

Digitalization of Justice

Online panel discussion with judges and IT law experts from
Estonia, Germany and Romania

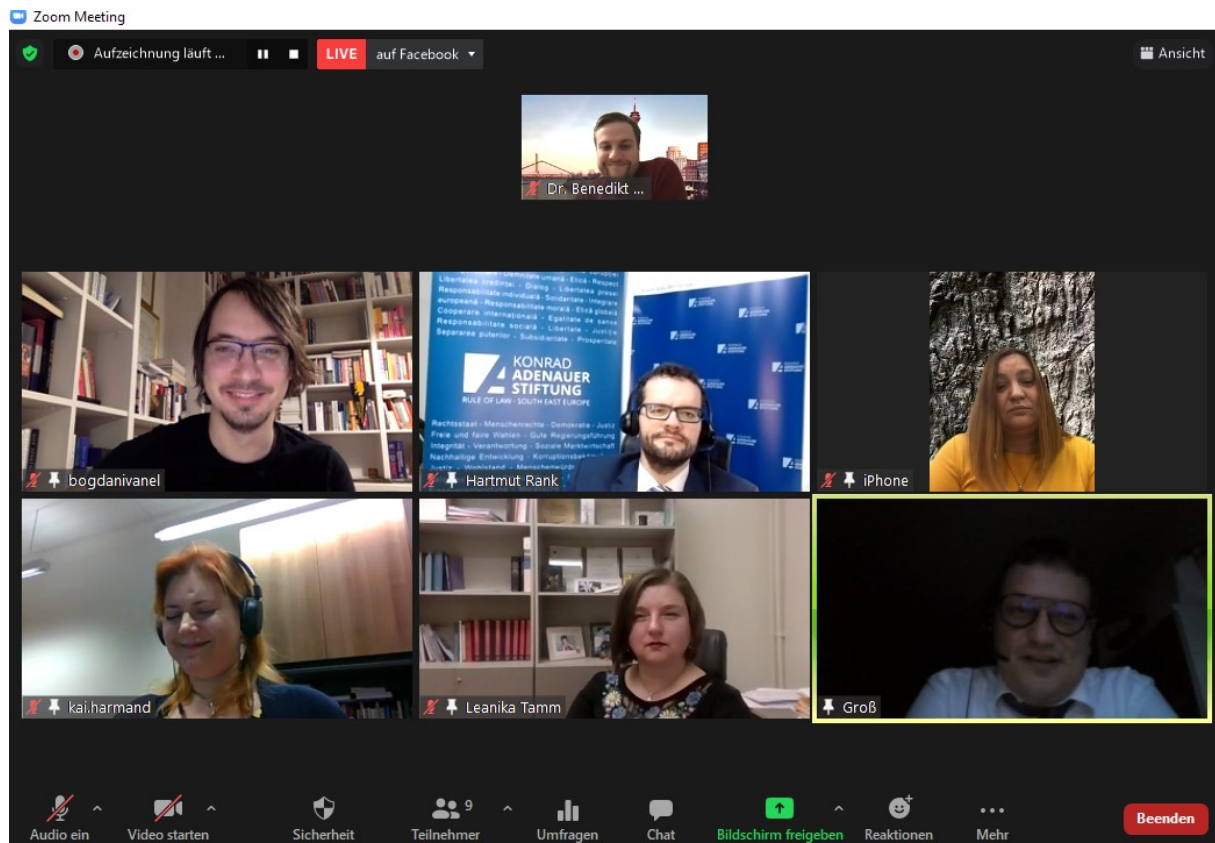
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Event report

KAS Rule of Law Programme South East Europe (RLPSEE) has started with energy in the new year with an online panel discussion on the Digitalization of Justice.

KAS as a political foundation but also a think-tank is focusing in the upcoming years on the topics "Innovation", "Security" as well as "Representation and Participation". For this purpose, the six Regional Rule of Law Programmes will focus in 2021 on "Rule of Law issues in the age of digitalization."

The panel discussion on the 13 January was the kickoff for a series of events to come. Five experts from Estonia, Germany and Romania were discussing the challenges and opportunities of the current wave of digitalization for the justice.



After an introduction by the Head of the RLPSEE, **Hartmut Rank**, and the moderator **Bogdan Ivanel**, the speakers shared their experiences in keynote speeches with the audience.

Ingo Groß, Court president at Brunswick District Court, described the state of digitalization at German courts: While there was already a process of digitalization in the last years - for example with the introduction of article 128a of the German Code of Civil Procedure allowing trials by means of audio and video transmission - the corona crisis accelerated this development dramatically. As a main obstacle he sees not only the insufficient equipment with hardware, but also the "human factor": Judges as well as the parties still have to be convinced of the advantages of digital proceedings. For him, the digitalization of justice offers more opportunities than risks, as it allows to spend time on things that really matter.

Mariana Feldioreanu, CSM Justice Digitalization Expert, allowed an insight view into the situation at Romanian courts. There, applications are already widely used, for example for a database with jurisprudence that is available for the public, or for using electronic files. She also underlined problems: During the pandemic, many Romanian judges were holding online trials, without knowing whether their decisions would be contested by upper courts which might declare online trials as in violation of the procedure.

Kai Härmand, judge at Harju County Court, and **Leanika Tamm**, judge at Pärnu County Court, shared their experiences from Estonia. The numbers are indeed impressive: In 2019, 88% of the adult population uses Internet every day; digital proceedings and digital access to government and public services are already common in Estonia. This was made possible by a modern legislation, reacting fast to current developments: For example, remote procedures were already introduced in 2004. However, back then, the consent of the parties still was obligatory in criminal proceedings. As a result, online proceedings in this field were not used frequently. Subsequently, in 2009 and 2012, the law was amended to transfer the decision about how hearings take place exclusively to the judge in every legal matter. Nevertheless, digital tools cannot replace everything. For example, despite the widely used e-file system, paper files are maintained in order to assure the legitimacy of documents. In addition, complicated cases might need physical hearings. Both Estonian speakers mentioned Estonia's size as a main advantage: being a rather small country, it can act in a flexible way and adapt its legislation quickly.

As last speaker, **Benedikt Quarch**, Co-Founder and Co-CEO of the Legal Tech company *RightNow Group*, added the point of view of the economy. He described the work of his company: it mainly purchases legal claims in order to assure fast compensation to its clients. The company then bundles several similar claims and pursues them independently. The speaker sees in this similarity a huge opportunity for automation of court hearings: As those claims always follow the same patterns and often don't raise real legal question, they could be ruled in an automated way. When it comes to the working environment for legal tech companies in Germany, Benedikt Quarch draws a mixed picture: While courts are often quite open to their business model, the legislation, in particular the legal services act, is outdated.

The keynote speeches were followed by an exciting panel discussion. The panelists discussed, inter alia, the opportunities and limits of so-called "robot judges" as well as the most important steps on the way to the digitalization of justice. The online event was a great start into this year dedicated to digitalization and lets us look forward to more events to come!

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