The recommendations place ODR at the heart of the resolution and management of civil justice claims. This is not a set of recommendations of the sort of in case management (see § 3.3), as that is already well established in a number of jurisdictions. The recommendations – echoing the 2008 Directive and the Regulation of 2013 – reflect the need to respond to the gap in consumer protection, given the reality of high-volume-low-value disputes, in which the costs of litigation far outweigh the value of the goods or services in question and, in any event, the lower nature of the scale of these transactions means that there would be considerable barriers to access to justice. The recommendations go further than earlier ones in this direction. The initiative of, for example, the EU have been to promote mediation, either online, in the US, for example (and this has been the case, in the UK, to require the integration of member state legislation to ensure a level of uniformity (though training), security (through confidentiality), and enforceability. The Advisory Group’s recommendations take the further step, as, and within one jurisdiction, of proposing the creation of a new court: Her Majesty’s Online Court (see §§ 2 and 6).

The unique step in this recommendation would be the creation of a Court that operates wholly online. This recommendation is also built on a step toward a development in Singapore which is mentioned in an earlier blog. Here, following similar recommendations, the court is now able to engage online with the parties. The legislation permits the parties to co-create the rules of the game, to try and make it more participative, and advisory rather than as the current mediation, (§ 9). If so, not only are we looking at the changes occurring in going online, we’re also looking at a specific recommendation to adopt a data homework systems.

Which leads me to the latter recommendation is that, first, fully developed. It seems to have key foundations. First, is the experience of financial services sector dispute resolution (in which there is a number of international examples to draw on when the practice of dealing with complaints has been more developed) and, second, in the experience of the financial service sector dispute resolution (of which there are a number of examples, not least the experience of the financial service sector experience). These recommendations are, of course, just that, and, that is some way to go before we see all or part of this implemented. What different those recommendations is not just the practicality of the impact, but also the question of what the nature of the impact on the jurisdiction's overall architecture. First, a number of recommendations that are not as clear: the recommendations are the expectations of access and innovation are shaped as much by the wider landscape of online activity as they are by the technicalities and participatory, and advisory than the current mediation. (§ 9). If so, not only are we looking at the changes occurring in going online, we’re also looking at a specific recommendation to adopt a data homework systems.

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