

Ius Commune Conference 2019

Workshop: Technology for Civil Justice

Thursday, 28 November (14.00 - 18.00)

Building: Oude Valk

Room: Grote Vergaderzaal

Participants

Theme: Technology for Civil Justice

This workshop focuses on the challenges and opportunities of technological innovations for civil justice. Algorithms, smart software and artificial intelligence (AI) are increasingly used to enhance access to justice and to streamline procedures and decision-making processes. The use of technology in the administration of civil justice – which includes private law adjudication and online dispute resolution (ODR) mechanisms – raises questions about the role and needs of the players involved – private parties, lawyers and judges – as well as their legal and ethical responsibilities. Efficiency goals, in particular, may conflict with core values of justice and fair trial principles. This has a practical dimension, as illustrated by complications that have arisen in the project for digitization of civil procedure in the Netherlands (KEI) and the emergence of out-of-court initiatives that ‘compete’ with the judiciary. This also has a normative dimension: what fundamental rights and values are at stake, and how should they be safeguarded?

The objective of this workshop is to explore the impact of technology on civil justice from the perspective of access to justice and procedural fairness. In what way(s) can technology facilitate the administration of civil justice? What are the risks or pitfalls? How can they be addressed or regulated, for instance through the development of ethical and professional guidelines for legal practitioners who work with AI? Speakers are PhDs and postdocs with a research interest in the field of legal tech and/or procedural innovation.

Convenor and moderator: Anna van Duin (University of Amsterdam, vanduin@uva.nl)

Discussant: Pietro Ortolani (Radboud University Nijmegen)

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|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14.00 - 14.10 | Anna van Duin
<i>Opening</i> |
| 14.10 - 14.25 | Erlis Themeli (postdoc, Erasmus University Rotterdam)
<i>The Virtual Courtroom and Users' Perception</i> |
| 14.25 - 14.40 | Rachel Rietveld (PhD candidate, University of Amsterdam)
<i>Logic and Law: the Use of AI and Expert Systems for Interpreting Open Norms</i> |

- 14.40 – 14.55 **Geneviève Vanderstichele** (PhD candidate at Oxford University)
The (Normative) Value of an Algorithm that Predicts Court Decisions on the Basis of Case Law
- 14.55 – 15.45 **Comments and Plenary Discussion**
- 15.45 – 16.00 **Coffee / Tea**
- 16.00 – 16.15 **Stefan Philipsen** (postdoc, Utrecht University)
AI and the Administration of (Civil) Justice from a Fundamental Rights Perspective
- 16.15 – 16.30 **Elke Olthuis** (PhD candidate, University of Amsterdam)
The Human Factor in Judicial Decision-Making
- 16.30 – 17:00 **Comments and Plenary Discussion**
- 17:00 – 17.15 **Catalina Goanta** (assistant professor in Private Law, Maastricht University)
Traveling the Silk Road Online: The Dark Web and Its Dispute Resolution Mechanisms
- 17.15 – 17.30 **Emma van Gelder & Bianca Kremer** (PhD candidates at Erasmus University Rotterdam respectively University of St Gallen and members of the Oxford Deep Tech Dispute Resolution Lab)
The Use and Purpose of IT in the Justice System – Lessons Learned from ODR
- 17.30 – 17.55 **Comments and Plenary Discussion**
- 17.55 – 18.00 **Closing**