THE GENESIS OF ODR PLATFORMS AND THE RISE OF ODRAI

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October 28th 2019 - Montreal
The Justice System

Poorly adapted to Internet

- Online cases are low value and cross-border
- Enforcement is too complex
- Users demand fast, one-click, resolutions
ODR Systems

Works like Internet

- No need to resolve issues of jurisdiction
- Can be automated through software
It refers to the use of information and communication technologies (ICTs) (and algorithms) to promote conflict resolution.
PANORAMA OF ODR

CONFLICTS

COMMISSION DES NORMES, DE L’ÉQUITÉ, DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL
Québec (Canada)
Labor disputes (pilot initiative)

CONDOMINIUM AUTHORITY TRIBUNAL
Ontario (Canada)
Condos disputes

LANDLORD AND TENANT BOARD (PILOT)
Ontario (Canada)
Housing disputes

OFFICE DE LA PROTECTION DU CONSOMMATEUR
Québec (Canada)
Consumer disputes (pilot initiative)

MEDICYS CONSOMMATION
France
Consumer disputes

PROCESS

Filtering
Negociation
Mediation
Decision

BENEFITS

Allows better access to justice (sense of justice)
Judge focuses on complex cases
Need for State involvement, to be linked to the judicial process
Launched June 16th, 2016
OFFICE DE LA PROTECTION DU CONSOMMATEUR

Launched November 7th, 2016
CONDOMINIUM AUTHORITY TRIBUNAL

Launched November 1st, 2017
Case: 2019-00051 - María Applicant & María Respondent

Settlement offer confirmation

You can see all active settlement offers below. You can also use this page to make counter offers, or to accept or reject an offer from another user. Users must take turns making settlement offers.

You can accept or reject User's offer at any time. If you accept another User's offer, both Users will receive a Settlement Agreement and the case will be closed.

Discuss offers

Settlement Offer by María Respondent (Respondent)

Offer made by María Respondent on 2019-08-07 10:49 AM

Proposed Settlement

María Respondent will give María Applicant a copy of the financial records for 2019 by September 1, 2019.

Results:

Accepted by:
- María Respondent (Author)

Has not voted:
- María Applicant

Settlement Offer by María Applicant (Applicant)

No Settlement Offer on the table at the moment
What does the future hold for ODR?
THANK YOU!

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The Rise of Conflict Prevention Tools Using Artificial Intelligence to Enhance ODR: Highlights from a Global Inventory

October 29, 2019

Valentin Callipel

With the help of Yuan Stevens, Anna Ma, Valentine Cheviron, Annaëlle Pembellot, and Aryan Bayani
Agenda

1. Context
2. Research team
3. Methodology
4. Questions, deliverables, definitions, scope
5. Overview
6. Highlights from the data
7. Ethical issues & next steps
What do we mean by Artificial Intelligence (AI)?

We are referring to weak AI based on open data, the use of big data and the sophistication of certain algorithms: expert systems, machine learning or deep learning.
● Rise of AI applications for Lawyers:
  o Legal research (in particular for Due Diligence or eDiscovery) ;
  o Document automation (contract, proceedings or compliance) ;
  o Legal analytics (Legal quantification or Legal prediction).

● New potentialities for non-Lawyers:
  o Guided pathways using simple AI (Information explorer and auto-resolver solution) ;
  o Chatbot (scripted dialogue, speech recognition or natural language processing);
  o Legal analytics (legal prediction) ;
  o Document automation (contracts or proceedings) .
Context

Enhancement of justice stakeholders’ autonomy with AI

AI holds the promise of increasing lawyers’ and non-Lawyers’ autonomy in interactions with the law to make them more aware of the law and better able to implement it in all dimensions of economic, social and political life.

This applies whether stakeholders are acting on their own behalf or in the context of their duties.
What?
45 Researchers
Collaboration with 40+ international partners
16 projects – 6 years (2018-2024)
$6.8 million funded by the SSHRC (Canada) and partners
Hosted at Cyberjustice Laboratory (Université de Montréal)

WEBSITES
https://www.ajcact.org/english/
PHASE 1: Inventory of situations where AI is used in justice

PHASE 2: Evaluation of the impact of those situations with respect to enhancing autonomy of justice stakeholders

PHASE 3: Development of best practices for protecting parties' interests

PHASE 4: Elaboration of a governance framework to guarantee equitable use of AI for justice
Research Project 1 - Pre-Conflict Decision Tools: Orienting Litigants and Defendants

- **Researchers**
  - Valentin Callipel, Cyberjustice Laboratory
  - Nicole Alwyn, Winkler Institute
  - Les Jacobs, York University
  - With the help of Yuan Stevens, Anna Ma, Valentine Cheviron, Annaëlle Pembellot, and Aryan Bayani

- **Partners**
  - Winkler Institute
  - Civil Resolution Tribunal (CRT)
  - Department of Justice of Canada
  - Ministère de la justice du Québec (MJQ)
  - CanLII
  - IROSOFT
  - Community Legal Education of Ontario (CLEO)
  - Éducaloi
  - Public Legal Education Association of Canada (PLEAC)
<table>
<thead>
<tr>
<th>Research question</th>
<th>Deliverable</th>
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<tbody>
<tr>
<td>What AI-powered technological tools exist for <strong>conflict prevention</strong></td>
<td>Inventory of technological tools</td>
</tr>
<tr>
<td>aimed at non-lawyer?</td>
<td></td>
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</tbody>
</table>
Definitions

● **Conflict prevention**
  ○ Respond to conflict of a legal nature *prior* to initiating court proceedings (NB: this means we have *excluded* many ODR tools that are used in court proceedings)

● **Technological tools**
  ○ Interactive technological tools such as software, websites, or apps (of which ODR tools may be a part)
Definitions

- **Non-Lawyer Users**
  - Targeted users are non-lawyers who lack justice and dispute resolution knowledge and skills
Artificial intelligence

- There’s no one singular definition. Still being inductively defined. Trying to ascertain how academic works and tech creators define AI. Have thus far found examples of expert systems, machine learning, natural language processing, etc.
Methodology

Scoping review of technology

- **Searched online**: Used relevant keywords to map existence of AI tech tools that have been created by startups, companies, research groups, public organization that could be used to prevent conflict

- **Word of mouth**: Received referrals to examples of AI tools for legal dispute prevention & added them to our list
Scope of research

- **Tools defined as AI**
  
  Marketed/framed as using AI, or appears to make generalizations from experience or draw conclusions from disparate data (and can improve over time, in the case of ML)
**Data Analyzed**

- Country of headquarters
- Specific legal areas of use
- Type of institutional creator
- Intended users
- Type of revenue stream
- Source code licensing
- Online availability of user policies

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**Ailira**
Cartland Tech Pty Ltd.

**Type of Institution:** For-profit  
**Headquarters:** Australia  
**Intended Users:** Individuals, Organizations  
**Status of Development:** In use  
**Source Code Licensing:** Proprietary  
**Revenue Stream:** Freemium (can pay to receive extra services on top of basic access)

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**Description**

Ailira is an artificially intelligent legal assistant that is here to help you with your legal problems. You can chat with her just as you would a human lawyer. You can ask her questions, and she may ask you questions back to help guide you to helpful legal information. She can help you create documents, and if need be, speak with a human lawyer to review those documents and information provided to you.

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**Legal Areas of Use**
- Wills and estates
- Corporate law
- Tax law
- Family law

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**Functions**
- Access to legal information
- Online dispute resolution or prevention
- Document analysis
- Document drafting

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**User Policies**
- Terms and Conditions and Privacy
### Overview of findings - What’s in use?

<table>
<thead>
<tr>
<th></th>
<th>Total number found</th>
<th>Offer ODR capabilities</th>
<th>Actually in use (able for download or use right now)</th>
<th>Under construction (advertised, but unable to be used)</th>
<th>A mere idea (no apparent work on idea seems yet underway)</th>
<th>No longer in use (but used to be)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AI tools</td>
<td>43</td>
<td>17 (39.5%)</td>
<td>25 (58.1%)</td>
<td>10 (23.3%)</td>
<td>2 (4.7%)</td>
<td>6 (14%)</td>
</tr>
</tbody>
</table>
Main Functions Identified

1. Chatbots
   - Access to legal information
   - Interpretation of legislation
   - Client intake and/or triage

2. Legal analytics
   - Legal research
   - Document analysis
   - Court analytics
   - Explainable decision making
   - Proofreading

3. Document automation
   - Document drafting
   - Legal self representation
   - Find a lawyer
A glimpse into the different types of AI tools in use
Chabot

Botler AI

Billy Bot

DoNotPay

JusticeBot
JusticeBot is a conversational agent (Chatbot) that uses Artificial Intelligence (AI) to provide an interface for lay people to understand legislation and case law. JusticeBot helps tenants and landlords in Quebec understand their legal situation in cases where a conflict could arise. It will help these individuals in understanding their legal situation and the possible solutions available to them through legal modeling and the analysis of previous cases.
Legal Analytics

Blue J Legal

eBrevia Suite

Kira Systems

LawBot
Blue J Legal
Blue J Legal Inc.

Legal Areas of Use
- Tax
- Employment
- Human Resources Compliance

Functions
- Explainable decision making
- Court analytics

User Policies
- Privacy Policy
- Terms of use

Type of Institution: For-profit
Headquarters: Toronto, Ontario
Intended User: Individuals, Government, Organizations, Law firms
Status of Development: In use
Source Code Licensing: Proprietary
Revenue Stream: Information not found
Description

Blue J Legal’s AI-powered platforms accurately predict court outcomes and enable you to find relevant cases faster than ever before.

Blue J Legal’s tools help support the positions of professionals in Tax law, Employment Law and HR Compliance.
Document Automation

Automio Ltd.

Contract Companion

Lisa Robot Layer

Contract Standards
Lisa
Robot Lawyer Lisa Ltd

Legal Areas of Use
- Contract law
- Housing

Functions
- Online dispute resolution or prevention
- Document drafting

User Policies
- Terms

Type of Institution: For-profit
Headquarters: United Kingdom
Intended User: Individuals, Organizations
Status of Development: In use
Source Code Licensing: Proprietary
Revenue Stream: Free

Inventory Sample
Description

LISA's AI technology enables you to create legally binding agreements with another party, together, helping you both find a middle ground as quickly and cost effectively as possible.

Currently, LISA is able to offer non-disclosure agreements (NDAs) and has recently launched a suite of property contract tools. Further tools will be made available in the future.
Type of Revenue Stream

- 31 (72.1%) Freemium (can pay to receive extra services on top of basic access)
- 2 (4.7%) Information unavailable online
- 2 (4.7%) Time-based subscription (free trial offered)
- 3 (7.0%) Time-based subscription (standard)
- 3 (7.0%) Service-based (prepaid package for select services)
- 2 (4.7%) No monetary cost
Online Availability of User Policies

Terms of Service & Data Privacy

<table>
<thead>
<tr>
<th></th>
<th>Number of tools</th>
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<tbody>
<tr>
<td>Terms of Service found online</td>
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</tr>
<tr>
<td>Terms of Service not found online</td>
<td>20</td>
</tr>
<tr>
<td>Privacy policy found online</td>
<td>23</td>
</tr>
<tr>
<td>Privacy policy not found online</td>
<td>20</td>
</tr>
</tbody>
</table>
What’s next (1)

- First, we need to continue this inventory;

- In the meantime, please visit https://www.ajcact.org/ to see our working versions of our tech inventory
What’s next (2)

- Then, we need to refine our investigation:
  - Multidisciplinary case studies will aim to focus on the specific AI-powered software of certain organizations to refine our analysis.
  - Several transversal issues shall be investigated such as transparency, technical reliability, privacy protection, cybersecurity or the feasibility of introducing a certification.
- Before, promoting a large adoption of these tools by Public ODR.