

Book Review

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Digital Justice: Technology and the Internet of Disputes

—Reviewed by
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Index Terms—*Digital justice, dispute resolution, online dispute resolution (ODR).*

What makes *Digital Justice: Technology and the Internet of Disputes* so valuable is its relevance to a wide range of professional and nonprofessional applications, including healthcare, technology, e-commerce, social media and social relationships, law, and the workplace. Readers who use digital media for organizational and business communication can benefit from *Digital Justice* and its insights into disputes, access to justice, and the influence of digital media on barriers to justice. Ethan Katsch and Orna Rabinovich-Einy address the emerging disputes brought by the advancement of technology as well as the ways that these disputes could be resolved or prevented altogether. There has yet to be a dispute resolution and prevention process that works flawlessly in all cases, but the authors provide valuable insight toward what issues need to be addressed, as well as how and why these issues affect users involved in disputes.

Digital Justice opens with the real-life case of Dave deBronkart. After uploading his medical data to the new Google Health application, an erroneous billing code led Google to alert deBronkart to several serious conditions that he did not have. A post on his blog led to a story in the *Boston Globe*, which transformed deBronkart into “an important voice in the movement to give patients a larger role in managing their own healthcare” (p. 2).

This example provides necessary background information for readers to understand the purpose

of *Digital Justice*: “to clarify not only how technology generates disputes but how technology can be employed to resolve and prevent disputes” (p. 3). In the following chapters, the authors use multiple real and fictional examples to demonstrate why online dispute resolution (ODR) methods should be used to prevent and address disputes efficiently and how our current dispute resolution systems fall short of providing equal access to justice.

Chapter 1 begins with another case—one that, unlike most disputes, was resolved and prevented with the invention of the simple emoticon :) to clarify tone and humor in digital communication. However, this emoticon also signaled the beginning of the powerful influence of the internet with an increasing number of users and, consequently, a growing number of new types of disputes. This chapter formally introduces ODR and sets up a comparison to alternative dispute resolution that is expanded on throughout the book. By using multiple real-life examples involving eBay, SquareTrade, and Cybersettle, among others, the authors effectively illustrate the broad effects of disputes over transactions and communications through the internet. To further demonstrate these effects, they introduce the dispute resolution triangle to provide a graphic representation showing how expertise, trust, and convenience affect each other during dispute resolution.

Chapter 2 clarifies the concepts of “justice” and “access to justice” in the context of dispute resolution and courts, the barriers to this type of justice, and ODR’s potential to remove or lessen those barriers (p. 40). “Architecture that is intimidating, costs that are significant, and knowledge systems that are complex” are a few examples of the “doorkeepers” that prevent access to courts (p. 39). This chapter also introduces the “digital injustice” resulting from arbitration

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clauses, which often discourage or even prevent consumers from pursuing disputes.

Chapter 3 begins with the story of a fictional couple, Jane and John, who, after their apartment was ransacked by Airbnb guests, discovered that they were not covered under the Airbnb Host Guarantee policy—they would have to file their own insurance claim separately. Though the example is fictional, this type of situation has become common in the “sharing economy” today, where there is “little actual sharing” (p. 58). This chapter addresses the shift of commercial disputes from face-to-face to virtual settings, the implementation of algorithms to replace human intervention, and confidentiality to the collecting of data to identify and prevent disputes. Despite the disputes that have arisen, Katsch and Rabinovich-Einy cite e-commerce as “an innovator in ODR” (p. 80).

Chapter 4 focuses on the development of on-demand healthcare and electronic health records (EHRs). What was once seen as internal documentation is quickly becoming an avenue for “patient participation in the diagnosis and treatment of medical problems and, hopefully, for the prevention of future medical problems” (p. 107). As healthcare becomes more digitized, it becomes more likely for disputes to emerge. Katsch and Rabinovich-Einy explain how these disputes are ultimately grounded in inaccurate information and quality of data that historically has not been and is still not given adequate priority, compounded by limited communication systems. If EHRs are to improve patient care, they must evolve alongside increasingly complex systems that are capable of efficiently identifying and managing information and disputes.

In chapter 5, Katsch and Rabinovich-Einy outline the difficulties of ODR in a social media context. Unlike commercial disputes—which often stem from hitches in transactions or the quality of a product, and can be relatively quickly resolved—social disputes are not so cut-and-dried. For example, who is entitled to a relative’s Facebook

page when that relative dies? What is considered hate speech and harassment? And when does “mutual aid accountability” become “unpaid outsourcing?” (p.120). An effective ODR system for social media focuses on prevention, early intervention, and incentives against behavior that could lead to such a dispute.

Chapter 6 addresses the poor quality of dispute resolution and access to justice in work environments. Despite many opportunities to improve ODR and prevention, few workplaces have implemented them effectively, leaving freelancers and employees disempowered. Workplaces where workers are exploited by consumers and clients lack a solid foundation for ODR mechanisms to take place.

Chapter 7 explains that technology in courts and public institutions has had equally positive and negative effects. As technology has developed, it has provided access to court processes with lower costs, greater efficiency, and more transparency. However, it has also created barriers for those who do not have internet access. As technology continues to advance, Katsch and Rabinovich-Einy predict that these barriers will be gradually lowered.

Does *Digital Justice* provide an encapsulated solution for ODR to fully address digital justice and injustice? No, and it does not claim to. It is also not a technical guide to design recommendations or best practices. However, the framework that it provides is vital to the future of digital dispute resolution, prevention, and justice, and it can inform design thinking and decision making. With plain language and case studies in every chapter, the authors do well to present ODR and the history of dispute resolution in an accessible manner for readers who do not have legal backgrounds and work in multiple types of institutions. The book is valuable reading for technical communication professionals and students who want to understand the evolution of courts and legal processes as digital media has advanced.