ODR and Aggregate Litigation

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Two Litigation Paradigms

Individual Litigation

- Access to justice
- Procedural fairness
- Accurate outcomes

Aggregate Litigation (Class Actions)

- Collective access
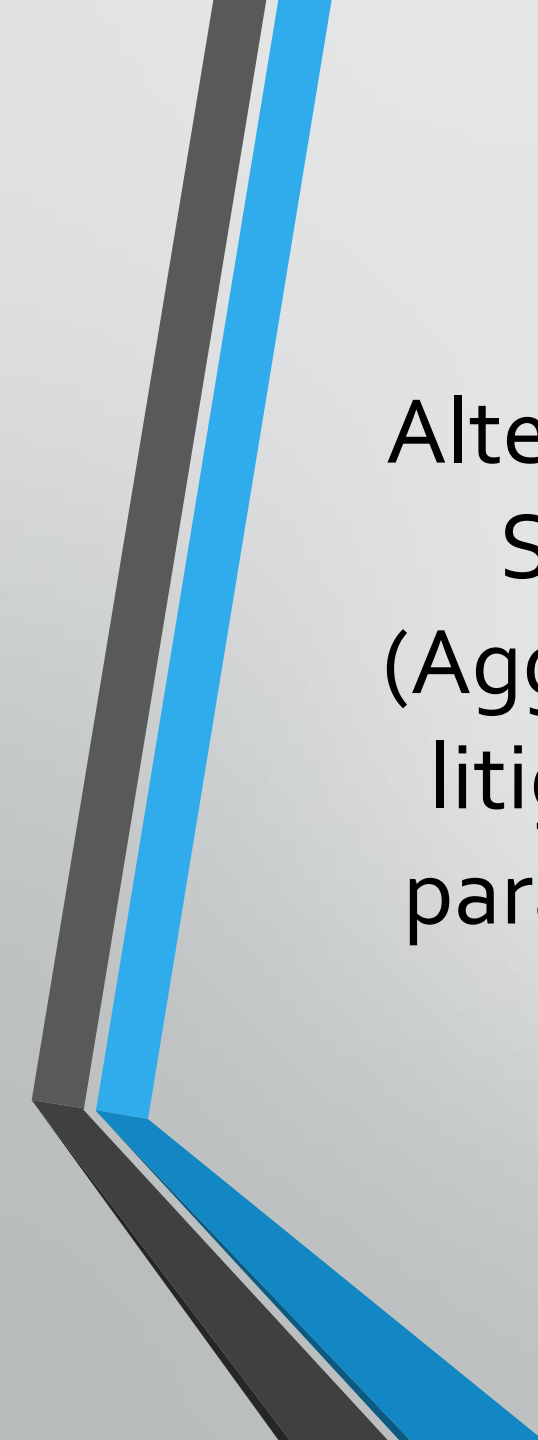- Representative litigation
- Averaging

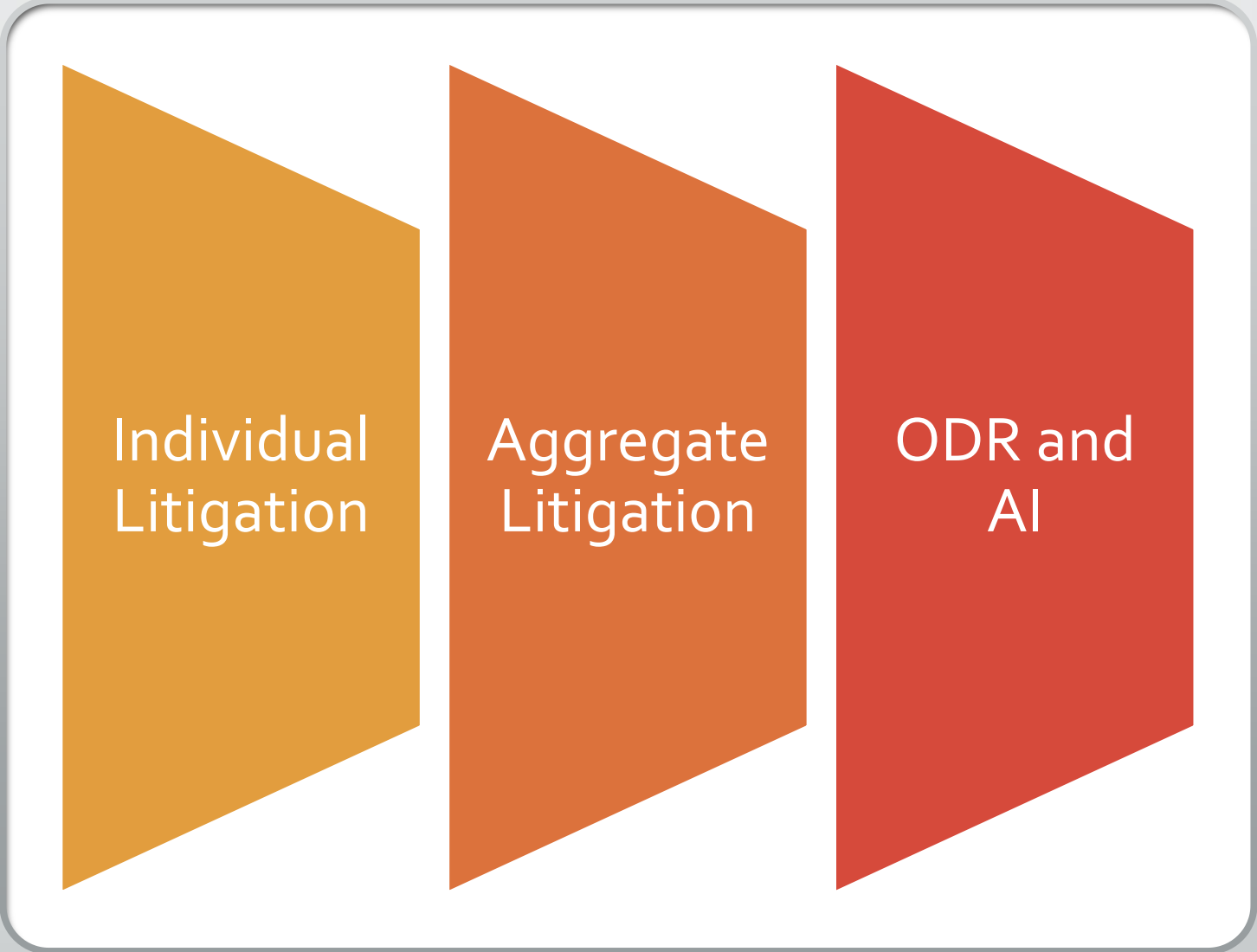One Story (Individual litigation paradigm)

Litigation

ADR

ODR

Alternative Story (Aggregate litigation paradigm)

Individual Litigation

Aggregate Litigation

ODR and AI

Examples

- Online product misrepresentation / Defective product

- Medical software errors

- Disinformation on social media

- Employee privacy – personal emails

- AI risks

Some problems in aggregate litigation

- Naming, Blaming: Identifying a recurring wrong caused by a common wrongdoer

- Claiming: Defining and identifying a class and common issues

- Litigating common issues

- Distributing compensation among class members

ODR may help resolving these problem

Data about potential infringements

Data about online disputes

Lower cost of aggregate information

Easy distribution through online channels

Two Alternatives

Aggregate ODR

Individual ODR

Both Models

Identification	Resolution	Prevention
Identifying problems	Resolving past disputes	Preventing future disputes

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