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Access to Justice for Consumers



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*ODR Forum
ODR in the Courts and Tribunals
Auckland University
New Zealand
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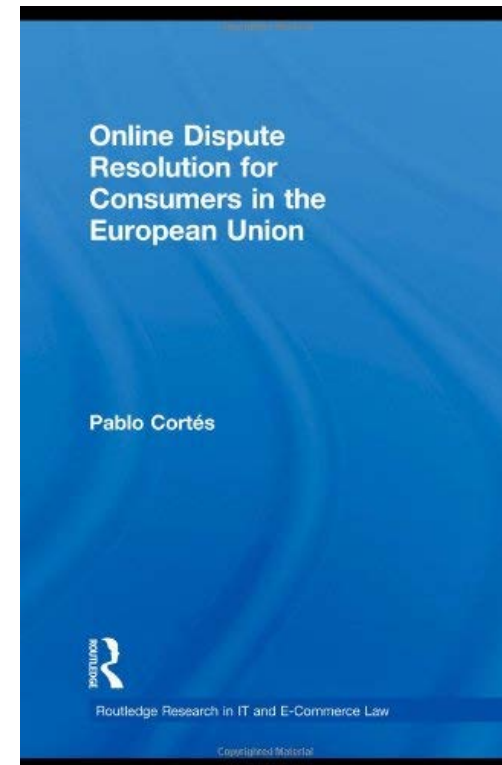
Civil Justice Reform



- The right to access to justice
 - *In England, justice is open to all, like the Ritz Hotel (Sir Matthews 1830-1908)*
 - *The single most pervasive and indeed shocking weakness of our civil courts is that they fail to provide reasonable access to justice for the ordinary individuals (Lord Briggs, 2016)*

Online Dispute Resolution

- ODR is often the best (and only) option for most consumers, especially if they are:
 - Cross-border
 - Low value
 - High volume
 - Online disputes



UNCTAD published report on DR and Redress (30 April 2018)

- ODR are available in different forms
 - From the simplest methods to more sophisticated ones where the technology proposes a solution
 - Growing concern over the need to supervise private ODR platforms
 - Regional developments
 - EU ODR platform
 - Brazil, Columbia, and Mexico offer State-sponsored ADR/ODR
 - ASEAN to launch an ODR platform before 2025
 - Propose policy options on due process -incl. effectiveness: online accessibility to dispute resolution

United Nations



**United Nations Conference
on Trade and Development**



Institutionalisation process in the EU

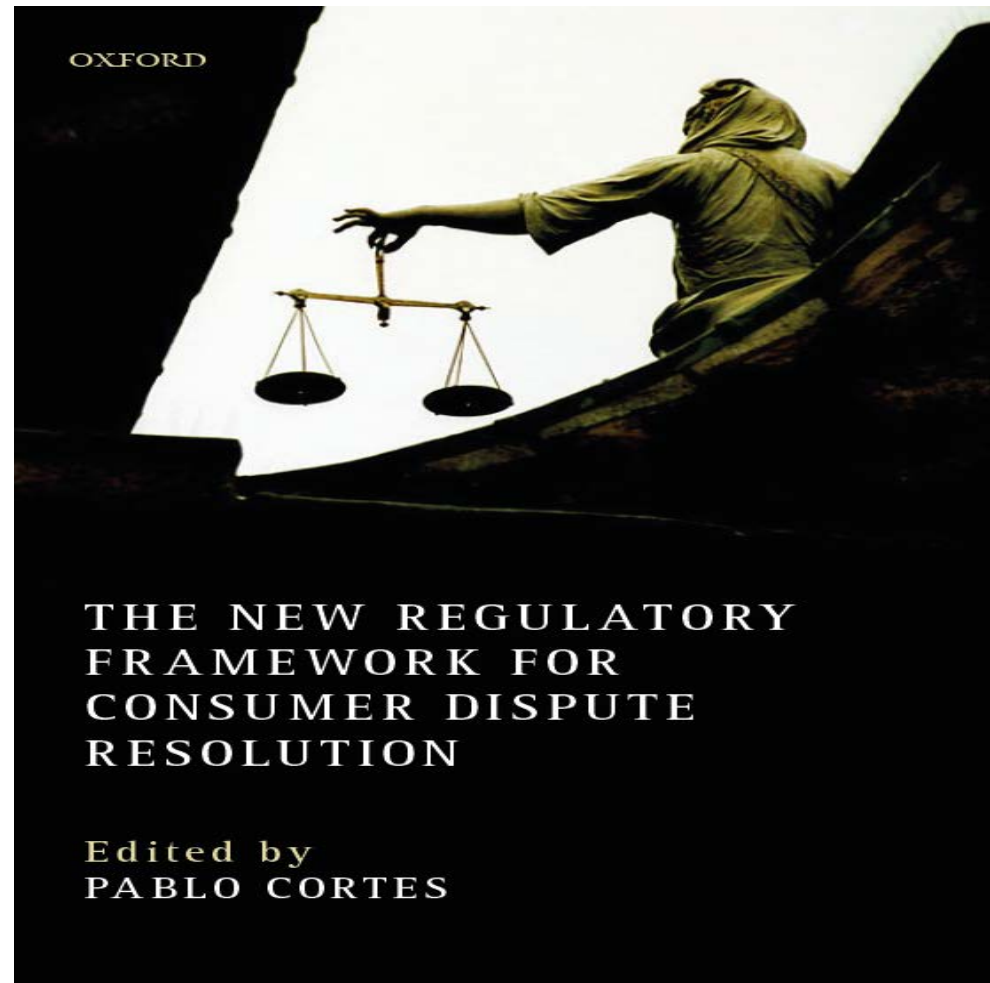
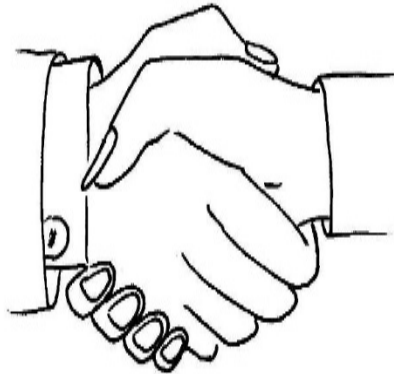
Communication COM(2011) 791

- The ADR Directive 2013/11/EU
 - Availability of online ADR
 - Quality
 - Awareness
- ODR Regulation (EU) 524/2013
 - ODR platform



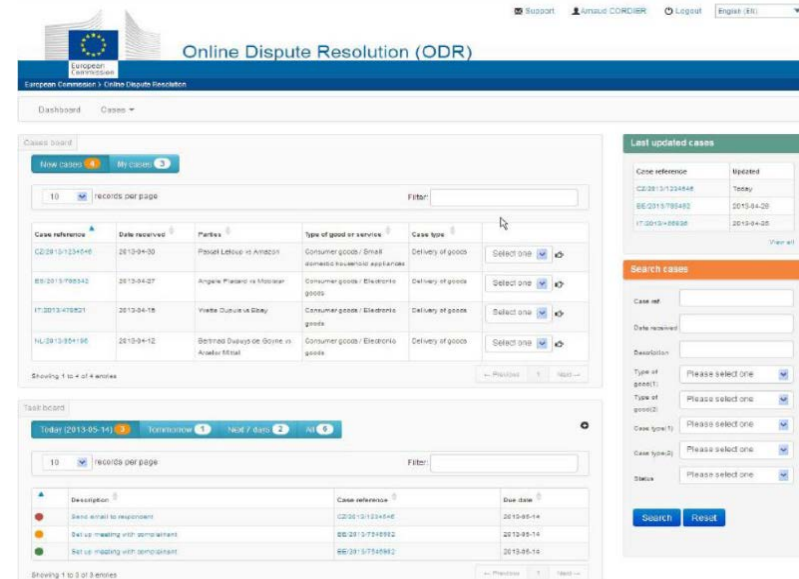
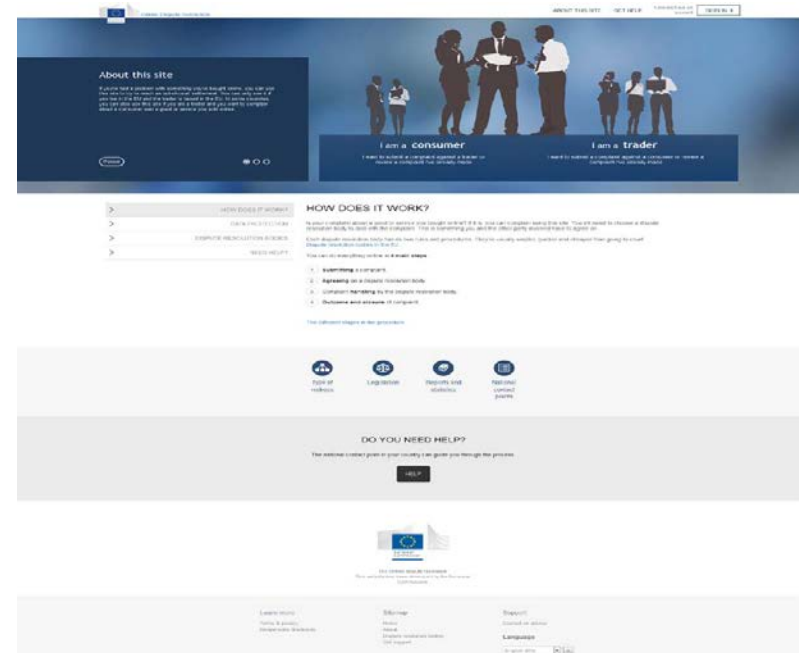
(Oxford University Press, 2016)

- Part I: EU Law
- Part II: The implementation in the EU Member States
- Part III: New trends



The EU ODR Platform

- E-commerce C2B (domestic and cross-border)
- Available in 31 countries and in the 25 EU languages
- Managed by EC and ECC-Net
- Functions:
 - Links consumers and traders with approved (400+) ADR/ODR
 - Electronic complaint form
 - Translation
 - Case management tool
 - Feedback
- All online traders must show their email and the link to the Platform ec.europa.eu/consumers/odr

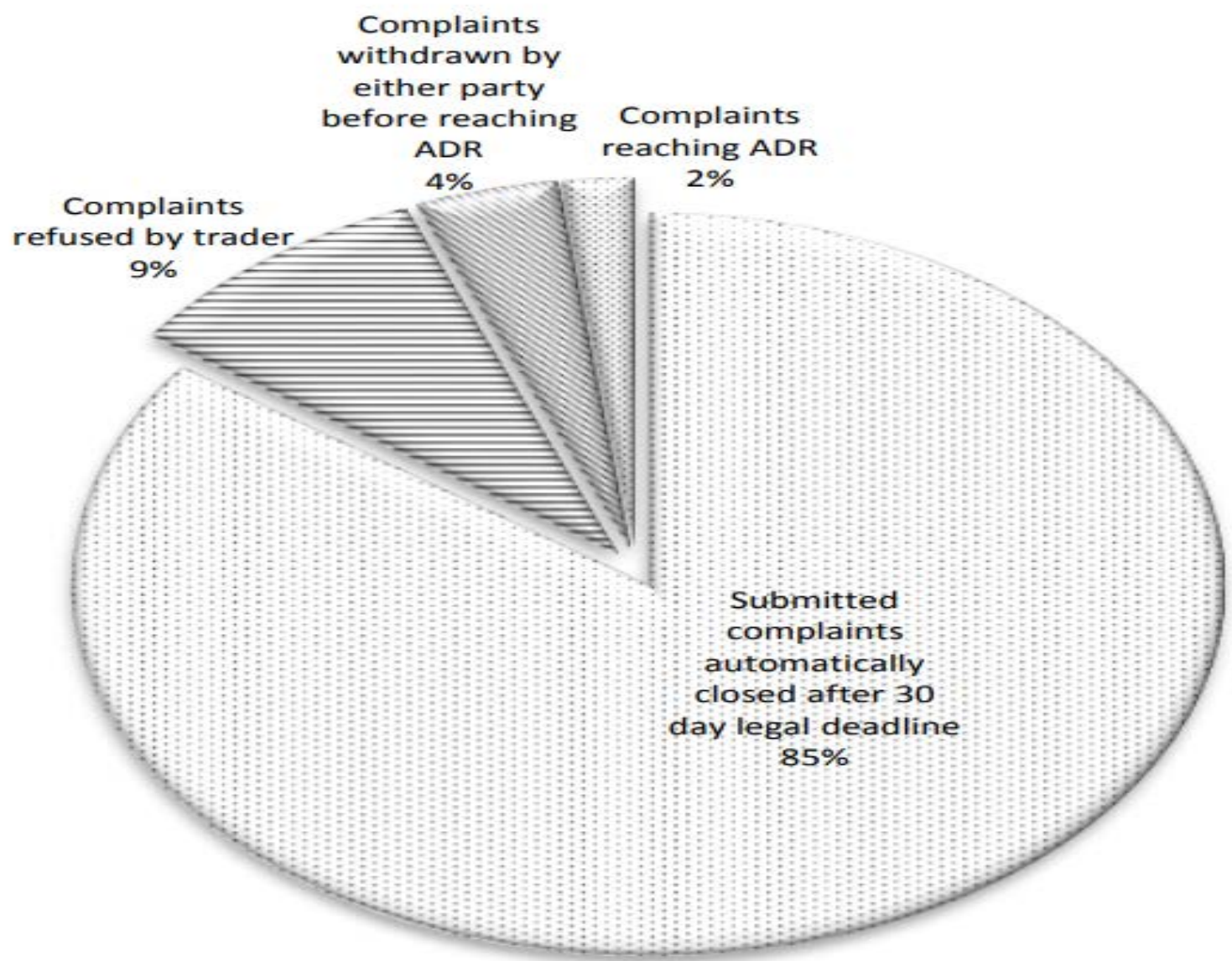


EC Report on the first year of operation (Dec, 2017)

- 30% of online traders use the link, but there is an incremental use:
 - first year of operation 24k complaints (Feb 2016 – Feb 2017)
 - First month 744 and last one 3,719
 - By now +70k complaints, 7m+ visitors
- 61% domestic and 39% cross-border
- Types of claims: consumer clothing, airline tickets, ICT goods
- Main issues: delivery of goods, non-conformity, defective goods



The complaints life-cycle



(Cambridge University Press, 2018)

- Identifies a new legal sub-field
- Calls for greater integration
- Argues that it is more than mere DR as it replaces courts
- Recommendations

The Law of Consumer Redress in an Evolving Digital Market

Upgrading from Alternative to Online Dispute Resolution

Pablo Cortés



CAMBRIDGE

The Online Court: The Civil Money Claims project

- Resolve claims under £25k without the need for legal representation in 3 stages:
 1. Online submission of the claim
 2. Case officer will assist in settling claims
 3. Judge will decide the remaining cases



**ONLINE DISPUTE
RESOLUTION
FOR LOW VALUE CIVIL CLAIMS**
Online Dispute Resolution Advisory Group



**Delivering Justice
in an Age of Austerity**

A Report by JUSTICE
Chair of the Committee
The Rt. Hon Sir Stanley Burnton

**Civil Courts Structure
Review: Final Report**

by Lord Justice Briggs

July 2016



The institutionalisation of consumer ODR

- ADR/ODR in the EU are increasingly considered public interest companies, which are specialised, publicly certified, and expected to cooperate with the industry and regulators
- The EU goal of promoting trade (& access to justice) can only be achieved if consumers
 - Choose traders based on their adherence to ODR or
 - If ODR is mandatory for traders (participation and outcomes)
- Increase role of the courts in promoting ADR/ODR, but lack of coordination with outside ADR/ODR schemes

Thank you

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