



# Dispute Resolution in the Digital Age – Online Dispute Resolution

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Syllabus 2018

University of Missouri School of Law

# Dispute Resolution in the Digital Age – Online Dispute Resolution

\*NOTE: Special classes are added for when Colin Rule visits!

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## I. Introduction:

There was a time when individuals would meet in person to make purchases and negotiate deals. They would discuss the terms, assess the trustworthiness and character of their contracting partners, and conclude the deal with a handshake. The handshake was more than a kind gesture—it helped ensure the enforcement of the deal without need for the rule of law or legal power. Reputations and respect were at stake because individuals worked in the same community and knew each other’s friends and business partners. That handshake was one’s bond—it was a personal “Trustmark” of sorts.

Those days are gone. We do not do deals on a handshake any more. We seem to have lost interest in face-to-face meetings in our digitized society. We text; we Skype; we FaceTime; we send e-mails. We do not connect in person because we conclude contracts in virtual spaces. The physical handshake is dying, especially in business-to-consumer (“B2C”) contexts. Consumers increasingly turn to the Internet for their buying needs and make any in-person purchases at big box stores where they rarely have any personal connections. This has created the need for a “New Handshake” – using the Internet to empower consumers and inspire companies to remain responsible to their customers regarding their products and services.

Of course, the Internet is not perfect and its growth has not been purely positive for consumers. The Internet empowers companies and consumers by giving companies access to multitudes of customers and connecting consumers with companies they would never otherwise encounter in the physical world. The Internet has become a gateway to an ever-expanding and globalized eMarketplace for consumer goods and services. Nonetheless, the Internet has created disconnections in B2C exchanges by allowing companies to easily hide from responsibility behind the anonymity and depth of the Internet. Customer service representatives operating wholly online do not have to look their customers in the eye when denying remedies, and feel less beholden to customers that are replaceable by a seemingly bottomless barrel of online shoppers.

That said, companies must pay attention to online consumers. Social media and Internet communications have opened new avenues for consumers to complain. Consumers may email or “chat” online with customer service, post complaints on Facebook or complaint sites like Yelp, file online complaints with the Better Business Bureau, or even submit complaints online to government regulators like the Consumer Financial Protection Bureau (“CFPB”). Indeed, dispute resolution has entered the digital age.

Moreover, these complaints process may now go further. This has led to the development of an entire field of study and practice broadly referred to as “online dispute resolution” (“ODR”). ODR goes beyond online complaints filing sites to allow for online negotiation, mediation, and arbitration processes for resolving disputes of various types. Although ODR has been around for some time, it is now hitting its stride and becoming a necessary staple for legal education and justice policy. It is the new gateway to justice.

ODR may create that “New Handshake” for consumers in B2C exchanges by expanding consumers’ access to remedies in an otherwise “top-down” world of eCommerce. ODR can be effective and satisfying for low-dollar claims such as those in most B2C contexts because of its efficiencies. ODR systems lower the costs and burdens of pursuing purchase complaints so that all consumers, regardless of power and resources, feel comfortable and able to seek assistance. Online complaint systems also create transparency around seller behavior and give voice to common consumers who may then police market fairness and empower others to “vote with their feet.” In this way, ODR has potential to ease power imbalances that have hindered market regulation in B2C commerce.

ODR is not merely for B2C eCommerce. It is growing into an expanding universe of technological solutions for legal problems. Indeed, one can imagine use of technological applications to help empower individuals from navigating court processes ranging from applying for government permits to tax appeals, filing for divorce, and dealing with a wide variety of legal issues. There is even talk of developing “block-chain” solutions for sovereign identity issues. This would be a foundation for digital identity, which is not hackable - something which does NOT exist in any form today. Digital identity on the block chain is what [Sovrin.org](http://Sovrin.org) has built. Law and technology are intersecting to solve problems and increase access to justice in new and innovative ways.

ODR is not perfect. It has drawbacks as well. Like any justice system, online systems must be carefully constructed and regulated. They also are not free. Someone is paying for their development and upkeep. Neutrals behind these systems also must be properly trained and regulated. Moreover, there are continual concerns with privacy online and Internet security. These are just a small handful of issues to be explored!

Accordingly, this course will explore ODR systems and use of technology to address legal problems. We will look at the various systems currently used by major companies such as eBay, as well as the rules and treaty developments in global markets. We also will do ODR simulation exercises, and plan to have a visit with Colin Rule, who

has been a leader in creating ODR systems. As noted above, there will be additional classes added in March TBD, when Mr. Rule will be our guest at Mizzou!

The class also will include deep consideration of both the potential and drawbacks of ODR systems. Therefore, we also will discuss development of best practices and question policy directions. For starters, consider whether rules regarding alternative dispute resolution (“ADR”) offline could or should apply to ODR? How does technology change the equation? Can we resolve disputes without looking into the eyes of the other side? How can offline neutrals best translate their skills online? What ethical challenges does ODR present? Are there contexts in which ODR should be banned? What role should artificial intelligence play in ODR?

## II. Course Objectives and Learning Outcomes:

The following are some of the key course objectives:

- We will examine the development of ODR, and think through some of the new challenges it poses to neutrals and systems designers
- We will look at the major providers, administrative agencies, and international organizations currently involved.
- We will sample state-of-the-art ODR technologies through a series of simulations
- We will begin to wrestle with the challenges of providing effective dispute resolution online.

The following are the key learning outcomes for this course:

- Learn about ODR and use of technology to solve legal problems.
- Discuss ethical issues surrounding use of technology for dispute resolution.
- Research and write a paper developing an original idea for solving a chosen legal problem using technology.
- Present a capstone project for the class, and generate discussion regarding one’s ideas.

III. Guests: We will have various guests in the class in person and via zoom or skype. I have assembled the leading individuals from across the US to be a part of this class in this way to maximize your learning and exposure to the key people in the ODR field. I hope that this will create long-lasting connections!

Of special import, we will have Mr. Colin Rule in class and there will be additional meetings set for March 21-22:

- **Wed. March 21 3-7 PM Room 332**

- **Thurs. March 22 1-2 & 5-7 PM Room 332**
- **He will also give a presentation for all students, staff, faculty and public on Wed. March 21 1-1:50 in the courtroom.**

This is an honor to have Mr. Colin Rule in class discussion and simulations March 21-22. Mr. Rule is COO and co-founder of Modria.com, an ODR provider based in Silicon Valley, which Tyler Technologies has acquired. See <https://www.artificiallawyer.com/2017/06/07/ebay-odr-co-modria-sells-up-legal-tech-consolidation-mounts/>. From 2003 to 2011, he was Director of Online Dispute Resolution for eBay and PayPal. He has worked in the dispute resolution field for more than a decade as a mediator, trainer, and consultant. He is currently Co-Chair of the Advisory Board of the National Center for Technology and Dispute Resolution at UMass-Amherst and a Non-Resident Fellow at the Center for Internet and Society at Stanford Law School.

Mr. Rule co-founded Online Resolution, one of the first online dispute resolution (ODR) providers, in 1999 and served as its CEO (2000) and President. In 2002 Colin co-founded the Online Public Disputes Project (now eDeliberation.com) which applies ODR to multiparty, public disputes. Previously, Mr. Rule was General Manager of Mediate.com, the largest online resource for the dispute resolution field. Mr. Rule also worked for several years with the National Institute for Dispute Resolution (now ACR) in Washington, D.C., and the Consensus Building Institute in Cambridge, Massachusetts.

Mr. Rule has presented and trained throughout Europe and North America for organizations including the Federal Mediation and Conciliation Service, the Department of State, the International Chamber of Commerce, and the CPR Institute for Dispute Resolution. He has also lectured and taught at Pepperdine, UMass-Amherst, Stanford, MIT, Creighton University, Southern Methodist University, the University of Ottawa, University of Colorado, and Brandeis University.

Mr. Rule is the co-author with me of *THE NEW HANDSHAKE: ONLINE DISPUTE RESOLUTION AND THE FUTURE OF CONSUMER PROTECTION* (ABA Publishing 2017). He is also the author of *ONLINE DISPUTE RESOLUTION FOR BUSINESS*, published by Jossey-Bass in September 2002. He has contributed more than 50 articles to prestigious ADR publications, and currently blogs at [Novojustice.com](http://Novojustice.com), and serves on the boards of RESOLVE and the Peninsula Conflict Resolution Center. He holds a Master's degree from Harvard University's Kennedy School of Government in conflict resolution and technology, a graduate certificate in dispute resolution from UMass-Boston, a B.A. from Haverford College, and he served as a Peace Corps volunteer in Eritrea from 1995-1997.

IV. Course Requirements & Grading: The final grade will be based upon writing assignments and presentations (75%), along with class participation (25%).

*Writing assignments and capstone presentations (75%)*: This includes three reflection papers, a "paper plan," and the capstone paper as noted herein. Note also that all papers are to be double spaced and should not exceed maximum page limits. For example, if the paper is to be 1 – 2 pages long, then it should not exceed 2 pages.

- A. *Reflection papers (15%)* – Reflection papers are due at the start of each class for which they are assigned. Students must come to class with hard copies of their papers because students will discuss the papers in class. Also, it is important to bring a hard copy to the class for which they are assigned because I will be collecting them in class.
- B. *Capstone System Design paper and presentation (60%)* – This capstone “system design” paper and presentation thereof will account for 50% of your final grade. A hard copy and an e-copy of your paper are due by May 1, 2018. *Please note that this “design” requires no technical IT knowledge or explanation. Instead, this will be a concept paper that calls on students’ creativity and practical consideration of problem solving. See below for more specific guidance and rest assured that we will talk more about this in class and I am happy to work with you along the way.*

This paper should be roughly 10-15 pages double spaced. You will provide a design for an online dispute resolution system or other technological solution aimed at addressing a particular type of dispute or legal problem more broadly. Pick a type of dispute you are interested in (e.g. cell phone, tax appeals, parking fines, workplace, environmental, commercial, privacy, intellectual property, divorce, healthcare, bullying, University matters, dorm issues, etc), and set forth your concept for a design of a technological process using some sort of technology system (e.g. an app, a website, or other online platform) for assisting the resolution of your chosen type of dispute. Specifically, consider the following:

1. State the type of dispute or problem that your system is designed to address and why you believe ODR or a technological solution would be beneficial in this context. Also consider how the disputes are currently handled in the status quo? What are the advantages and disadvantages of the current resolution approach vs. ODR? This will require research regarding current methods for addressing the problem (be sure to include proper citations).
2. Describe your envisioned ODR system or other technological solution. Who will use the system (ie: consumers, businesses, government, etc.)? What information will you collect from participants and how? What are the phases and stages of your envisioned ODR process? What actions will participants need to take as part of the flow? Walk the reader through the resolution flow (you may choose to create a diagram).
3. Consider ethical issues and the fairness of your proposed system. How will moving these cases online change the volume of cases and quality of resolutions in the area? What quality controls will your system employ to ensure due process at some level?
4. What data security measures will you employ and how will you ensure the safety of the system? At the same time, to what extent will data be shared?
5. How will the systems be paid for? What options and ideas have you developed for funding the system creation and maintenance?

6. What are some of the difficulties and drawbacks of your system? You should go beyond simply listing the remaining questions and concerns your system may present. Develop your ideas.

\*\*The final classes will be dedicated to your presentation of your system design. You will create powerpoint presentations and have command of **20 minutes** for your presentations!

- C. *Class participation and attendance (25%)*: I expect students to attend all class meetings and actively participate in class discussions and activities. Regular attendance is expected in accordance with the ABA policy statement.

**Note also that you are graded on participation, and therefore it is very important that you attend and participate. Consider that if everyone else attends, and you are graded on a curve, then it is natural that your grade will suffer.**

I will grade participation based on attendance as well as active and thoughtful engagement with the course content. Active participation in simulations and discussions is essential. This will enhance your learning and the learning experience for all students in the class. Again, the role of technology in the law is an exciting area and I hope that you will engage with the course wholeheartedly!

- V. Office Hours and Accessibility: I will hold office hours Wednesdays 10:30-12:30 and I am generally readily available. I am enthusiastic about this developing area, and here to assist your learning!
- VI. Laptops: Please note that you must bring a laptop for classes in which we do the online simulations. If you do not have a laptop to use or have other accessibility issues with using a laptop for simulations, please let me know ASAP so we can seek arrangements.
- VII. Assignments/Open & Accessible Educational Resources (O&AER): Below is the schedule of topics and assignments we will cover during the class.

Please ask me any questions regarding assignments before they are due so that I can help you prepare for class in accordance with the schedule. Furthermore, these assignments are subject to change and you should not read too far ahead of the schedule. We also will be adding exercises and materials as they develop during the semester due to the evolving nature of law and technology!

This class is also part of the “O&AER” program at MU seeking to save you the costs of materials! To that end, all course materials are accessible on TWEN under Course Materials, linked from this syllabus via embedded hyperlinks, or are otherwise accessible for free on the Internet. I also have placed materials that I created in the University of Missouri-Columbia Law School Repository. There are no materials you must purchase. The materials cost for the course is \$0.

This means you must download the syllabus and be prepared to locate materials on the Internet as noted in the syllabus, on TWEN and/or on the Library open repository. You also must register for this course on TWEN. If you have trouble accessing or locating the materials– please ask Cindy Bassett in the library for assistance. Note also that optional readings are truly optional, and they are all available for free on my SSRN Page at [https://papers.ssrn.com/sol3/cf\\_dev/AbsByAuth.cfm?per\\_id=522704](https://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=522704).

NOTE: I also will be creating and distributing additional guides, exercises and powerpoints that will be openly available under a Creative Commons license to assist with the coursework.

| Class   | Topic  | Reading Assignments   |
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| 1. 1/17 | Intro to Online Dispute Resolution (ODR) and Exploration of Expanded Remedy Processes for B2C Transactions | <ul style="list-style-type: none"> <li>• Amy J. Schmitz, <i>Remedy Realities in Business to Consumer Contracting</i>, 58 ARIZONA L. REV. 213-261 (2016) at <a href="https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2793506">https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2793506</a>.</li> <li>• Pablo Cortés, <i>A New Regulatory Framework for Extra-Judicial Consumer Redress: Where We Are Now and How to Move Forward</i> Legal Studies, 2014, University of Leicester School of Law Research Paper No. 13-02. Available at SSRN at <a href="https://ssrn.com/abstract=2324945">https://ssrn.com/abstract=2324945</a></li> </ul> <p><u>Reflection Paper:</u> Briefly explain in 1-2 pages your experience and knowledge with online remedy systems and what you hope to learn in this course. Also, note your conceptions of ODR based on the readings and consider ODR’s problems and potential.</p> <p><u>Optional (yes, truly optional):</u></p> <ul style="list-style-type: none"> <li>• Amy J. Schmitz, <i>Building Trust in Ecommerce Through Online Dispute Resolution</i>, in RESEARCH HANDBOOK ON ELECTRONIC COMMERCE LAW, (Edward Elgar Publishing 2016) **Book is in the law library.</li> <li>• Amy J. Schmitz, <i>Introducing the “New Handshake” to Expand Remedies and Revive Responsibility in ECommerce</i>, 26 UNIVERSITY OF ST. THOMAS L. REV. 522-550 (2014).</li> <li>• Amy J. Schmitz, <i>Ensuring Remedies to Cure Cramming</i>, 14 CARDOZO J. OF CONFLICT RESOLUTION 877-97 (2013).</li> </ul> |

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|         |   | <ul style="list-style-type: none"> <li>• Amy J. Schmitz, <i>Building Bridges to Consumer Remedies in eConflicts</i>, 34.4 U. A. L. REV. 779, 779-95 (2012).</li> <li>• Amy J. Schmitz, “Drive-Thru” Arbitration in the Digital Age: <i>Empowering Consumers through Regulated ODR</i>, 62 BAYLOR L. REV.178-244 (2010).</li> </ul>  |
| 2. 1/24 | NO CLASS  |   |
| 3. 1/31 | eBay, Modria, UNCITRAL, and growing ODR in public and private spheres | <ul style="list-style-type: none"> <li>• Amy J. Schmitz and Colin Rule, THE NEW HANDSHAKE: ONLINE DISPUTE RESOLUTION AND THE FUTURE OF CONSUMER PROTECTION, Chapter 3, Lessons Learned on eBay, pp. 33 - 46 (American Bar Association Section on Dispute Resolution 2017)(Prepublication Draft). This is available on SSRN at <a href="http://ssrn.com/abstract=3106913">http://ssrn.com/abstract=3106913</a>.</li> <li>• “Leveraging the Wisdom of Crowds: The eBay Community Court and the Future of Online Dispute Resolution,” Colin Rule and Chittu Nagarajan, in ACResolution Magazine, Winter 2010. Provided with the author’s permission and freely available at <a href="http://colinrule.com/writing/acr2010.pdf">http://colinrule.com/writing/acr2010.pdf</a></li> <li>• Graham Ross, <i>ODR's Role in In-Person Mediation and Other 'Must Know' Takeaways About ODR</i> at <a href="https://www.mediate.com/articles/RossG2.cfm">https://www.mediate.com/articles/RossG2.cfm</a>.</li> <li>• UNCITRAL Working Group III final technical notes at <a href="http://www.uncitral.org/pdf/english/texts/odr/V1700382_English_Technical_Notes_on_ODR.pdf">http://www.uncitral.org/pdf/english/texts/odr/V1700382_English_Technical_Notes_on_ODR.pdf</a> .</li> </ul> <p><u>Reflection Paper:</u> Does the growth and international depth of ODR surprise you? Briefly list the pros and cons of the UNCITRAL endeavors based on the readings, and in light of parallel ODR projects in the private sphere. The paper should be only 1 – 2 pages long but be prepared to discuss your thoughts in class. Consider how a public global system compares with private ODR like that used by eBay. Also, consider the policy differences among the UN Member States and the politics involved in Working Group III. Why do you think UNCITRAL Working Group III ended without clear ODR guidelines?</p> |

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| 4. 2/7 | ODR in Developing Nations? | <p>We will add consideration of the so-called “digital divide,” and possibilities for ODR in developing nations. It is natural to ask whether ODR “makes sense” in places where daily necessities are scarce. The first paper is a report with respect to early involvement of “fellows” from developing nations in the ODR Forum, which has taken place every year for some time. The second is a draft article of mine on this topic which is posted on SSRN in draft form, and will be edited and ultimately published in <i>Notre Dame Journal of Law, Ethics &amp; Public Policy</i>. Next, you will read a short post on internet growth. Finally, you will prepare for an exercise in class.</p> <ul style="list-style-type: none"> <li>• Doug Leigh &amp; Frank Fowlie, <i>Online Dispute Resolution (ODR) within Developing Nations: A Qualitative Evaluation of Transfer and Impact</i>, published with open access, <i>Laws</i> 2014, 3(1), 106-116; doi:10.3390/laws3010106 at <a href="http://www.mdpi.com/2075-471X/3/1/106">http://www.mdpi.com/2075-471X/3/1/106</a></li> <li>• Draft (before editing) of Amy J. Schmitz, <i>There’s an “App” for That: Developing Online Dispute Resolution to Empower Economic Development</i>, <i>Notre Dame Journal of Law, Ethics &amp; Public Policy</i>, (forthcoming). You can find it on SSRN at <a href="http://ssrn.com/abstract=3101976">http://ssrn.com/abstract=3101976</a> and it is posted on TWEN.</li> <li>• Read and consider information on growth of the Internet. See INTERNET GROWTH STATISTICS, “Today’s road to e-Commerce and Global Trade Internet Technology Reports” at <a href="http://www.internetworldstats.com/emarketing.htm">http://www.internetworldstats.com/emarketing.htm</a>.</li> </ul> <p><u>Exercise:</u> No paper is due, but prepare to work in teams to consider and debate the use of ODR for refugee disputes. Consider the ODR for refugees application at <a href="http://www.odreurope.com/odr4refugees">http://www.odreurope.com/odr4refugees</a>. It is an app which enables refugees to have access to alternative dispute resolution services to give refugees an easy path to information and to actual mediation services.</p> <p>It does not focus on refugees permanently settled in the country of their final destination. Instead, it focuses on all those who are on the move or reside temporarily in refugee camps all over the world (including asylum seekers who have not yet gained refugee status). The app guides refugees to select the type of their dispute they seek to resolve, and processes all the data and appoints a mediator from a list of mediators (matching several criteria such as nationality, languages, area, topic, gender etc.) who communicates with both sides. The whole mediation process can be conducted online from</p> |
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|         |                       | <p>their smartphones through video conference (in joint or separate sessions) or through a chat tool.</p> <p>You will be placed in groups representing ambassadors from nations with many refugee camps, ODR developers, and refugees (and their representatives/aid workers). How could or should this app work? What problems do you see with the concept and plans for the app (after reading the website)? Be sure you truly look over the website and ask how this ODR system will address cultural difference? Could ODR help with “tough conversations” and discrimination?</p>   |
| 5. 2/14 | Global ODR Governance | <p>We will consider how ODR should be regulated. As prior readings have indicated, there are ODR systems developing at private and public levels, but no one unifying force. The EU has made great strides in this direction through its ODR Regulation, but there is no one global structure or means for assuring applications that “speak” to one another. Do we need one open avenue for access to remedies throughout the world? Moreover, you should have concerns and questions regarding whether and how ODR should be monitored. Thus, please read:</p> <ul style="list-style-type: none"> <li>• REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT on the functioning of the European Online Dispute Resolution platform established under Regulation (EU) No 524/2013 on online dispute resolution for consumer disputes at <a href="#">EU ODR Report</a>. This is an open document on the <a href="http://ec.europa.eu">ec.europa.eu</a> website.</li> <li>• Noam Ebner &amp; John Zeleznikow, <i>No Sheriff in Town: Governance for Online Dispute Resolution</i>, 2016 NEGOTIATION J. 297 (2016) and on SSRN at <a href="https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2845639">https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2845639</a>.</li> <li>• Draft (before editing) of Amy J. Schmitz, <i>A Blueprint for Online Dispute Resolution System Design</i>, which will be published after editing in the Journal of Internet Law. You can find this on my author page for SSRN and specifically at <a href="http://ssrn.com/abstract=3102412">http://ssrn.com/abstract=3102412</a>.</li> </ul> <p><u>Reflection Paper</u>: Write a one page reflection paper creating a flowchart or diagram for how you believe ODR should be regulated, if at all. Should there be a top-down or bottom-up approach? Is one global system practical or “doable” – why or why not? What practical advice do you glean from the EU report? We will be going</p> |

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|         |  | over your papers in class, and thus you must be ready to explain your flowchart or diagram.   |
| 6. 2/21 | ODR in the Courts                      | <ul style="list-style-type: none"> <li>• Institute for the Advancement of the American Legal System, <i>A Court Compass for Litigants: MAPPING THE FUTURE OF USER ACCESS THROUGH TECHNOLOGY</i> (2017). This document is accessible by searching on the IAALS site at <a href="http://iaals.du.edu/honoring-families/publications/court-compass-mapping-future-user-access-through-technology">http://iaals.du.edu/honoring-families/publications/court-compass-mapping-future-user-access-through-technology</a>.</li> <li>• Sam Muller, HiiL, Justice Innovation Lessons of 2017, at <a href="http://www.hiil.org/insight/justice-innovation-lessons-2017">http://www.hiil.org/insight/justice-innovation-lessons-2017</a>.</li> <li>• National Center for State Courts, “Case Studies in ODR for Courts: A view from the front lines,” Version 1.0 Nov. 2017, at <a href="http://www.ncsc.org">http://www.ncsc.org</a>. The document is also posted on ODR.info.</li> </ul> <p><u>Exercise:</u> Be prepared to work in teams representing: MO judges; MO Bar Association; MO attorney general’s office; MO legislators; MO legal aid groups; and private tech firms interested in selling their ODR products to courts in MO. You will be negotiating to create a “plan” for how MO should and could best incorporate ODR in its courts. Consider your group’s interests, budgets, assisting society, due process concerns, etc. Be prepared for robust debates and negotiations during the class!</p> |
| 7. 2/28 | Ethics, and ODR Standards & Principles | <p><b><u>Guest via Zoom – Leah Wing, Co-Director, National Center for Technology and Dispute Resolution Senior Lecturer, Legal Studies Program, Political Science Department, University of Massachusetts/Amherst.</u></b></p> <ul style="list-style-type: none"> <li>• Leah Wing, <i>Ethical Principles for Online Dispute Resolution: A GPS Device for the Field</i>, International Journal of Online Dispute Resolution, 3(1), 12-29 (2016). Available at SSRN: <a href="https://ssrn.com/abstract=2973278">https://ssrn.com/abstract=2973278</a> and on TWEN with author approval.</li> <li>• “<u>Virtual Virtues: Ethical Considerations for Online Dispute Resolution (ODR) Practice,</u>” Colin Rule, Jo DeMars, Susan Nauss Exon, and Kimberlee K. Kovach, in <i>Dispute Resolution Magazine</i>, Fall 2010. Freely accessible on <a href="http://colinrule.com">colinrule.com</a>.</li> <li>• If there is time, we also may share with you the latest developments related to the ABA’s proposed incorporation of ODR in ABAFreeLegal. As part of the mission of the Standing Committee on Pro Bono and Public Service to continually upgrade and</li> </ul>   |

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|        |   | <p>expand the opportunities for pro bono, this committee engaged my committee (Technology and Dispute Resolution) for help with various tasks including:</p> <ol style="list-style-type: none"> <li>1. Assistance with expansion of the services available on the <a href="http://www.ABAFreeLegalAnswers.com">http://www.ABAFreeLegalAnswers.com</a> web sites to include an ODR option.</li> <li>2. Creation of protocols and recommendations for the use of ODR for low income persons.</li> <li>3. Assistance from the Dispute Resolution Section in the recruitment and training of volunteer Dispute Resolution Neutrals to participate in this project (I think students should get involved!!)</li> </ol> <p><u>Exercises:</u> Exercises will be distributed a week before the class.</p>   |
| 8. 3/7 | CoParenter and Technological Solutions for Problems in Family Law | <p style="text-align: center;"><b><u>Guests via Zoom from coParenter!</u></b></p> <p>See <a href="https://www.coparenter.com/what-is-coparenter">https://www.coparenter.com/what-is-coparenter</a>. The coParenter platform aims to prevent custody from being litigated (or re-litigated) where possible. The tool seeks to bring parents together through a neutral platform that allows them to communicate, track scheduling, and manage responsibilities. The platform also keeps records of any communication made through its platform in the case that either party later needs it for a proceeding. The app can be used on mobile phones, or downloaded to a computer. Please fully read the website and materials regarding coParenter and be prepared to ask tough questions! They welcome your thoughts and questions.</p> <ul style="list-style-type: none"> <li>• Institute for the Advancement of the American Legal System, <i>A Court Compass for Litigants: 2016 Convening Report</i> (July 6th, 2016). You can find this document on the IAALS website at <a href="http://iaals.du.edu">http://iaals.du.edu</a>. You may find additional information on the site helpful as well for your papers, and thus it is good for you to visit <a href="http://iaals.du.edu/honoring-families/publications/court-compass-litigants-2016-convening-report">http://iaals.du.edu/honoring-families/publications/court-compass-litigants-2016-convening-report</a>.</li> <li>• Read and review the sited noted in the short guide I created on TWEN for <b>Family Law ODR (this will also be in the Law Library Repository)</b>.</li> </ul> <p><u>Exercises:</u> Be prepared for exercises in class.</p> |

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| <p>9. 3/14</p>   | <p>Considering New Programs and Your Ideas!</p> | <p>We will have <b>another ODR start-up as a guest at the start of class via Zoom.</b></p> <ul style="list-style-type: none"> <li>• <b>See the document on TWEN for “Split Smart.”</b></li> </ul> <p>Additionally, we will spend the second half of class talking about future directions in ODR and technological solutions to legal problems – especially as it relates to access to justice (A2J). How far should and could we go in creating means through technology for addressing A2J problems? Think outside the box and break down silos that currently cloud legal judgement! Indeed, you should now be thinking of what you would like to tackle in developing your final projects.</p> <p>Read: John Zeleznikow, <i>Can Artificial Intelligence and Online Dispute Resolution Enhance Efficiency and Effectiveness in Courts</i> (May 2017). International Journal for Court Administration, Vol. 8, No. 2, May 2017. Available at <a href="https://ssrn.com/abstract=2999339">https://ssrn.com/abstract=2999339</a>.</p> <p><b>Paper Plans due: You must bring to class a short “Paper Plan,” or rough outline of what you plan to explore for your capstone/final project.</b> We will be swapping plans to get ideas from classmates and meeting with me to go over your “Paper Plans.” It is imperative that you bring hard copies of your plans to this class!</p> |
| <p>Classes 10-11. Visit from Colin Rule and ODR simulations<br/>**We will have additional classes as noted above during March 21-22!</p> | <p>Online dispute resolution simulations!</p>   | <p>Read:</p> <ul style="list-style-type: none"> <li>• Amy J. Schmitz &amp; Colin Rule, <i>The New Handshake: Where We Are Now</i>, INTERNATIONAL JOURNAL OF ONLINE DISPUTE RESOLUTION, Vol. 3, No. 2, 2016, pp. 84-101, University of Missouri School of Law Legal Studies Research Paper No. 2017-18. Available at SSRN: <a href="https://ssrn.com/abstract=2991821">https://ssrn.com/abstract=2991821</a></li> <li>• Colin Rule, <i>Technology and the Future of Dispute Resolution</i>, Dispute Resolution Magazine, 4-7 (Winter 2015) (On TWEN with the author’s permission and freely available on colinrule.com).</li> </ul> <p>**Simulations for online mediations and negotiations! Students will conduct and participate in online processes, and we will have opportunity to reflect on our experiences during the simulations. Mr. Rule and I have lead such simulations with students here at University of Missouri-Columbia and at University of Colorado. These will be key classes in the semester and we hope that is it fun and informative!</p>  |

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|                |  | *NO Reflection Papers due for these classes.   |
| Classes 12-14. |  | <p>Final Presentations: You will each have roughly 20 minutes to present your proposed ODR processes and gather other students' feedback. This time is yours and you are to take the lead. This allows for more speaking opportunities, and the discussion should assist you in completing your final seminar papers. This also means you may require the other students to prepare short readings, and you should create a powerpoint presentation to lead the class. Again, you are in charge for your time.</p> <p>**We will also "swap" paper plans and ideas, and I will hold special office hours.</p> |

#### VIII. Academic honesty

Academic integrity is fundamental to the activities and principles of the School of Law. All members of the law school community must be confident that each person's work has been responsibly and honorably acquired, developed, and presented. Any effort to gain an advantage not given to all students is dishonest whether or not the effort is successful. The law school community regards breaches of the School of Law's Honor Code as extremely serious matters. Sanctions for such a breach may include academic sanctions from the instructor, including failing the course for any violation, to disciplinary sanctions ranging from probation to expulsion. When in doubt about plagiarism, paraphrasing, quoting, collaboration, or whether something might be seen as a form of cheating, consult the course instructor. Please understand that the instructor will follow university procedures on cases of academic dishonesty, and in such cases it may be necessary to assign a failing grade for the assignment or even the entire course.

#### IX. Recording classes not permitted

University of Missouri System Executive Order No. 38 lays out principles regarding the sanctity of classroom discussions at the university. The policy is described fully in Section 200.015 of the Collected Rules and Regulations. In this class, students may not make audio or video recordings of course activity, except students permitted to record as an accommodation under Section 240.040 of the Collected Rules. All other students who record and/or distribute audio or video recordings of class activity are subject to discipline in accordance with provisions of Section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.

X. Executive Order #38, Academic Inquiry, Course Discussion and Privacy

University of Missouri System Executive Order No. 38 lays out principles regarding the sanctity of classroom discussions at the university. The policy is described fully in section 200.015 of the Collected Rules and Regulations. Students found to have violated this policy are subject to discipline in accordance with provisions of section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.

XI. Intellectual pluralism

The University community welcomes intellectual diversity and respects student rights. Students who have questions concerning the quality of instruction in this class may address concerns to either the Departmental Chair or Divisional leader or Director of the Office of Students Rights and Responsibilities. All students will have the opportunity to submit an anonymous evaluation of the instructor(s) at the end of the course.

XII. Students with disabilities

I am committed to providing affordable, open and accessible educational resources as part of the learning process in this course. Some resources, though, may have been designed with features that are inaccessible or create barriers to your participation. If you encounter barriers related to the format or requirements of this course please let me know as soon as possible so that we can discuss options.

If you have a documented disability (or think you may have one) and, as a result, need reasonable accommodations (for example, a note taker, extended time on exams, captioning), please establish an accommodation plan with the Disability Center (<http://disabilitycenter.missouri.edu>), S5 Memorial Union, 573- 882-4696, and then notify Associate Dean Mitchell or Registrar Denise Boessen. **Please note that unlike the rest of campus, the Law School does not rely on the Disability Center for the administration of exams to students in need of accommodation; but rather handles accommodation issues internally.**

For other resources for students with disabilities, visit <http://disabilitycenter.missouri.edu>. See also: [Accessibility Policy \(BPPM 1:025\)](#); [Digital Accessibility Policy \(BPPM 13:010\)](#); and [Adaptive Computing Technology Center](#).



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