



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

ENCJ Digital Justice Seminar

Amsterdam, 31 March 2017



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Opening of the seminar

Henk Naves - President of the District Court of Amsterdam

“ Welcome to the Amsterdam District Court, ENCJ welcome to return for future activities.”

Frits Bakker - Chairman of the Netherlands Council for the Judiciary

“ I hope this could be the first exchange of views on Digital Justice and we might set-up a multi-annual forum for exchange of experiences in this field. ”.



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Dory Reiling - Moderator Dutch Quality and Innovation Programme (KEI), modernisation of civil justice

- Dory Reiling
- www.doryreiling.com
- www.doryreiling.blogspot.com
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- Mr-online weblog
- [PhD in Technology for judicial reform](#)





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Session I:

Access to Justice in a Digital Age

Presentation by Merit Kõlvart

Ministry of Justice Estonia, Adviser Courts Division
Courts Information Systems



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Key findings session I

- Judicial input is needed in development of IT systems
- Access to Justice can be improved by using templates
- Provisions need to be in place for computer illiterate or those lacking access to computers
- Digital is becoming the new normal, faster, easier and cheaper
- Implementing IT seems easier in smaller countries than in larger countries
- In civil cases developments seem to be more advanced.



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Session II:

Data collection and big data: opportunities and challenges

Bart van der Sloot

Tilburg Institute for Law, Technology, and Society
(TILT)



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Key findings session II on big data

Advantages: access to aggregated information for resolving disputes / predictability/ assist judges / uniformity

Disadvantages: privacy/equality of arms / profiling of judges/ danger of forum shopping

- Ownership or better control of the data should be within the judiciary, but this may not be possible.
- Data should be made available to the public for free. Role of Councils for the Judiciary, to provide access and discuss with MoJ's.
- A need to look into the role of the Councils for the Judiciary in the publication of judgements



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Session III:

IT systems, from supporting the system to being the system

Craig McCorkindale

Director of Civil Courts Reform, Scottish Courts
and Tribunals Service



Key findings session III

- Systems should be user-based and user friendly. Judges/judiciary/court staff should be product owners. Who are the users?
- Business continuity plans should be in place in case of system breakdown or in case of blackouts. Multiple storage of data would be part of this.
- When developing IT systems a step by step approach is best, start small and build upon that.
- IT should be developed to improve the process and this should be explained to judiciary and the public. The provision of Online public services is an obligation of the State.
- Online dispute resolution – should this be left to the private sector or should courts offer it?

E-evidence :

- should it always be taken before a judge, different systems in place across Europe
- E-evidence could be a quality improvement
- Saves time especially in cross border EU and international cases



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Session IV:

European e-Justice strategy

Marc Jorna

Head of Unit, European Commission, DG Justice
and Consumers

[Link to e-codex video](#)



Key findings session IV

Cross border co-operation

- E-codex is the IT solution that will enable cross border judicial cooperation
- Secure digital solutions in MS for exchange of information – interoperability should be taken into account
- E Codex should provide contact details for cross border contacts.
- Use of IT will make judicial cooperation faster, but there are still two obstacles, linguistic and knowledge of the legal systems.
- Statistics could improve judicial cooperation

Artificial Intelligence

- Artificial Intelligence is a tool to extract information, but the final decision should still be made by a judge
- Is there a role for the Councils in the development and use of AI?



Overall conclusions - Pressing issues

- Big data – anonymisation. Is this still needed if IA can identify parties?
- Human rights and rule of law – ethical issues
- User centred approach
- Computer literacy
- Online help for settlement – task of judiciary?
- Rethink procedural laws
- Will IT development ever stop?



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Roles for Councils for the Judiciary

- Advising MoJs
- Involved in IT development
- Ownership or control of (big) data
- Responsibility for data
- Ensuring quality, human rights, rule of law
- Responsible for legal self help?
- For publishing court decisions? Free and online available?



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Closing of the seminar

Nuria Díaz Abad, President ENCJ

- ENCJ should work on the challenges and opportunities in the digital justice, these include:
- Quality of Justice and Digital Justice (universal and centralized)
- Increase transparency (rules of case allocation etc. published)
- Interoperability of the EU judicial systems / e Codex through which judiciaries should be connected
- Security of information and data protection and multi storage.