Crowdsourced Online Dispute Resolution

BY

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For everyone involved, solving disputes often takes a considerable amount of time and money. This also holds true for Online Dispute Resolution (ODR) procedures. In practice, it is often pointless to pay for dispute resolution in a complex dispute environment. Imagine buying a new computer mouse that costs 20 euro from a website located in another continent. But after a long time of waiting, you do not receive it. When you call the person responsible for the website, he tells you that it was sent to you but the delivery service has no such record. What can you do in such a case? Perhaps you can fill a claim in the court or start an ODR process. The first option would imply hiring a lawyer in the country where the website is located, who will investigate the possibilities for action in your case? Perhaps you will pay 100 euro per hour if you are lucky enough. You will have also to wait one or two years until the legal process is over. A second option is using an ODR provider which will cost you between 200 and 700 euro. Obviously, this is still a great deal of money. What you need, in this particular case, is a fair resolution of your dispute, in a short time and at (almost) no cost.

A new type of dispute resolution called Crowdsourced Online Dispute Resolution (CODR) seems to have the potential to offer a suitable dispute resolution procedure. CODR can be defined as a term that encompasses some forms of Alternative Dispute Resolution (ADR) and court proceedings using the internet and crowdsourcing as parts of the dispute resolution process. The crowd which participates in the CODR process can be defined as a group of people participating in the dispute resolution process through an open call.

CODR is not a theoretical concept anymore, it exists already and constantly evolves. The present CODR service providers can be differentiated by three types: (1) online opinion polls, (2) online mock juries, (3) CODR rendering decisions enforced by private authorities.

Typical examples of online opinion polls are iCourthouse (www.icourthouse.com), SideTaker (www.sidetaker.com), AllRise (www.allrise.com), People’sCourtRaw (www.peoplescourtraw.com), Truveli (www.truveli.org). While the online opinion polls provide the parties with the opportunity to express their feelings and receive some feedback, they do not have sufficient safeguards guaranteeing a fair dispute resolution.

Online mock juries are not a form of real dispute resolution. But the process used by them is similar to the dispute resolution process and sometimes they are used as an ADR tool, in which
parties that are not willing to negotiate may change their mind when they see how the merits of their cases stand when argued in front of neutral evaluators. That is why we classify them as a form of CODR. eJury (www.ejury.com) and VirtualJury (www.virtualjury.com) are two examples of online mock juries. It should be noted that online mock juries can offer a fairer dispute resolution in some respects because juries undergo a screening process ensuring unbiased and impartial opinions.

The third phase of the CODR development is a CODR procedure rendering decisions enforced by private authorities. There are only two websites in this category - the eBay’s Community Review Forum (http://www.ebaycourt.com/) and GebruikersJury (http://gebruikersjury.marktplaats.nl/). These two websites transform into reality the futuristic idea that a dispute can be effectively solved at no cost by a large group of people located in many different countries in 30 minutes after submitting the claim. The enforcement of their decisions is done by a Customer Service Representative, who, if appropriate, removes the feedback.

Since CODR provides fast, democratic, and cheap dispute resolution, it definitely has potential that is worth further exploration. CODR may be the beginning of a new era in the dispute resolution, an era in which judges and courts might be replaced or complemented by the collective intelligence of the world’s citizens.

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