



fewer attorneys.<sup>6</sup> Limited opportunity to obtain representation removes rural residents even further from the judicial system.

In sum, one of the steepest challenges for rural communities to access justice is distance. “Distance affects nearly every aspect of a dispute—e.g., distance between parties, distance from lawyers, and distance to a courthouse.”<sup>7</sup> Put differently, rural residents are distant from the things that bring them justice.

Given that ODR can be accessed anywhere with an internet connection, it’s well suited for rural access. ODR addresses the distance barrier by eliminating the need for physical court appearances and providing accessible dispute resolution tools. For example, conducting hearings, negotiations, or mediations through video conferencing platforms like Zoom can alleviate transportation costs and travel time.<sup>8</sup>

Yet, ODR’s potential goes beyond virtual hearings. “[I]f an individual can log onto an online portal and provide relevant information, the judge can examine that information at any time and send a response with an offer for resolution.”<sup>9</sup> Courts are already relying on ODR throughout different stages of litigation. Some jurisdictions have developed legal help chatbots or self-help portals that that public can access.<sup>10</sup> These tools empower individuals to navigate legal procedures without the need for legal representation. Digital self-help tools can guide users through filing claims, understanding legal terminology, and preparing for hearings. More advanced ODR systems in many courts are a result of public-private partnerships. Matterhorn, a web-based platform for court case management, operates in multiple courts across sixteen states.<sup>11</sup> Matterhorn allows litigants to search their cases, and if those cases are eligible for online resolution, it presents the user with choices.<sup>12</sup> These choices include going to court to resolve the dispute as it typically would or to engage with prosecutors and judges through the online platform.<sup>13</sup> The system then collects information on the user’s request to engage online, any evidence or reasoning in support, and forwards the information to the relevant court officials.<sup>14</sup> The court personnel can review the information asynchronously and make a decision or negotiate through Matterhorn’s communication features.<sup>15</sup> Most often used for traffic disputes, Matterhorn is attractive to many courts because it is configurable.<sup>16</sup>

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<sup>6</sup> See map titled “Attorneys per County in Nebraska” (2022) from the Nebraska State Bar Association, available at [https://www.nebar.com/resource/resmgr/rural\\_practice\\_initiative/AttorneyPerCountyNebraska\\_22.pdf](https://www.nebar.com/resource/resmgr/rural_practice_initiative/AttorneyPerCountyNebraska_22.pdf).

<sup>7</sup> Kristen Blankley & Kelly Riley, *Providing Access to Mediation for Rural Participants Nebraska’s Story*, 29 DISP. RES. MAG. 24, 25 (Sep. 2023).

<sup>8</sup> See Bulinski & Prescott, *supra* note 3, at 223–24.

<sup>9</sup> *Id.* at 224. (“[ODR] systems thus have the potential not only to minimize the distance barrier but also to eliminate the issue of finding a common time to hold a hearing by allowing for asynchronous negotiation.”)

<sup>10</sup> See, e.g., David Freeman Engstrom & R.J. Vogt, *The New Judicial Governance: Courts, Data, and the Future of Civil Justice*, 72 DEPAUL L. REV. 171, 181 (2023) (describing examples including the “Gavel” chatbot in Arizona, the Judicial Information Assistant in New Jersey, and “Lex” in Mississippi.)

<sup>11</sup> Oladeji M. Tiamiyu, *The Impending Battle for the Soul of ODR: Evolving Technologies and Ethical Factors Influencing the Field*, 23 CARDOZO J. CONFLICT RESOL. 75, 103–104 (2022).

<sup>12</sup> J.J. Prescott, *Improving Access to Justice in State Courts with Platform Technology*, 70 VAND. L. REV. 1993, 2021–23 (2017).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> See *id.*

So what would a world with a successful ODR program look like for rural residents? Courts that have already implemented successful ODR programs—including state-wide—provide some insight.

Michigan launched an ODR program with Matterhorn in 2014, which allows defendants to contest traffic tickets and misdemeanors entirely online.<sup>17</sup> Users submit explanations through a web-based platform that judges and prosecutors can review asynchronously, eliminating the need for court appearances.<sup>18</sup> The platform encourages accessibility from anywhere, with 40% of users participating via mobile devices.<sup>19</sup> The duration of cases resolved through this ODR system was 14 days, as opposed to 50 days if resolved through traditional processes.<sup>20</sup>

Utah is another state that is implementing a mandatory ODR system to resolve small claims cases. Utah's ODR program guides users through a multi-step process that allows them to issue and receive summons, negotiate settlement directly or with a third-party facilitator, before eventually scheduling a trial, either online or in person.<sup>21</sup>

ODR can remove a physical barrier to justice for rural participants, but it may also create a new virtual one. Any ODR solution requires reliable internet access, which is another challenge for rural communities. However, states with large rural populations are already tackling this issue. South Dakota has invested \$5M into expanding broadband internet access and launched a digital literacy program in 2023.<sup>22</sup> Even Nebraska—having the eighth-lowest population density in the country across a majority-rural state<sup>23</sup>—has established broadband initiatives resulting in broadband access for 96.9% of Nebraskans and prioritize rural areas.<sup>24</sup> While legislators are taking initiatives to provide dependable internet access and erase the digital divide, courts should be preparing to roll out ODR systems.

By leveraging technology, courts can provide cost-effective, efficient, and accessible dispute resolution options that bridge the justice gap in rural areas. Court-connected ODR can enable parties to traverse miles of distance through mere clicks—bringing justice not just faster, but fairer, to those who may otherwise not have access to it. The future of rural justice isn't down the road; it's online, and it's ready for resolution.

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<sup>17</sup> Schmitz, *supra* note 1, at 105–08.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Amy J. Schmitz, *Measuring "Access to Justice" in the Rush to Digitize*, 88 *FORDHAM L. REV.* 2381, 2390 (2020).

<sup>22</sup> Myles Montgomery, *How Lack of High-Speed Broadband Internet Impacts Justice in Rural Areas*, 41 *GPSOLO* 74, 75 (January/February 2024).

<sup>23</sup> Blankley & Riley, *supra* note 6, at 25.

<sup>24</sup> NEBRASKA BROADBAND OFFICE, *2024 Annual Report on the Status of Broadband Development* 42, <https://broadband.nebraska.gov/media/11xhco0j/nbo-2024-annual-report-on-the-status-of-broadband-development.pdf>.