

Speech: Digital Court Reform

Conference: David Gauke speech

It's a real pleasure to be here today at this first international forum on online court services.

It's really energising to have the key players from around the world together in one place to spark off one another. I'd like to take the opportunity to thank both HM Courts & Tribunals Service and the Society for Computers and Law for organising the forum and DLA Piper for hosting us in this fantastic setting. I know this is going to be a really successful event and I hope – as the world continues to change so rapidly – that it is just the beginning of a collaborative approach on this in the future.

As technology revolutionises our lives, it is imperative not just that our justice systems keep pace – but that they actively seek to make the most of opportunities to build on the enduring principles of justice, using new ways of doing things which can be better than what has gone before at putting people first, and building the system around them.

Here in Britain with our world-renowned court system and world-class judiciary, we realise that responding to the rapid changes taking place globally will be crucial to maintaining that reputation for excellence. That's why we are undertaking a 6-year programme of reform to our courts and tribunals – one that utilises the new technology available to us and modern ways of working.

One of the great strengths of the English system of common law is that it can change and adapt with the times. Our system is steeped in history and tradition; but we know that the law needs to keep pace with the society it serves.

However, changing the law through gradual accretion can make it more and more complex; and we have laid those layers on a fundamental system that hasn't changed very much at all. Our court practices and procedures are complex, with civil rules that run to thousands of pages. And we rely too much on lengthy paper-based processes and face-to-face hearings even for simple matters. The system can often look like a secret garden designed by experts. Of course, all that complexity is not very efficient. But there is a much more powerful reason to do things differently.

Complexity – and that sense of the system as a secret garden – puts people off from pursuing justice through our courts. The court system should be a leveller; a mechanism by which everyone – regardless of their wealth or status – can enforce their rights against another party. We need to recognise the transformation that can be brought about by thinking first about how we can simplify, streamline, and put the citizen in the driving seat. Technology – never an end in itself – is a means to that end.

This will allow us to open up our justice system, make it more accessible, and put power back into the hands of the people using it...

... including simpler, faster routes to resolving disputes that are clear and easy to use – recognising that people often want their problem solved rapidly and satisfactorily more than they want their ‘day in court’;

... removing the unnecessary costs of complexity, duplication, error and waste – so that people are not priced out of justice; and – for example – that lawyers are paid and used for their legal advice and skill, not simply to navigate the system;

... and with easily accessible data and information – so that everyone can make informed decisions, and we can harness the power of big data in support of justice.

Transforming the justice system in this way doesn’t just mean better outcomes for individuals. It can also create a society that is inherently fairer – building trust to assure people that the system protects them and works in their interests; making it worth sorting and settling even small wrongs; and in turn, discouraging those who might otherwise prey on the people who are at present least likely to know how to exercise and enforce their rights.

In building its digital services, some of which Richard touched on earlier during his presentation, the UK has drawn on the experience of our global partners, many of whom are in the room today. This can be seen in our development of online small claims, in which we have been able to create a new online court for the resolution of civil, family, and tribunal cases. We have used the experience of our counterparts to create a user-centred system that offers quick but fair outcomes to disputes and new routes to justice.

This means fewer hearings, more mediation, simpler processes and a lot less paperwork – making it much less daunting for individuals and much more difficult to manipulate for those with enhanced financial resources. And we are already seeing encouraging evidence of high take up of online court services and more engaged users.

One example of this is users now being able to challenge rogue traders or businesses over shoddy workmanship or defective products via our online civil money claims system simply by clicking a button. Though in its early stages of rollout, the feedback we have received on this system shows that users overwhelmingly find it quick and easy to navigate.

Over the coming 18 months we will continue learning from many of you here today – so that we can not only expand the service but add to it.

Before concluding I will briefly touch on our legal services sector and the huge contribution that legal professionals make to our nation. The UK legal services sector is worth an estimated £24 billion every year and its wider impact in facilitating trade and giving confidence to businesses is probably inestimable.

However, if our legal services sector is to meet the expectations of

consumers, it can't stand still. It needs to continue to change and embrace the technological revolution to respond to the way people expect to be able to access legal services.

That's why we are working to foster innovation in the sector and create an environment that enables the UK's fledgling LawTech industry to thrive. The use of automation tools, early stage artificial intelligence systems and smart contracts is enabling firms to reduce their costs, scale economies and use their workforces more efficiently. This means they can spend more time doing what they do best – giving their clients top-quality legal advice.

The government is already helping UK firms to take better advantage of technology – in funding specific projects such as the Next Generation Services Fund, which recently awarded approximately £2 million for research on how the legal sector can adopt new technologies and artificial intelligence to boost productivity.

We have also established a government supported, sector-led LawTech Delivery Panel, which brings together professionals with the expertise and experience to drive LawTech innovation forward and support it to reach its true potential.

Our ambition is to create an environment where innovation in the legal sector is the norm – so that LawTech can thrive much the way that FinTech has radically transformed the financial sector to meet consumers heightened expectations.

Ultimately, all of us here today have made the same realisation – that our jurisdictions must move with the times if they are going to, not just survive, but thrive in the digital age, while at the same time opening up justice so that it works better for everyone.

We all know that the technological revolution is a global one and our future success will hinge on how we respond to it.

By continuing to work together and sharing our experiences, we can pool our collective expertise to our mutual benefit and, in doing so, we can ensure all our justice systems flourish.

I know my team of officials here at the conference are keen to learn from you and I hope each and every one of you is able to take something away from it. What's more, I hope that this event is the first step towards a much more deliberate and determined collaborative enterprise globally on the way justice is done in the future. Thank you.