Ethical Design and Governance in Artificial Intelligence-Online Dispute Resolution

Submitted by: University of Melbourne
Ethical Design and Governance in AI-ODR

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Centre for Artificial Intelligence and Digital Ethics

Indecopi/ APEC
Promoting Consumer Protection in the Dispute Resolution and Redress Mechanisms in e-Commerce
27 - 29 April 2021
Virtual Public-Private Dialogue
Level of automation spectrum

- **Technology-based substitution/automation of offline DR processes:**
  OADR systems aka ‘first generation ODR’

- **Hybrid technology:**
  Use OADR and automated software
  e.g. Blind-bidding/automated negotiation; tiered end-to-end ODR using some AI

- **Autonomous ODR systems**
  Problem diagnosis & resolution capabilities - fully automated using algorithms, legal data analytics and predictors & legal AI techniques

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Tan, Vivi, Online Dispute Resolution for Small Civil Claims in Victoria: A New Paradigm in Civil Justice
Deakin Law Review, Vol. 24, No. 1, 2019,
Hybrid AI-ODR

**Onboarding**
- Screening and registering users onto the system

**Providing information**
- Assisting parties obtaining and entering relevant information about the dispute and their options

**Negotiation**
- Presenting possible outcomes to the parties

**Arbitration/Judgment**
- Binding decision via judge AI

**Offramp**
- Process to exit platform and implement outcomes

**Maintenance**
Continued operation and future state of the platform
### Key principles of ethical AI

<table>
<thead>
<tr>
<th>Principle</th>
<th>Description</th>
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<tr>
<td>Transparent and Explainable</td>
<td>Transparency looks to provide clarity for users around the functions of the system and its outputs. While explainability requires an account of that process that is able to be understood by users.</td>
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<td>Fair</td>
<td>A fair system for managing separation and resolving parenting and property arrangements will have strategies for ensuring it is free of bias and alert to inequalities of bargaining power.</td>
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<tr>
<td>Accessible</td>
<td>System accessibility means access is limited to appropriate use cases but is able to be used by all possible users within the target categories, ideally by involving representatives of all users been included in the design process.</td>
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<tr>
<td>Accountable</td>
<td>Accountability requires that outcomes can be reviewed.</td>
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<tr>
<td>Onboarding</td>
<td>Providing information</td>
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<tr>
<td><strong>Transparent and Explainable</strong></td>
<td>How are parties given information about the need for transparency on their own part? What happens if individuals do not fully disclose all relevant information?</td>
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<td><strong>Fair</strong></td>
<td>Are there risks of abuse of bargaining power between the parties?</td>
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<tr>
<td><strong>Accessible</strong></td>
<td>Is the process accessible and usable by all people with an appropriate use case?</td>
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<td><strong>Accountable</strong></td>
<td>Are the scope, purpose, outcomes and limitations clearly defined?</td>
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Why does this matter?

• accessibility
• justice,
• social license
• trustworthiness
Thank you

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