolution Tribunal in Vancouver, British Columbia, Canada. The Civil Resolution Tribunal (CRT) is one of the first online tribunals in the world, which resolves strata (condominium) and small claims disputes, encouraging collaborative dispute resolution, and making binding decisions when people can't agree. She is responsible for all aspects of implementing and operating this innovative, multi-million dollar access to justice project, including supervising over 40 staff and tribunal members, adjudicating claims, designing online technology processes, collaborating with software developers, engaging government and stakeholders, drafting rules, establishing adjudicative and access to justice best practices, budgeting, and performance reporting. Shannon is the Commissioner of the Financial Institutions Commission, vice president of the BC Council of Administrative Tribunals, and a board member of the Canadian Legal Information Institute (CanLII). She was named one of Canada's New Law Pioneers by the Canadian Bar Association and an Access to Justice All-Star by the National Self-Represented Litigants Project (NSRLP) in 2016. Shannon is a frequent speaker at international conferences on online dispute resolution, administrative law, legal education, and the future of

law and technology.

KYLE SNOWDON

Kyle Snowdon is Vice President of International Sales at Tyler Technologies. Kyle has spent his entire career focused on improving the courts and justice process thru the effective use of technology. He started his career with MTG Management Consultants where he spent eight years helping dozens of judicial organizations plan for an implement case management and technology solutions. Kyle joined Tyler Technologies in 2007 and has lead the widespread adoption of the Odyssey Case Management, Electronic Filing, and Online Dispute Resolution platform throughout the United States and Australia. Today, Odyssey serves the needs of courts representing over 135 million people.

JEREMY OININO

Jeremy Oinino has over 10 years of experience in the field of internet and new technologies, both as a start-up manager and investor. He is the cExpert with over 10 years of experience in the field of Internet and new technologies, both as a start-up manager and investor.Co-founder and CEO of demanderjustice.com, an online dispute resolution service with over 450,000 users that simplifies the administrative procedures of litigation to make access to justice available for everyone. The site provides litigants with guidance in preparing petitions online. Demander Justice Online Platform provides online dispute resolution services intended to facilitate access to justice for all people who are too often reluctant to assert their rights. The company's online dispute resolution services helps individuals to initiate a legal proceeding online for disputes that do not need the presence of a lawyer and removes the brakes that discourage the litigants by allowing each one to seize the judge of proximity or the court of first instance, enabling clients to draft for justice without hiring any lawyer.

JAKUB KLIMEŠ

Jakub Klimes is an expert in company operations and business development with over 10 years of experience on European market. Jakub led multiple successful international IT products from inception phase, including Youstice. He works as Operations and IT Specialist at Youstice. Youstice is an award-winning web application that helps resolve customer complaints and make shopping trouble-free. With Youstice, companies can seamlessly communicate and handle customer complaints within a matter of minutes. Similarly, disgruntled customers can get prompt assistance with their issues and save valuable time. Companies and customers can communicate, negotiate directly, and resolve issues, all in just a few clicks.

FILIP TVRDOŇ

Filip Tvrdon is a specialist in Online Dispute Resolution in Europe with more than 3 years of experience in the field. Filip works as Operations and IT Specialist in Youstice. He facilitates testing, improvements, and development for award-winning web application Youstice, with advanced knowledge of ODR sector. Filip assists companies with seamlessly communicating and handling customer complaints within a matter of minutes. Implements technical improvements to enable companies and customers to communicate, negotiate directly, and resolve disputes. Youstice is an award-winning web application that helps resolve customer complaints and make shopping trouble-free. With Youstice, companies can seamlessly communicate and handle customer complaints within a matter of minutes. Similarly, disgruntled customers can get prompt assistance with their issues and save valuable time. Companies and customers can communicate, negotiate directly, and resolve issues, all in just a few clicks.

DAVID VAUGHN

David Vaughn is an attorney with more than 15 years of experience in designing, implementing, and evaluating legal and judicial reform projects. He supervised and provided technical guidance to USAID-funded rule of law and commercial law reform projects in Albania, Armenia, Benin, Bosnia, Georgia, Guatemala, Kazakhstan, Kyrgyzstan, Lesotho, Macedonia, Madagascar, Morocco, Mozambique, Nicaragua, Russia, Rwanda, South Africa, Swaziland, Uzbekistan, and Zambia. David managed the USAID Commercial Dispute Resolution Project for Europe and Eurasia which promoted the use of alternative dispute resolution (ADR) mechanisms for disputes between businesses in the region. He currently serves as Chief of Party for the USAID New Justice Program, which includes work on strengthening ADR processes in Ukraine. David recently completed a certificate program in mediating disputes at the Program on Negotiation at Harvard Law School.