Innovations

Online Dispute Resolution- An Undeniable Impetus For Pervasive Embracing of Alternative Dispute Resolution (ADR)

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Abstract:
The COVID-19 pandemic and rapid technological advancements have triggered profound disruptions in the legal landscape, leading to court closures, mounting backlogs, and challenges in providing accessible justice. In response, the concept of embracing a digital society has emerged as a transformative solution to reshape the future of courts and justice. This research paper examines the implications of transitioning into a digital society of the legal domain, with a primary focus on legal technology, the distinction between automation and innovation, and the transformative impact of artificial intelligence (AI) on the court system. Additionally, the paper delves into the significance of audio, paper, and video hearings as alternative dispute resolution methods, highlighting their advantages and considerations. In the evolving landscape of the legal field, the importance of online methods in Alternative Dispute Resolution (ADR) cannot be overstated. As the digital society continues to take shape, the need to adapt and integrate online ADR methods becomes increasingly imperative. Online ADR offers several distinct advantages, such as accessibility, efficiency, and flexibility. Parties involved in disputes can participate from the comfort of their own homes or offices, eliminating the need for physical presence and reducing associated costs and time constraints. The paper also investigates the potential of Online Dispute Resolution (ODR) platforms, AI-driven decision support, and the adoption of smart contracts on blockchain technology to streamline legal processes and contract enforcement. While embracing technological innovations, the paper emphasises the need to address challenges related to data privacy, cybersecurity, and ensuring equitable access to justice. In conclusion, this paper advocates for a forward-thinking approach in navigating the complexities of the digital era. By leveraging technology and fostering innovation, courts can create a more resilient, adaptable, and user-friendly legal system that upholds the principles of justice while embracing the boundless possibilities of the future.

Key words: *Alternative Dispute Resolution (ADR), Online Dispute Resolution (ODR), Artificial Intelligence (AI), Innovation, Automation*

Synopsis:

(i) Problems of courts in the last few years due to the pandemic
(ii) The necessity of stepping inside the digital society
(iii) Automation and Innovation
(iv) Legal technology
(v) The concept of "mess for less"
(vi) Understanding remote courts
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(ix) Fundamental architecture of online courts

(i) Problems in court in the last few years due to pandemic

The COVID-19 pandemic has posed significant challenges to the functioning of courts worldwide, leading to several problems in the legal system over the last few years. Some of the key issues are as follows:

Closure of Hearing Rooms:
To prevent the spread of the virus and ensure the safety of court staff, judges, lawyers, and litigants, many hearing rooms were closed during the pandemic. This closure disrupted regular court proceedings and resulted in delays in resolving cases.

Mounting Backlogs: With the closure of hearing rooms and the limited capacity of courts to conduct proceedings, a large backlog of cases built up. As hearings were postponed or rescheduled, pending cases increased significantly, causing further delays in the resolution of disputes.

Prolonged Dispute Resolution: Even in the most advanced legal systems, resolving civil disputes was taking an excessive amount of time. The pandemic exacerbated this issue, leading to additional delays and hardships for litigants seeking timely justice.

Complex Legal Processes: The legal process itself became more complex during the pandemic due to the need to adapt to remote proceedings and virtual hearings. The transition to digital platforms introduced new technological challenges and required stakeholders to familiarise themselves with online court procedures.

Addressing these challenges required innovative solutions, including the exploration of online court systems, the integration of Alternative Dispute Resolution (ADR) methods, and the utilisation of technology to streamline court processes. The pandemic has underscored the importance of modernising and digitising the justice system to ensure timely and accessible dispute resolution for all.

Necessity to Embrace the Digital Society

The imperative to transition into a digital society becomes evident when we confront the substantial challenges afflicting traditional legal systems, as exemplified by the mounting backlog of cases in countries like India, Germany, and Belgium. [1]The overwhelming volume of pending cases underscores the urgency of

seeking alternative, efficient, and effective means for resolving legal disputes. Notably, OECD data reveals that only 46% of people worldwide currently enjoy the protection of the law, underscoring the critical need to discover and implement more efficient pathways to ensure widespread access to justice.[2]

The question that arises is whether a digital society can provide numerous, innovative solutions to address legal issues or if we actually need to physically congregate in one place to resolve all legal matters. The answer to this question can be found by defining automation and innovation in the legal context.

By embracing a digital society, legal systems have the chance to investigate novel and more efficient ways of handling legal issues. Some legal processes can be made more effective using automation, which involves computerising or automating ineffective processes. Real innovation, however, comes from using technology to accomplish objectives that weren't previously possible.
Innovative approaches to legal dispute resolution could be more widely available, efficient, and user-friendly.

Thus, the transition to a digital society has the potential to fundamentally alter the court system by providing innovative approaches to the case backlog and ensuring that more people have access to justice.

Automation and innovation
Technology and its use in a variety of disciplines, including the legal sector, encompasses two separate concepts; automation and innovation.

Automation is the process of computerising or automating processes that were once completed manually, frequently in an effort to increase productivity and decrease labour-intensive duties. It entails using technology to automate labour-intensive or repetitive operations. By removing human participation and replacing it with machine-based procedures, automation aims to increase the effectiveness and cost-effectiveness of current processes.

On the other hand, innovation involves using technology to develop fresh approaches or methods that had not yet been thought of or even conceivable. Innovation entails breaking new ground and providing unique ways to issues; it goes beyond merely optimising current processes. It creates new opportunities, upsets conventional practices, and can result in revolutionary advances in a variety of disciplines. In the legal system, automation means digitising court records, installing case management systems, or utilising AI-powered technologies to automate legal research. Certain legal processes are streamlined and expedited as a result of these improvements, making them more manageable and efficient. Legal innovation, on the other hand, entails the creation of online dispute resolution systems, blockchain-based smart contracts, and AI-powered legal assistants. These advancements significantly alter the delivery of legal services, making them more accessible, inexpensive, time-efficient and adaptive to current circumstances. While automation enhances established procedures, innovation transforms how legal services are delivered and accessed.

Legal Technology:
Legal technology, commonly known as LegalTech, refers to the use of technology and software solutions in the legal industry to enhance efficiency, accuracy, and access to justice. It includes a wide range of tools,

programmes, and platforms aimed towards streamlining different legal procedures and improving overall legal practice.

Automation in Court Technology:

One significant facet of legal technology involves the automation of court processes, wherein software and algorithms are leveraged to perform repetitive tasks and enhance the efficiency of courtroom operations. This automation in court technology offers numerous benefits, such as time savings, error reduction, and overall improvement in the efficacy of court proceedings.

Examples of automation in court technology encompass:

- *Case Management Systems:* These systems automate the management of case-related information, including scheduling and document tracking. They facilitate smoother court operations and alleviate administrative burdens.
- *E-Filing Systems:* E-filing platforms enable parties to electronically submit legal documents, eliminating the need for physical paperwork and streamlining the document filing process.
- *Automated Calendaring:* Specialised software automates court calendars and scheduling, ensuring efficient management of court hearings and trial dates.
- *Automated Notifications:* Systems equipped with automated notifications and reminders that are sent to parties involved in court cases. These notifications help keep involved parties informed about upcoming hearings and deadlines.

The integration of automation into court technology not only modernises the legal system but also enhances its effectiveness by reducing manual labour and associated errors, ultimately serving the interests of legal professionals and the justice system as a whole.

Advancements in Court Technology:

Advancements in court technology refer to the continuous development and integration of new and innovative tools and solutions within the legal system. These developments attempt to solve growing difficulties, increase access to justice, and improve overall legal service delivery.

Examples of advancements in court technology include:

Online Dispute Resolution (ODR) Platforms: ODR platforms enable parties to resolve disputes online, offering an alternative to traditional courtroom proceedings. These platforms provide an efficient and accessible way to address legal disputes, especially for small claims and non-complex cases.

Virtual Courtrooms: Virtual courtroom technology facilitates remote hearings and trials, allowing participants to attend proceedings from different locations. Virtual courtrooms have gained prominence during the COVID-19 pandemic, offering an effective solution to maintain court operations during disruptions.

AI-Powered Legal Research: AI-driven legal research tools provide lawyers and judges with faster access to relevant case law, statutes, and legal documents. These tools can analyze vast databases and provide valuable insights to support legal arguments.

Blockchain for Legal Contracts: Blockchain technology offers secure and transparent solutions for managing legal contracts, ensuring the authenticity and integrity of contract records.

Smart Contracts: Smart contracts are self-executing contracts with terms and conditions directly written into code. They automatically enforce the terms of the agreement, reducing the need for intermediaries in contract execution.

By embracing and continuously advancing legal technology, the legal profession can transform its practices, enhance client experiences, and make the legal system more accessible and efficient for all stakeholders involved.

Comprehending "Mess for Less"

The phrase "Mess for Less" encapsulates a mindset prevalent among organisations or individuals when contemplating outsourcing as a strategic manoeuvre. It signifies the inclination to entrust a convoluted and disorganised business process to an external service provider, with the belief that external management will yield cost efficiencies.

In essence, "Mess for Less" embodies the notion that the outsourcing partner possesses the prowess to navigate the intricacies and inefficiencies inherent in the process, ultimately leading to substantial cost reductions for the organisation opting for outsourcing.

Definition: The term "Mess for Less" finds its common usage within the realm of outsourcing, where a company opts to delegate specific business functions or processes to an external service provider. It carries the implicit implication that the outsourcing partner is equipped to adeptly tackle the cumbersome and less structured facets of the process, thereby orchestrating a more streamlined and cost-effective management compared to the organisation's internal handling.

Remote Courts: Exploring Hearing Modes

In the realm of legal proceedings, three distinct modes of conducting hearings—audio, paper, and video—have emerged, each offering unique advantages and considerations tailored to various case types and the requirements of involved parties.

Audio Hearings: In an audio hearing, legal proceedings or Alternative Dispute Resolution (ADR) sessions unfold through telephone conference calls or other audio communication methods. In this format, participants, including judges, lawyers, and litigants, engage in verbal communication, presenting their arguments and positions over the phone.

Paper Hearings: Alternatively referred to as "on-the-papers" hearings, paper hearings rely on written submissions and documentary evidence as the sole basis for decision-making. Here, oral presentations or live testimonies are absent. Parties involved in the case submit their arguments and evidence in written form to the court or arbitrator.

Video Hearings: Video hearings entail legal proceedings or ADR sessions conducted via video conference platforms. Participants, while geographically dispersed, partake in the hearing remotely, with the added advantage of visual and auditory interaction facilitated by video feeds.

Noteworthy Observations in Favour of Video Hearings:

- **Enhanced Efficiency:** Video hearings have demonstrated notable efficacy in various cases, often surpassing expectations.
- **Adaptation of Legal Professionals:** Despite a general inclination toward conservatism, lawyers and judges have proven their adaptability in embracing video hearings as an effective mode of legal proceedings.
- **Technological Challenges:** While video hearings present numerous benefits, some proceedings have encountered hurdles related to limited access to broadband technology. However, these challenges are not insurmountable and can be addressed.

In sum, the evolution of remote courts, with its diverse hearing modes, underscores the adaptability and resilience of the legal system, particularly in the face of contemporary challenges such as the COVID-19 pandemic. Though challenges persist, the broader adoption of technology-driven hearings promises a more accessible, efficient, and adaptable future for legal proceedings.

Polarisation of discussion:

The on going discourse in this context revolves around what we can term as the "Hankering and Hunkering" factions. The "Hankering" group ardently longs for the return to traditional methods, biding their time for the viral storm to subside so they can enthusiastically advocate a return to familiar ways of working.

However, it is crucial to heed constructive criticism. We should carefully consider which tasks can truly benefit from new technologies. It's vital to recognize that not all cases are suited for video hearings. Recent times, marked by the COVID-19 pandemic, have indeed accelerated the adoption of video and audio hearings as alternative means of resolving legal disputes, underscoring the significance of embracing technology for remote proceedings[3].

Nevertheless, the selection of the appropriate hearing mode should hinge on various factors, including the case's complexity, the preferences of the involved parties, and the technological capabilities at our disposal to ensure a seamless and effective process.

Future of courts

The future of courts will be a dynamic blend of traditional and innovative hearing modes - audio, paper, and video. We may also see temporary 'pop-up courts' for in-person proceedings when needed. Additionally, the potential for 'metaverse' hearings, transcending physical and virtual boundaries, opens new avenues for legal proceedings. This evolution underscores the adaptability of the legal system to emerging technologies and changing needs.

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[3] Anne Sanders (2021) Video-Hearings in Europe Before, During and After the Covid-19 Pandemic, International Journal for Court Administration (https://iacajournal.org/articles/10.36745/ijca.379)

The Post-COVID-19 Reality: A Complex Technological Impact

In the wake of the COVID-19 pandemic, the impact on technology has been a mixed bag. While it undeniably accelerated the adoption of automation, it also appeared to put the brakes on innovation in certain respects.

The transition to remote work, often seen as a transformative shift, has not delivered a complete overhaul of traditional work dynamics. Mere reliance on platforms like Zoom and Google Meet for hearings has not necessarily heralded the profound paradigm shift many anticipated.

The sobering reality is that even with the widespread use of video conferencing tools, the fundamental challenges remain largely unchanged. The pandemic, in many ways, served as an experiment from which we must now distil lessons on what worked effectively and what did not.

In essence, the post-COVID era presents a nuanced technological landscape, where the rapid embrace of certain technologies has been tempered by the realisation that true transformation involves a more comprehensive and considered approach.

The Influence of AI on the Legal Landscape

In the realm of the legal domain, the impact of artificial intelligence (AI) is an ongoing journey with no discernible endpoint. This phenomenon is not limited to a single geographical region, as even in India, the software development community is rapidly advancing.

The pertinent question that arises is how we can harness technology to enhance global access to justice. An encouraging factor is that over 62% of the world's population has internet access, creating an opportunity to effectively introduce online courts and legal processes to a broader audience.[4]

Moreover, technology is steadily advancing, bolstering its capabilities. Beyond AI, there's a broader frontier of effective computing. This includes innovations like machines capable of analysing human emotions, discerning whether one is happy, sad, angry, or surprised. Such advancements have potential applications in assessing the genuineness of witnesses and their statements. Take, for example, the Huggie Bot robot, designed to offer the perfect hug for various occasions[5].

In essence, the transformative power of technology, particularly AI, holds the promise of revolutionising the legal domain and expanding access to justice on a global scale. This journey, marked by continuous innovation and adaptation, remains a dynamic and evolving process with no foreseeable conclusion.

In light of the challenges faced by conventional legal systems, such as the staggering backlog of cases in countries like India, Germany, and Belgium, the transition to a digital society becomes imperative. This shift seeks to introduce innovative solutions that not only address burgeoning difficulties but also bolster accessibility to justice, ultimately enhancing the delivery of legal services.

Consider, for instance, the advent of Online Dispute Resolution (ODR) Platforms, a digital avenue offering an efficient alternative to conventional courtroom proceedings. This platform proves especially invaluable for expeditiously resolving small claims and non-complex cases. Furthermore, the introduction of Virtual

Courtrooms, a technological marvel particularly accentuated during the COVID-19 pandemic, has emerged as a resounding solution for conducting remote hearings and trials. It allows participants to partake in proceedings from diverse locations, bridging geographical divides.

Moreover, the integration of AI-powered Legal Research tools stands as a testament to the remarkable strides made in legal technology. These tools furnish legal professionals with expedited access to pertinent case law, statutes, and legal documents, significantly augmenting the efficiency of legal argumentation.

In tandem with these advancements, the incorporation of Blockchain technology for managing legal contracts has ushered in an era of heightened security and transparency, assuring the integrity of contract records[6]. Additionally, Smart Contracts, embodying self-executing agreements governed by code, substantially curtail the need for intermediaries in contract execution[7].

By championing these technological breakthroughs, the legal profession not only modernizes its practices but also elevates the client experience, rendering the legal system more accessible and efficient for all stakeholders involved.

Beyond the realm of technology, it is essential to recognize the human element within these transformations. As we navigate these changes, it is imperative to remember that while automation plays a pivotal role, innovation and adaptability remain the linchpins of this evolution. After all, it is the collective effort of legal professionals, aided by these technological advancements, that will sculpt a legal landscape primed for the digital age.

Fundamental architecture of Online Court

Asynchronous Online Judging: Effectiveness in Dispute Resolution

Communication comes in two primary forms: synchronised and asynchronous. Synchronised communication occurs when individuals engage in real-time interaction, such as phone calls, physical meetings, or video conferences, with all parties present simultaneously. On the other hand, asynchronous communication involves interactions where participants communicate at their convenience, like through text messages or emails, without the need for simultaneous presence.

The question that arises is whether asynchronous communication can be as effective as synchronised communication. Traditional court hearings exemplify synchronised communication, necessitating the physical presence of all parties at a specific time and place. However, in the realm of online dispute resolution, a different approach prevails. Here, arguments and evidence are exchanged electronically, not through oral testimony or physical hearings, fostering asynchronous online communication between disputing parties and the presiding judge.

The advantages of asynchronous online judging are noteworthy. It not only reduces expenses and saves time but also enhances convenience by allowing participants to engage when it suits them best. Furthermore, it fosters a higher degree of compactness, streamlining the process for all involved parties.

In essence, asynchronous online judging demonstrates that effective dispute resolution need not adhere solely to synchronised communication. Embracing asynchronous methods not only offers practical advantages but also highlights the adaptability of the legal system to contemporary digital modes of interaction.

Expanding Court Services in the Digital Age

In the 21st century, the conventional court system, focused primarily on authoritative dispute resolution by independent judges, faces a need for transformation. A growing number of people cannot afford legal assistance, leading to increased self-representation in the courts. Consequently, it has become imperative to extend court services beyond their traditional boundaries.

To address this need, court services must incorporate online tools designed to empower individuals with a better understanding of their rights, entitlements, and obligations. These tools should assist in organising evidence and crafting persuasive arguments. Furthermore, it's essential to embed Alternative Dispute Resolution (ADR) services within the court system to enhance accessibility.

Merely offering access to online judges is insufficient; people require comprehensive tools to comprehend the law and effectively represent themselves.
Practical Examples of Extended Court Services

In Canada, an innovative approach to civil dispute resolution combines online judging with an extended court system. This system utilises a user-friendly tool called "resolution explorer[8]," which requires minimal legal knowledge and is accessible to individuals with basic reading skills, akin to a school child's level. This tool guides individuals through straightforward steps, resulting in high user satisfaction.

Ebay, a platform with over 60 million trader disputes annually, predominantly employs online dispute resolution instead of traditional legal channels. The process comprises two stages: online navigation and formal adjudication[9].

Challenges and the Post-COVID-19 Landscape

Adapting and expanding court services in a post-COVID-19 world presents unique challenges. Governments and policymakers face backlog issues due to the pandemic, making it challenging to prioritise and implement comprehensive service extensions.
However, the necessity of embracing these transformations remains undeniable. The digital age demands that court services evolve to meet the needs of a diverse and increasingly self-represented population.

Front ends

In pursuit of an extended court service model, the objective is to expand beyond the conventional court system, while not entirely venturing into the realm of pure private enterprise, as the practical functionality of the system remains a critical consideration.

Jeffrey Walsh, a seasoned corporate litigator with four decades of experience, proposes a distinctive approach—a form of public-private partnership. Under this framework, private sector entities collaborate to

establish online dispute resolution systems, intricately linked to the court system, and formally endorsed and accredited by it[10].

The primary emphasis here lies in averting disputes rather than simply resolving them. If determinations are rendered through these front ends, their enforcement is upheld by court orders. Should no determinations be reached, the case seamlessly transitions to the formal court system.

This visionary concept encourages a collaborative effort among charitable organisations, law schools, and private sector enterprises to establish robust online dispute resolution services. Lawtech UK, a government-backed initiative, stands as a testament to this progressive drive, dedicated to leveraging technology for the betterment of society and the economy.

In the UK, the prevalence of small businesses grapples with a substantial issue—delayed payments. This, in turn, leads to operational challenges. The existing court system, in many cases, proves prohibitively costly and time-consuming for these smaller enterprises. Lawtech UK has conducted a compelling case study outlining methods to effectively address these concerns[11]. The cumulative impact of late payments, estimated at around £20 billion, underscores the critical need for these innovative approaches.

Impact of AI

There are two generations of AI in law:
- Latent damage system/ expert system, which is the world's first commercially available AI system for lawyers.
- Knowledge elicitation/ knowledge acquisition.

Latent Damage Act of 1986: Pioneering Legal AI in a Pre-Digital Era

The impact of artificial intelligence (AI) in law can be divided into two distinct generations:

Latent Damage System/Expert System: This marked the world's first commercially available AI system for lawyers. It revolved around knowledge elicitation and knowledge acquisition[12].

The Latent Damage Act of 1986, for instance, pertains to the law of limitation, essentially establishing time frames within which legal actions can be pursued. The legislation introduced intricate rules governing various aspects of the law.

Remarkably, this system was developed in an era when floppy discs weren't actually floppy, and the World Wide Web had not yet taken shape. It was an intricate system with over 2 million paths painstakingly crafted, significantly reducing research time from hours to minutes. However, despite its merits, it didn't gain widespread popularity.

Why was it not widely embraced?

Shortly after the Latent Damage System's development through the Latent Damage Act of 1986, the World Wide Web emerged as a revolutionary force, prompting many in the Legal AI domain to shift their focus to the burgeoning legal web.

Second Generation AI: This era heralded a remarkable transformation, riding on the popularisation of machine learning and systems capable of learning from vast datasets. To illustrate the distinction between the two generations, consider a simple analogy: Person A learned French in school by rote memorization of vocabulary and grammar rules, while his friends picked up the language during a visit to Paris, intuitively grasping grammar rules without formal knowledge of their existence. Person A's approach represents the first generation of AI, while his friends' method aligns with the second generation, emphasising system learning.

How is Second Generation AI Beneficial in Medical Diagnosis? It involves the use of non-thinking, high-performing machines capable of predicting whether skin moles or lesions are cancerous. These systems lack in-depth knowledge of histopathology or dermatology but make predictions based on historical data. In the realm of patent disputes in the United States, there exists a system that can predict outcomes more accurately than many patent lawyers, despite having no knowledge of the law. It relies on data from hundreds of thousands of past cases to outperform human lawyers[13].

One critical question often posed by clients, "What are our chances of winning?" is typically viewed by human lawyers as a legal question. However, second-generation AI can provide more accurate, efficient, and cost-effective answers, treating it as a probability question rather than a strictly legal inquiry.

The Impact of AI on Dispute Resolution: Transformative Pathways

The influence of AI on the resolution of disputes is poised to reshape the legal landscape in several ways, presenting both opportunities and challenges. Here are key facets of how AI will affect dispute resolution:

Extended Court Services and the Role of 1st Generation AI: Extending court services effectively can benefit from leveraging the 1st generation of AI, which focuses on expert systems and knowledge acquisition. These systems can enhance access to legal information, enabling individuals to better understand their rights, entitlements, and obligations. They also aid in organising evidence and constructing arguments, contributing to streamlined dispute resolution processes.

Machine Learning for Early Dispute Resolution: AI, particularly through machine learning, introduces the concept of prediction, which supports early dispute resolution. By analysing historical data and patterns, AI systems can forecast potential outcomes, allowing parties to make informed decisions and explore settlement options sooner in the dispute resolution process.

The Prospect of Computers Replacing Judges: The question of whether computers could replace human judges arises. Consider the Brussels example, where an 80 million-case backlog overwhelms human judges and lawyers. One possible approach is to ask the involved parties if they would accept the system's predictions as binding determinations of the court, perhaps with a confidence rating of 95%. While such

predictions may not match the judgement of human judges, they can offer a viable remedy for those who lack access to timely justice.

However, it's important to acknowledge the drawbacks of AI in dispute resolution. Not all data in the system can be guaranteed as completely unbiased or genuine. Money-driven biases may exist, requiring careful scrutiny and correction.

The Notion of Dispute Avoidance and Legal Risk Management: Dispute avoidance involves techniques that serve as barriers to prevent cases that may not warrant full legal proceedings, from the perspective of parties or the system, from reaching the full litigation stage. Effective legal risk management can mitigate the need for extended litigation by proactively addressing potential disputes.

Understanding Justice in the Digital Era: Both critics and proponents of online court systems use the term "justice." However, the concept of justice is multifaceted and can be interpreted in various ways. In the context of AI-mediated dispute resolution, it's crucial to ensure justice in all its dimensions:

- Substantive Justice: Decisions should be fair.
- Procedural Justice: The process should be fair and equitable.
- Open Justice: The legal process should be transparent and accessible to all.
- Distributive Justice: Justice should be accessible by all members of society.
- Proportional Justice: The allocation of resources, time, and the level of complexity should align with the nature of the case.
- Enforceable Justice: Legal decisions should be reasonable and enforceable.
- Sustainable Justice: The pursuit of justice should be sustainable in the long term, ensuring enduring fairness and equity in society.

Incorporating these dimensions of justice in the evolving landscape of AI-driven dispute resolution is essential to uphold the principles of fairness, accessibility, and transparency.

Conclusion
In conclusion, the future of courts and justice, particularly in relation to Alternative Dispute Resolution (ADR), lies in the seamless integration of technology and innovative approaches. The disruptions caused by the pandemic have accelerated the adoption of remote ADR methods, such as audio, paper, and video hearings, offering efficient and accessible alternatives to traditional courtroom proceedings. As we step into a digital society, the continued use and advancement of ADR platforms will be pivotal in addressing backlogs, reducing costs, and improving the overall efficiency of dispute resolution.

The distinction between automation and innovation in ADR technology is crucial. While automation simplifies processes, true innovation allows for the creation of novel ways to resolve disputes that were previously unattainable. As legal technology advances, AI-powered decision support and data-driven analytics will become integral in aiding mediators and arbitrators to make informed and fair judgments.

Online Dispute Resolution (ODR) platforms will play a vital role in extending court services and providing effective access to justice. These platforms can empower individuals and businesses to navigate their legal rights, facilitating the resolution of low-value disputes without the need for expensive and time-consuming court proceedings.

Additionally, the concept of "Mess for Less" outsourcing can have implications in the context of ADR. Organisations who want to outsource their dispute resolution procedures must carefully evaluate the impact on the quality of justice and guarantee that critical characteristics like confidentiality and impartiality are protected.

The future of ADR also envisions a blend of traditional and modern practices. Hybrid proceedings, combining physical and remote hearings, will offer parties flexibility and convenience in engaging in the resolution process. "Pop-up courts" and the potential for "metaverse" hearings introduce exciting possibilities to enhance the accessibility and effectiveness of ADR.

As ADR evolves, maintaining ethical standards and ensuring data security and privacy will be paramount. By fostering a collaborative environment between legal practitioners, ADR professionals, and technology developers, the legal system can create a more inclusive and efficient dispute resolution process.

In conclusion, the future of ADR within the digital society promises to revolutionise the way disputes are resolved, making justice more accessible, efficient, and user-friendly. To handle the difficulties and possibilities that lie ahead, the legal community must embrace technology, foster innovation, and defend the ideals of justice and openness.
By leveraging the transformative potential of ADR technology, we can shape a more equitable and resilient legal system that empowers individuals and organisations to seek timely and just resolution of their disputes.

When people oppose online courts on the grounds of justice they often make arguments about procedural justice. They are worried that the process wouldn't be fair. On the other hand those people who support online courts are talking about distributive justice. They are saying online court is the key to make justice accessible to all.
Lawyers and philosophers would argue if potentially procedural justice is diminished or it doesn't match our convenient methods, then the entire system is failed. The key issue is whether or not online courts can take on some of the work that traditional courts do not/ cannot.

Some questions and answers frequently tagged with AI in ADR

(i) Will Human desirability quotient also converge to make online court a reality in future?
For many human beings the justice system is inaccessible because it is unintelligible, unintegrated, there is a level of skeptism and discomfort.
In an increasingly digital society where people whether it is for education/health/ social practices become more and more comfortable services meditative to technology then that kind of digital mediation, legal service/ court service would be far more familiar to them.

(ii) In the next 10 years will online resolution supplement/ supplant traditional court hearings?
Pace of change is not completely within our hands. Presumption today is that legal disputes will be held in physical hearing. Maybe in 2030, in some jurisdictions the presumption may be reversed. It will definitely not supplant physical hearing and policy questions.

(iii) What is the author's take on smart contracts & block chain based arbitration dispute resolution mechanism and its impact on court systems across jurisdiction?
Evidence brought to the court will change because it will be held in the blockchain. It's not just technology that will change commerce, it changes the way in which we conduct related disputes. Smart contracts and blockchains are not innovation but automation.

(iv) In a country like India, will technology have an impact on the livelihood of lawyers?
It is not the purpose of the law to give employment to lawyers. If one wants to continue being a traditional lawyer in time and fashion, by the end of the decade, one will hardly find any jobs.

(v) What is the author's take on game theory based revolution models?
It will help in early stages of negotiation rather than later stages where perhaps more legal issues are concerned.

(vi) How do we effectively overcome the digital divide, skill divide and connectivity divide and develop a more intrusive system given the limited resources?
More people have access to the internet than access to justice. In the UK directly/ indirectly many people have access to machines. Famous Ice Hockey player Wayne Gretzky once said "A good hockey player plays where a puck is. A great hockey player plays where the puck is going to be[14]." It will just take a decade to bring about these fundamental changes we are anticipating. In India where investment is massive in fields of educational technology, medical technology has great access. A very small number of hard to reach challenges shouldn't be the determinants.
"The best way to predict the future is to invent it"