COURTS OF THE FUTURE CHALLENGE

DIFC Courts Challenge for Rethinking Justice Hackathon
3-4 March 2018 @ Brightlands Smart Services Campus, Heerlen

GUIDING QUESTIONS

Now that you know what the DIFC Courts stand for and are interested in, we are looking forward to hearing advice from you on matters such as the ones listed below. The questions are designed to guide your thought process, and do not necessarily require a full answer.

Please pick 1-2 questions (or more, if you deem they are related), and focus on devising a creative idea or solution which you find interesting and relevant, to help address how courts of the future should look like. Out-of-the-box thinking is highly encouraged.

1. How can technology improve dispute resolution in the future?

2. How can Courts as institutions improve their knowledge, performance and reputation in light of emerging technologies?

3. How can technology be made more accessible to judges, so they can understand it and deal with the complexity of technology-driven cases?

4. How can Courts participate in international information networks, to efficiently keep up to date with technological advancements occurring in other dispute resolution institutions?

5. How can ADR be improved with the novel possibilities brought by VR and/or AR?

6. How can court proceedings be improved with the use of VR and/or AR?

7. Will a dispute of the future allow AI to be a party to the proceedings, and if so, how? For example, if an automated system makes a 'misrepresentation' in a smart contract, which leads to a future dispute, would the AI software itself be a party to the dispute, or would a human behind its functioning be the party?

8. Even if AI has the potential to be a party to proceedings, where damages are sought, how would this obligation be fulfilled, and how could the court award relief to the claimant?

9. What about privity of contract (the relation between the parties in a contract which entitles them to sue each other but prevents a third party from doing so) – can technology, technology developers and/or their owners be privy to a contract? Conventional legal principles would suggest no, but will this be accepted in the future, or do traditional legal concepts need to be 'modernised'?

10. How should AI systems be monitored?

11. Can we use autonomous coding to make our COF software systems more advanced? What if autonomous coding eradicates traditional software programming? What are the benefits and risks if the court is to use autonomous coding behind our software systems, and is it a disadvantage to lose traditional software programming?

12. Can we implement online dispute resolution services (potentially viable in Micro Disputes), and if so, is it possible to move away from a 'human' adjudicator to an AI adjudicator?

13. What are the moral and ethical considerations behind having AI adjudicators (or AI judges)? Is it ethical for AI to decide the outcome of a claim/resolve a dispute?

14. Is AI as an assisting tool for judges or replacing judges? Does AI have the ability to reach human capabilities, if so, then could AI replace judges? Could AI undertake the same task as a human judge, and work more efficiently?

15. Is it ethical to allow a 'computer' to decide whether a case is genuine (is within the jurisdiction of the court) or not? Does the predictive capability of AI have any real disadvantages or are concerns based purely on our fear of the unknown?

16. On a practical level, will AI be more fair and isolated from human bias in resolving a dispute?

17. Is AI able to 'think-out-of-the-box'? If not, then is there any solution which can potentially supplement the shortfall of AI?

18. In the US, ICANN is a regulator of the internet dedicated to ensuring internet stability. It promotes competition and develops policy on the Internet's unique identifiers. Through its coordination role of the Internet's naming system, it does have an important impact on the expansion and evolution of the Internet. It should be discussed whether there is a need for similar regulatory bodies in other regions, to monitor and regulate information and data on the internet.