



European Network of Councils  
for the Judiciary (ENCJ)

Réseau européen des Conseils  
de la Justice (RECJ)

## Digital Justice Seminar #3

*The Covid-19 pandemic: Learnings and the Way Ahead*

# Replies to a pre-seminar survey about the lessons learnt from the pandemic



**May 2021, 10:00hrs CET**

Image: blog- [knowlaw](#). Pandemic and  
Digitalisation – Changing Legal Education

# Explanation on the survey

- Participants were asked, in advance of the meeting, to fulfil a pre-seminar survey about the lessons learnt from the pandemic.

The below mentioned results are based on:

- 17 replies from 15 participating countries.

**Question 1: Do you feel that the Covid-19 pandemic has led to positive developments in the field of digitilisation?**

All the participants replied in the affirmative.

# Question 2: List of the positive developments

- **Improved access to justice**

Facilitating the court users' access to certain judicial proceedings through electronic means (videoconference) // less complicated contact with clients (e-mail communication allowed) // Using advantages of digital technology to speed up administrative processes;

- **Online hearings and meetings**

Regular use of remote hearings for procedural matters // Scheduling the court sessions on hourly intervals;

- **E- submission of cases**

The possibility for the parties to submit their lawsuits electronically to the court // Law decree n. 28/2020 has envisaged the possibility for the suspect and his lawyer to file through electronic means to the Prosecutor's Office the same documents that, in the previous system, would have involved their physical presence for their deposit (Italy) // Routine matters and by consent proceeding with affidavit evidence (Ireland) // the application of the rule of the assumption of the decision with remote connection also to the judgments of the Supreme Court of Cassation (Italy);

# Question 2: List of the positive developments

- **Increased digitisation of processes**

Increasing the percentage of electronic communication which has also had a positive impact on the “electronic file” component //

The provision of online services, such as, the renewal of the Citizen's Card, the electronic judicial certificate, the permanent certificate of the civil registry or even the criminal Record or the online consultation of legal proceedings (Portugal) //

the possibility that collegial decisions in civil and criminal proceedings can be taken, in specific cases, with remote connection in compliance with the technical rules indicated by the Ministry of Justice - General directorate for the telematic and automatized system (Italy) //

Progress towards full implementation of e-Justice (Bulgaria) : 1. example of the Single Portal for e-Justice (SPEJ) which provides individuals with the opportunity to view electronic copies of their court cases (civil, commercial or administrative), as well as to copy, as uncertified transcripts, individual documents contained in the case; 2. example: the use of *Unified Court Information System (UISC)* thanks to which all minutes of court hearings and court acts are prepared as electronic documents.

## Question 2: List of the positive developments

- **E-file proceedings**

Electronic The universalization of the electronic case management system, the dematerialization of communications between the courts and other entities and the delivery of multimedia procedural pieces; dematerializing services and providing professionals with tools allowing them to work from home increased transparency; the adoption of the legislative amendments to the procedural laws, according to which electronic statements, communications(...) from the courts can also be received at a qualified e-mail address, as well as at an e-mail address (Bulgaria).

- **Flexwork**

With digital files home office is widely available // Place and time independent working // time saving // Flexible working hours;

- **Awareness and resources**

Awareness of the importance of using digital tools // Better needs assessment of courts' digitalisation // More resources allocated to modern solutions.

# **If no, can you explain why you feel that there are no positive lessons to take forward from the pandemic in relation to digitisation?**

- **Not applicable.** All the participants feel that the Covid-19 pandemic has led to positive developments in the field of digitisation.
- **Additional comment:** The only disadvantage was that hearings were not open for public because there were restrictions to enter the court buildings (Hungary).

# Is there anything else you would like to share about digitalisation; its progress, its challenges in the last year?

- The judiciary has been facing a major challenge related to the need to adapt the functioning of the judicial proceedings to the new realities. **It seems that digitalisation is one of the most efficient and proper responses to the impediments the pandemic could have had on the act of justice.** Indeed, there are many positive developments that must be taken into account and more initiatives in this area could be **an incentive for the modernization of the judiciary.**
- The current transformation efforts provide **a solid basis for further mobilization of technological capabilities**, through emerging technologies - such as Artificial Intelligence and Blockchain - **to build a digitally enabled and people-centered justice ecosystem.**
- For example, in Spain, digitalisation process has enabled to develop two big topics: 1. The courts decisions anonymisations and its validations. 2. Recording courts textualisations.

# **Is there anything else you would like to share about digitalisation; its progress, its challenges in the last year?**

## **Digitalisation causing concerns:**

- Data mining is a concern;
- Remote hearings for contested cases pose particular challenges;
- Problems with handling an e-file still appear in some countries.

# Is there anything else you would like to share about digitalisation; its progress, its challenges in the last year?

- Providing the equipment is not sufficient - practitioners must also be trained to use them.
- Digitisation is much more than transferring traditional processes online. It is a whole new process and therefore it must be led by judges, not by engineers.



[Image: Google](#)