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RESOLUTION SYSTEMS INSTITUTE

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# ANNUAL REPORT

Does ADR + Tech =  
**Better Access  
to Justice?**



RSI

# RSI's Mission

To strengthen access to justice by enhancing court alternative dispute resolution systems

# RSI's Staff



# A FEW WORDS FROM RSI LEADERSHIP

Dear Friend of RSI,

What happens when courts add technology to ADR? Some have hailed ODR (online dispute resolution) and other ADR technology as helping to bridge access to justice gaps, eliminating the need for parties to take time off work or find transportation or childcare, and potentially helping level the power balance between parties.

RSI greets those claims with optimistic skepticism. We are always hopeful that innovations will help people without lawyers utilize the justice system more effectively when they are faced with potentially life-altering litigation such as eviction, foreclosure, child protection and family cases. But we temper that enthusiasm with rigorous research and evaluation.

In 2022, for example, we published two landmark evaluations of court programs that used ODR-specific platforms. The programs varied by location (Michigan and Texas), case type (family and small claims/debt), and ODR platform. The evaluations found that ODR can help parties reach agreement. In fact, in Michigan, agreement was more likely through ODR than through other dispute resolution methods. The evaluations also confirmed the need for courts to communicate better with parties about ODR.

This year we also completed an in-depth report on the potential for ODR to serve thinly resourced parents, courts and communities. We found that it is possible for ODR to be made accessible, ethical and effective, but the question of how to obtain the financial support needed to make it feasible and sustainable is unanswered.

Additionally, as we used video mediation to serve clients in northern Illinois, we also assessed how those programs were operating and how participants viewed them. Each program had different challenges and levels of success, but all contributed to our body of knowledge about elements necessary for a successful ADR program.

Many thanks to everyone who is supporting RSI as we work to improve access to justice by strengthening court ADR and examine the use of technological innovations to do so.

Sincerely,

Brian Roche, President, Board of Directors

Susan M. Yates, Executive Director





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# ODR EVALUATIONS

## DEBT & SMALL CLAIMS CASES IN TEXAS

RSI Director of Research Jennifer Shack and University of California, Davis, Professor Donna Shestowsky evaluated a Collin County, Texas, pilot program that used a text-based online dispute resolution (ODR) platform to resolve debt and small claims cases.

Their findings highlighted the importance of appropriate **outreach** and **education** on ODR to **maximize participation** and, thus, **program impact**.

Key findings include:



Parties on both sides of disputes used ODR in 24% of cases uploaded to the platform



73% of cases in which both parties used ODR resolved before trial.

### ODR Use by Case Type

Small Claims



Debt Claims



Parties to small claims cases were much more likely to use ODR than parties to debt cases (48% vs. 19%).

Get a fuller picture on [RSI's blog](#) or read the full report [here](#).



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# ODR EVALUATIONS

## FAMILY COURT CASES IN MICHIGAN

This groundbreaking project, **the first expert external evaluation of any family court ODR system in the United States**, looked at how a family court in Ottawa County, Michigan, used a text-based ODR platform. RSI's Jennifer Shack teamed up with UC Davis' Donna Shestowsky again for this major ODR evaluation in 2022.

The findings indicate that text-based ODR can lead to a greater probability of agreement and higher party satisfaction.

**59%***Agreement rate among those who used ODR***11%***Agreement rate among those who did not use ODR*

In child support cases, **parties using ODR reached resolution nearly twice as fast as those who did not** — in 11.8 days on average, compared with 21.5 days on average when ODR was not used.

In **48%** of matters in which parties were offered ODR, both parties used it.

ODR users were **4 times as likely** as non-ODR users to give high ratings for process fairness.

Read more highlights on [RSI's blog](#), or get the full report [here](#).

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# FAMILY COURT ODR RESEARCH

***Can family court online dispute resolution serve thinly resourced parents, courts and communities in a way that is accessible, ethical, effective, feasible and sustainable?***

With support from the JAMS Foundation, RSI explored the potential of ODR to improve access to justice for thinly resourced parents who were in court over child-related issues (such as parenting time and decision-making). We were especially interested in how family ODR might work in jurisdictions and communities that were also thinly resourced.

We published a report in 2022 based on surveys, convenings of experts, and RSI's research and experience.

Read the full report [here](#), or a summary on [RSI's blog](#).

## RECOMMENDATIONS



***Support family ODR***



***Develop national standards for family court ODR***



***Consider how to assess whether family court ODR meets the standards***



***Provide every participant a live conversation with a screener prior to ODR***



***Investigate the potential for a national program to conduct screenings***



***Require every parent who is not screened out of ODR to make an initial attempt to use ODR to identify areas of agreement with the other parent***



***Provide guidance and model materials to courts developing ODR projects***



***Enable courts to assess and improve their family ODR services***



***Investigate the potential for a national family court ODR provider***

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# EVICTIION MEDIATION

## VIDEO MEDIATION PROGRAMS IN NORTHERN ILLINOIS

In 2022, the first full year of our three eviction mediation programs, RSI conducted 823 mediation sessions, with 552 of them resulting in agreement.

Supported by the American Arbitration Association-International Centre for

Dispute Resolution Foundation, we shared what we learned with courts across



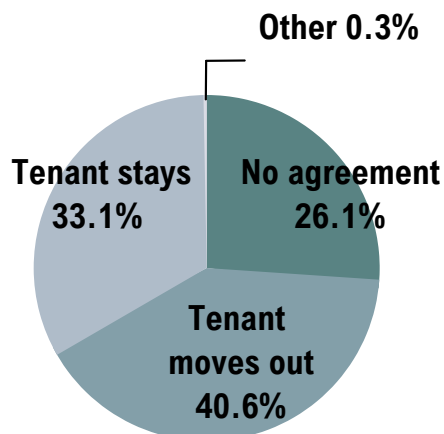
the country. In 2022, RSI published six reports, including a complete evaluation, three implementation reports, and two reports on the results of participant surveys.

“

The mediation experience allowed me to maintain my dignity and self respect while appreciating the landlord's financial obligations.

— Tenant

”



AGREEMENT RATE IN KANE COUNTY

“

Definitely wanted the renter out, but with the mediator's assistance we had a change of minds.

— Landlord

”

Find the full reports on RSI's [Program Evaluations page](#).

## Funder Snapshot



# JAMS FOUNDATION



David  
Brandon,  
Managing  
Director

RSI is grateful to the JAMS Foundation for the many ways it has generously supported our organization over the years. Most recently, JAMS enabled RSI to research and publish "Family Court Online Dispute Resolution for Thinly Resourced Parents, Courts and Communities: Impediment, Improvement or Impossible Dream?" in 2022. Without the Foundation's support, RSI would not have had the resources to conduct targeted research, survey and engage more than three dozen nationally renowned experts, and prepare this critical report.

David Brandon, Managing Director of the JAMS Foundation, says of RSI: "No other organization is doing what RSI does. They dig deep to assess how court ADR is being provided to self-represented litigants and provide well-reasoned guidance to courts to improve services."

The JAMS Foundation has contributed over \$11 million to support conflict prevention and dispute resolution initiatives across the United States and around the world. Its support for RSI over the years has included funding for the following endeavors:

- An update of RSI's Court ADR Resource Center website in 2011
- The 2010 launch of Court ADR Across the US, a national guide to court ADR systems
- The 2008 launch of RSI's monthly e-newsletter, Court ADR Connection
- A 2007-08 project to select and annotate samples of good court rules around the country to assist courts in writing or amending rules for their own ADR programs

RSI is fortunate to have this knowledgeable and impactful partner by our side to increase our capacity to strengthen access to justice by enhancing court ADR systems.

The mission of the JAMS Foundation is to encourage the use of alternative dispute resolution, support education at all levels about collaborative processes for resolving differences, promote innovation in conflict resolution, and advance the settlement of conflict worldwide.

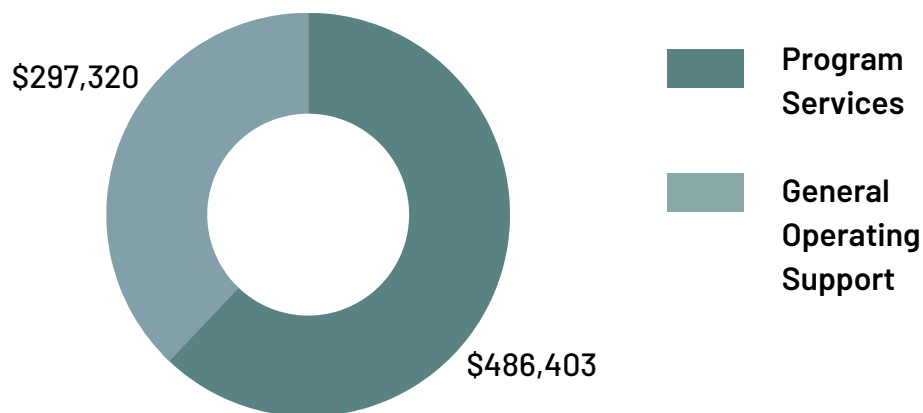


2022

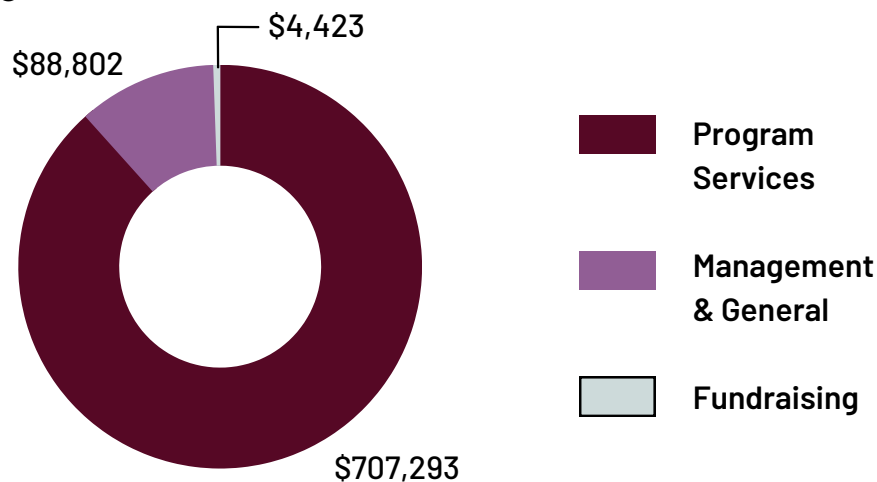
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