



## IMPROVING THE WAY THE COURTS WORK

### Improving efficiency

There are significant inefficiencies in the way in which the courts work which create costs for everyone. For example, the common practice of listing blocks of cases together results in witnesses, people bringing or defending claims and lawyers all having to wait in court for much longer than is necessary.



### What can be done?

We recommend that:

- There is a full review of the process for civil cases, particularly for low value cases
- Judges are trained to use modern case management procedures to ensure that cases progress efficiently and that unnecessary costs are eliminated
- Judges already approved as having appropriate expertise should be scheduled to hear relevant cases. This already happens in the Family Court
- As many administrative hearings as possible should be conducted by telephone, email or videolink, avoiding the need for physical presence in court as often as possible.

### Technology and other innovation

Law firms are increasingly using technology to make their existing services more efficient and accessible. Firms are offering or using:

- Online instructions
- Online document access
- Online drafting
- E-mail
- Video conferencing
- Web-based information systems, practice management and accounting systems, and
- Email and social media.

These services potentially reduce the cost of legal services by:

- Improving back-office productivity
- Providing low cost delivery and communication channels
- Delivering better management information.

The Law Society understands the potential for new technology to increase accessibility to legal services. City firms, for example, would be able and willing to assist courts with their efforts to make better use of technology.

We agree with Roger Smith (Legal Education Foundation) who states that

'digital delivery can and should play an important role in delivering legal services to the population as a whole but, for the foreseeable future, it will need to be supplemented by traditional, face-to-face mechanisms... digital provision which can incorporate individualised or face-to-face options will be more successful than that which does not.' (December 2014).

We believe that technology cannot fully replace face-to-face legal advice, particularly for people who cannot access technology through poverty, age, disability or lack of relevant education and skills.

The development of a personal relationship between a legal adviser and a vulnerable client, such as someone with limited mental capacity, can often be necessary to make progress. A focus on technology risks excluding people who are already marginalised.

In the legal aid field, the financial constraints imposed on legal aid firms, law centres and advice agencies have also restricted their ability to innovate and to take full advantage of technology. Innovation requires investment and may also involve substantial capital expenditure to develop and deploy new systems.



### What can be done?

There have been recent Civil Justice Council proposals on improving dispute resolution through technology. Effective use of technology could help reduce costs.

The Law Society will be studying the ideas carefully but technological solutions must ensure that:

- The system works to produce legally sound decisions
- An element of human judgement, based on legal knowledge is always included
- The court service is properly funded to deliver any solution
- The nature and importance of the hearing is fully taken into account.

