



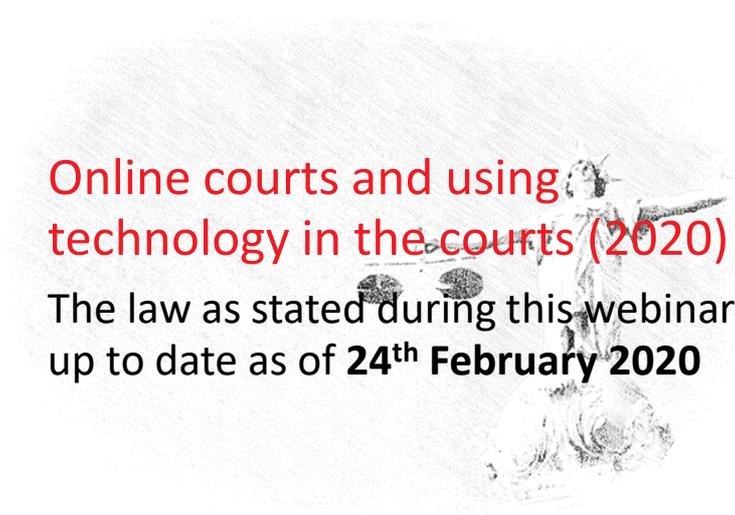
LexisNexis®

**Online courts and using
technology in the courts (2020)
2nd March 2020**

Before viewing this webinar, please visit
www.lexiswebinars.co.uk/test-your-system to ensure that
your network and PC are configured correctly.

**Tip: Press F11 on your keyboard to enlarge the webinar
player.**

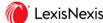
1



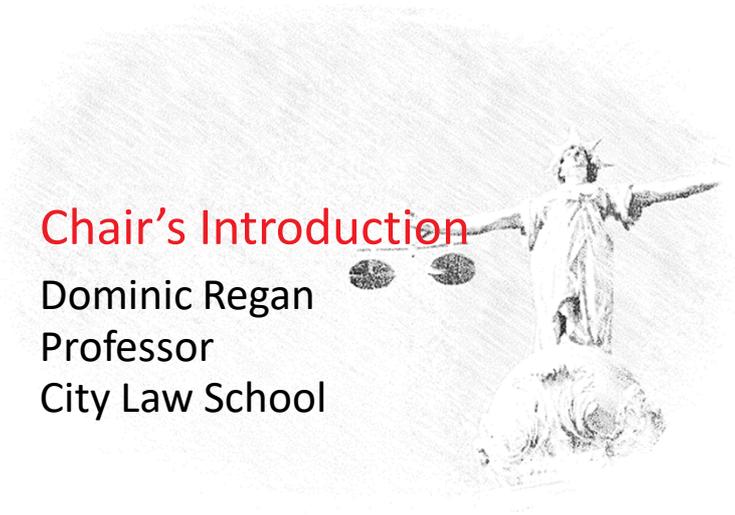
**Online courts and using
technology in the courts (2020)**

The law as stated during this webinar is
up to date as of **24th February 2020**

LexisNexis® Confidential



2

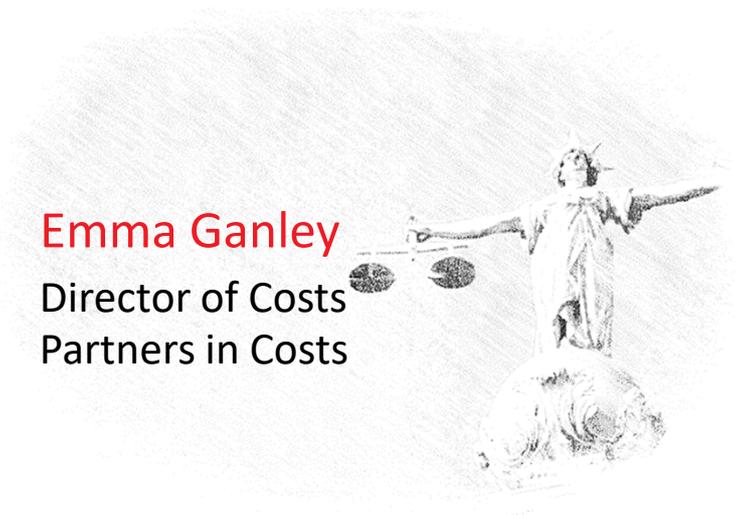


Chair's Introduction
Dominic Regan
Professor
City Law School

LexisNexis® Confidential



3



Emma Ganley
Director of Costs
Partners in Costs

LexisNexis® Confidential



4

The E Bill

- The perception of the traditional bill as a “Victorian Account Book” but technology had already impacted preparation methods although the perception is certainly this is an area where costs should reduce
- The new system intends to merge time recording and the preparation of the Bill of Costs
- Sounds good
- Notable that the technology itself is not revolutionary

LexisNexis® Confidential

5

5

Phase, Task, Activity

- Real question if the approach to the manner in which time recording increases time in data entry on a day to day basis
- Initial teething trouble due to lack of join up with how the e bill sits with other documents in the costs process.
- The extent to which real time information is the format in which a costs claim will be presented

LexisNexis® Confidential

6

6

Shifting Sands

- Clear that time recording is more onerous
- The vision was for this to the bill-but then the content of that itself becomes something taking greater time
- Idea was to remove a stage-but in practice maybe even when it works well are we just moving where that time is spent, and is now being spent in every case when before not all cases had bills.

LexisNexis® Confidential

7

7

The End Product

- There is a question about how useful the end product is in terms of the manner in which it presents information.
- At the moment the view is that the e-bill is more time consuming overall in preparation and in terms of the time it takes to analyse what is produced...22 months in is that still a teething trouble?
- Certainly opens the door though to the use of the bill as a practice management tool.

LexisNexis® Confidential

8

8

Good news; you are not an endangered species!

- So many articles and more than a few books have confidently asserted that lawyers will be replaced by technology. Your days are numbered and the tide irreversible is the grim prognostication. However, a series of recent papers from heavyweight sources now vigorously argue that this is nonsense.
- McKinsey & Company
 - International management consultancy
 - Charges more for a week of advice that most lawyers would earn in a year
 - In a study which the company shared it concluded that technology will help to transform rather than eliminate work.
 - Under 5% of jobs can be eradicated outright using technology that presently exists or is on the horizon.
 - In the longer term, it might be argued, new hardware could have greater impact.

LexisNexis® Confidential

9

9

Dispelling myths

- “I must dispel one myth at the very outset, a myth which is widespread. We do not have nor are there any plans for a single online court. The senior judiciary originally had a bold vision for a single common digital platform for Civil, Family and Tribunal claims, with, so far as possible, common forms and processes and without any formal jurisdictional divisions. That proposal was rejected by the Government in 2017. Accordingly, since that time the non-crime Reform Programme has proceeded on the basis of individual digital dispute resolution initiatives in each of the existing jurisdictions – Civil, Family and Tribunals.”

So said the MR at the Oxford University Woolf reforms symposium which I attended in June last year.

LexisNexis® Confidential

10

10

- Much work is underway to try and make some litigation activity accessible to unrepresented individuals. Debt, divorce and Probate are all being worked upon. The rejection rate for Divorce applications has slumped since Richard Goodman and his team trashed the old format and created a structured, chronological form which ensures that relevant material only is adduced.
- How will the professional be affected? Sir Rupert Jackson told me years ago that the use of paper in litigation was a gross anachronism. Everything should be electronic. I was in the Supreme Court 2 weeks ago and heard Counsel refer to documents within MS2. Not manuscript as I supposed but Memory Stick.
- The ongoing Disclosure Pilot Scheme is a brave attempt to wean parties away from paper. Initial Disclosure is to be electronic and high volume Extended Disclosure anticipates technological support. The common driver is to reduce the high cost of people on an hourly charging rate.

LexisNexis® Confidential

11

11

- Objective - there is a limit though to how long one can concentrate and engage with electronic connections.
- Those who harbour doubts about the Court Service should appreciate that in the Crown Court everything is presented at Trial online. Simler LJ told me (and others) that she was able to write a summing up in a murder trial whilst travelling on a train. The system is excellent.
- The ultimate obstacle is funding. An inefficient civil process could drive work away which is why the Disclosure Pilot came into being. That threat will always be present.

LexisNexis® Confidential

12

12

Does it exist and who is to say it will be created?

- " Can Robots be Lawyers ? "
 - The title of another paper published by Dana Remus, a professor of law, and Frank Levy, a labour economist .
 - Methodology was unimpeachable:
 - First , look at what lawyers do (or so claim) having regard to billable hours recorded
 - Secondly, scrutinise those tasks asking which elements could be supplanted by a non – human.
 - They independently came to the same broad conclusion as McKinsey. Yes, a minority of blatant steps could be taken out of human hands but the impact would be nigh imperceptible.
- Conclusion
 - A lawyer draws upon a vast cocktail of skills: reading, tactical planning , analysis and constructive thought coalesce to generate viable solutions that may be subtle and far from obvious.
 - Technology in a variety of guises might alleviate some pressure but it is plain farcical to think that this combination of talents could be emulated by a piece of kit.

LexisNexis® Confidential

13

13

A true story

- Solicitor Mark Lewis acted for the family of Millie Dowler in a phone hacking claim against News International.
- Naomi Campbell had been awarded damages of £3,500 in a privacy claim.
- Mark negotiated a settlement of £3m with Rupert Murdoch.

How unexpected was that?

- Listen to Chris Dale on the topic of electronic disclosure; learn that there is a safe way of scrutinising banks of documentation without physically reading each and every item.
- Lord Justice Jackson wants to see paper eradicated from litigation. The case for online issuing, filing and exchange of documents is unanswerable. That is not to say that all paperwork will or should be banished.
- There is a balance to be struck embracing human and technological skills.

The constant downward pressure upon costs means that the profession must be receptive to technological assistance. However, the technology is the servant of the lawyer and that will always remain the case. It would be a grave error to underestimate the immense value that a competent lawyer can contribute to any legal problem.

LexisNexis® Confidential

14

14

Upcoming Dispute Resolution webinars

- Procedure and practice in the business and property courts (2020) – 24th March 2020
- (LIVE) ADR in 2020 – 20th April 2020

On demand Dispute Resolution webinars

- Online courts and technology in the courts (2020) – expires 5th February 2022
- Data protection in international arbitration (2020) – expires 26th February 2022

LexisNexis® Confidential



15

Thank you and reminders

- This webinar is designed to help solicitors meet requirements A2 (Maintain competence and legal knowledge) and A4 (Draw on detailed knowledge/understanding) of the SRA's Statement of solicitor competence. You may also use the quiz, which can be accessed via the "Take a quiz" link on the webinar details page, to reinforce your understanding of the webinar content. You should answer 7 out of 10 questions correctly and will have two attempts at the quiz.
- Please submit feedback via the survey screen.
- This webinar will be archived immediately, and will be available to view on-demand for 24 months.
- A transcript of the webinar can be made available on request within 48 hours.
- You can use the training and evaluation record form which is included in the supporting materials for this webinar to log this training activity and how it relates to the continuing competences that the SRA requires from all solicitors.

If you have any queries, please contact us:

webinars@lexisnexis.co.uk

+44 (0) 330 161 2401

 @LexisUKWebinars

 lexisnexis-webinars

LexisNexis® Confidential



16

**Thank you for attending.
We hope you've enjoyed this session.**



Bespoke in-house training solutions

- Tailored for your business
- Extensive portfolio of expert presenters
- All areas of legal practice covered
- Location of your choice

Find out more - <http://www.lexiswebinars.co.uk/in-house-training>

