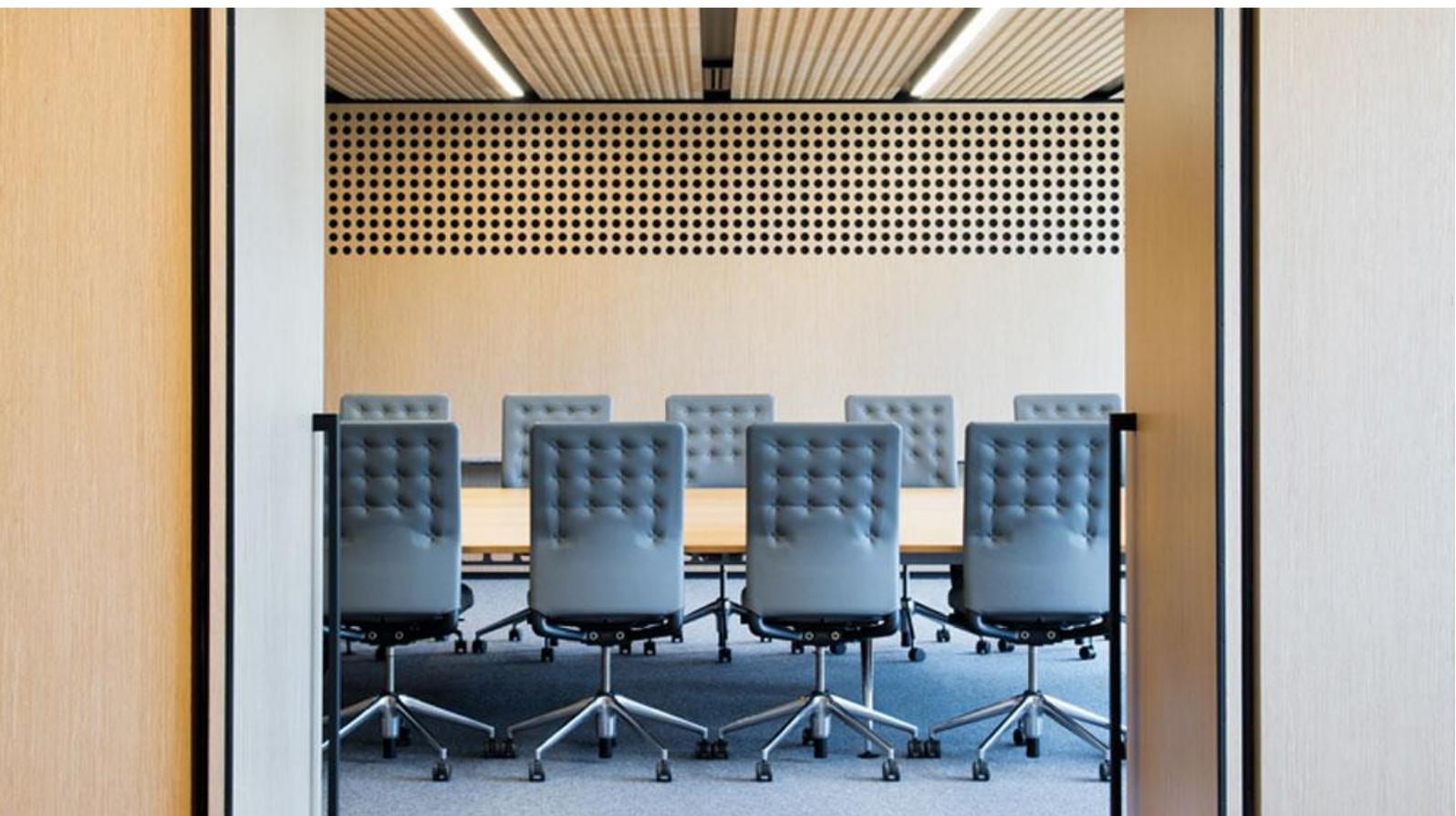


Conference on
Disruptive Innovations in Legal Services
at Deakin University, Melbourne, Australia
during 22 – 25 May, 2017



TOUR REPORT

Department of Justice

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Introduction

The four day conference at Deakin University, Melbourne on “Disruptive Innovations in Legal Services” involved a Judges Forum on the first day, field visits on the second day and the main conference on the third day. A constitutional seminar slated for the fourth day was called off due to unavoidable reasons.

The conference consisted of speakers such as judges of the Supreme Court of India, the High Court of New Delhi, several academics from India, New Zealand and Australia, CEOs and founders of Technology law companies and judicial technology companies and judges from Australia. The official tours were conducted to the Supreme Court of Victoria, the Federal Court at Melbourne and the Victorian Parliament. During the tours, the Indian delegates were given a tour of the courts and also were introduced to Australian court technologies such as on-line case management, audio visual links etc., including demonstrations.

Ms. Snehlata Shrivastava, Secretary (Justice), Department of Justice participated in the Conference on invitation from the Deakin University. She was accompanied by Dr. K.S. Jayachandran, Deputy Secretary (eCourts), Department of Justice.



About the host institution

Deakin University is an Australian public university established in the year 1974, with the passage of the Deakin University Act 1974. The university is divided into four faculties, covering arts and education, business and law, health, and science, engineering and the environment. Deakin University School of Law falls under the Faculty of Business and Law.

With internationally recognised quality of research and teaching, Deakin ranked 214 in the prestigious Academic Ranking of World Universities (ARWU, Times Higher Education, QS World University Rankings) putting Deakin in the top 2% of the world's universities.

More information is also available on the official web page (<http://www.deakin.edu.au/about-deakin>) and the University's Wikipedia page (https://en.wikipedia.org/wiki/Deakin_University). More information on the School of Law can be found at <http://www.deakin.edu.au/law>.

First Day: 22nd May, 2017

Disruptive Innovation in Legal Services - The Judges Forum

The day long forum took place at Deakin University, Collins Street, Melbourne. Professor Sandeep Gopalan, Dean, Deakin Law School welcomed the participants and introduced the scope and philosophy behind the conference.

Disruptive innovations are innovations that provide greater access to tools or services that have traditionally been inaccessible due to cost and/or infrastructure requirements.

I. Technology in the courts: Experience and Challenges

Justice Dhananjay Y. Chandrachud, Judge, Supreme court of India spoke on the eCourts Mission Mode Project of India, deliberating on the objectives, institutional structure, architecture, costs, and software challenges. He found the manpower issues very challenging, especially the unavailability of technical manpower in remote locations, training judicial officers and ministerial staff as well as attitudinal changes. National Judicial Data Grid is the monitoring tool to identify, manage and reduce pendency, providing inputs for policy making to reduce delay and arrears and promoting transparency and access to information to stakeholders. The public access page consolidates figures of pendency in all trial and appellate courts as the statistical data is automatically updated every day and contains pending civil and criminal cases segregated into categories up to 2 years, between 2 and 5 years, between 5 and 10 years and more than 10 years. He emphasised the roadmap for the eCourts Project which includes judicial process reengineering for redrafting of rules of district judiciary, building data analytics tools on NJDG, e-Filing and E-Payment, institutional portal for judicial knowledge management system and judicial enterprises resources planning.

Kylie Peterson, elaw's Director, Consulting & Services leads elaw's consulting, project management and bureau teams and has ultimate responsibility for service delivery to clients. elaw is a firm which works with litigators across Australia and New Zealand to provide strategic and practical advice in relation to practice and

procedure requirements, protocol negotiation and drafting, and to develop and implement best practice solutions for technology-driven evidence management. She explained the manner in which eLaw has an in-depth understanding of the procedural and commercial needs of litigators and the solutions offered by current technologies. Kylie explained to the international judicial contingent the latest technological developments, highlighting simplicity and cost-effectiveness in current eTrial offerings. Kylie also spoke on how recent changes to courtroom technology have made eTrials more accessible to smaller courts with basic IT systems.

Professor Rens Scheepers, Head of Department, Information Systems And Business Analytics, Deakin University elaborated on the technologies invested in courts and the analytics.



KCura is a company which organizes and analyses data, discover the truth, and act on it, which means building great e-discovery software for managing massive volumes of electronic evidence during litigation or investigations. Their product, *Relativity* strives to simplify and accelerate how the world conducts e-discovery by bringing the entire process and community together in one open, flexible, connected platform. *Relativity* helps address the unique needs of every client, streamline workflows and make the most of one's time. *Relativity* provides capabilities from legal hold through production, so you can support your clients every step of the way, no matter the size or complexity of each case. Analytics features like computer-assisted review and email threading bring major efficiencies and cost savings to clients. It also assesses and collects custodian data with minimal disruption to clients' employees. It can easily create sophisticated workflows to meet the diverse needs of the client base. Faster review is ensured using powerful processing capabilities in an easy-to-use web interface. *Relativity* makes it easy to prepare for depositions or trial, and organize key documents.

Knowledge Management (KM) is a business process that formalizes the management and use of an enterprise's intellectual assets. By adding human insight, KM transforms a flat dataset of information into a treasure trove of centralized intelli-

gence, which can be used to make informed business decisions. KM solutions can be tailored to fit each organization's needs, and can be deployed in companies of all sizes and types. In the law firm environment, nearly 57% of responding law firms use KM to increase their efficacy of legal services. In the specific context of litigation and regulatory discovery, a comprehensive knowledge management strategy can play a critical role in shaping future decisions by clients and counsel. KM can also drive up the quality, consistency and efficiency of work product.

Ms Chittu Nagarajan, Founder and Managing director, Modria USA elaborated on Modria, an online dispute resolution (ODR) platform that companies use to deliver fast and fair resolutions to disputes of any type and volume. Built by the team that created the world's largest online dispute resolution systems at eBay and PayPal that process 60 million cases per year, Modria is said to be a proven and scalable technology. The platform has pre-built resolution flows for eCommerce, including resolution flows for "item not received", "item not as described", "returns", and "services not as described". Easy to set up, the new module lets one add dispute resolution in days, saving development time, reducing contacts into customer support, and increasing reactivation. It allow buyers and sellers in marketplace to enter into a discussion which focuses on resolving an issue. Should escalations occur, messages are stored for the life of the dispute. The feature 'Next action box' is a transparent way to let customers always know where they stand and what needs to be done next in order to get the dispute resolved. Automated documents and email templates can be customised to one's needs. The Policy center allows one to set the business rules at any time to shape the resolution flow, tailor the experience to current and changing requirements, such as setting automatic refund levels, or handling specific customer types in distinct ways. Support for mediation and arbitration includes caucusing, i.e., bring in neutral parties to facilitate or decide an issue. The online platform also boasts of seamless integration, as Modria integrates easily with both front and back ends of one's marketplace, store front, online service or payment network.

II. Technology in the Courts: National and International comparisons

Manoj Sinha, Director, Indian Law Institute, New Delhi moderated the session, as speakers from New Zealand, Australia and India deliberated on the technological interventions in courts.

Jacqueline Shannon, Manager, Courts and Tribunals, Regional Service Delivery, Department of Justice, New Zealand introduced the criminal justice system of New Zealand. The criminal justice system (Police, Justice/Courts and Corrections) is conceptualised as a "pipeline". The pipeline starts with Police preventing and dealing with crime, moves through to the Courts where offenders are prosecuted and sentenced, and ends with Corrections who manage prison and community sentences, and provide rehabilitation programmes. It means policies and approaches in one part of the system can impact on others. The courts are changing processes as they move from paper to digital. The government is developing and delivering an effective justice system that is accessible and cost-effective for New Zealanders. The Judicature Modernisation legislation aims to modernise the legal framework for many of New Zealand's courts. Courts & Tribunals Enhanced Services Bill contains reform proposals that will affect tribunals, as well as some court processes. The changes will update a wide range of older legislation that has failed to keep pace with modern practice. Timeliness is seen as the Achilles heel of the justice system and hence the thinking is refrained around the customers. Technology is seen to save time and costs and hence adoption of technology is central to the efforts of the Ministry of Justice. Centralisation is done to encourage quicker adoption of technology. The results have started to show, as the time required for processing divorce applications has reduced from 26 weeks to 24 hours and finalising probates from 31 days to 15 days.

Justice Ravindra Bhat, High Court of Delhi spoke on Law and Technology –The Changing Paradigm, wherein he structured his talk on technology and courts – availing the benefits of technology in the administrative functioning of courts legal issues emanating from development in technology in terms of evidence recording etc. and creating e-courts at district level. He reiterated that one of the key benefits of computerisation of courts is the automation of case management. Moreover, all courts are to be linked to be part of a National Judicial Data Grid, which would result in the creation of a National Arrears Grid. Throwing light on his Delhi experience, he felt that the concept of e-Court is integrally connected with administration of justice in a completely digital environment. As a first step, all case filings were coded, categorized, and their case particulars digitally entered, for easy listing. Simultaneously, cause lists were issued with the aid of computers. Later, all orders

and judgments were digitally entered and issued, and subsequently, they were made available online.

An independent survey revealed three years ago that the Delhi Courts (including High Court) website was the second most visited web resource, in New Delhi. More efficiency & transparency into the judicial system is injected; e.g speed in issuing certified copies, judgments in pdf standard form online, inspection of documents and pleadings by litigants & counsel without delay and easily. On an average, 35 cases are listed each day; this means 70 sorties (to and fro) for storage; if a court functions with 30 benches, this means 2100 sorties each day, expending tremendous energy, manpower and likelihood of loss of documents. Files also gather dust. All this can be eliminated through digitization. Unlike paper, document preservation is possible eternally. The process of delivering judgment is expedited and there is better and optimal office space utilization. Besides availability of all cases on pen-drives and external hard drives, the judge also has the facility of viewing electronic databases (SCC online, All India Reporter, LexisNexis, Westlaw, Hein online etc) in the court, on the tablet. The judge can also access the court website to check up disposed and pending cases, on similar issues; the court does not have to adjourn the matter to see the judgment in another case. Since the record and electronic copy of the judgment in every sessions case is sent directly to the Delhi High Court server from every Sessions Court. On filing of appeal, the electronic records are linked with memo of appeal. Counsels are given electronic copies of appeal records, which save time and expense. Use of paper is minimized as judges and court staff settles into a routine of preparing documents electronically. Old and disposed off records have been digitized. The process is an ongoing one; more than 15.23 million pages (7,68,587 files) have been digitized. Above 35000 square feet of built space has become available for use, since that was released from occupation of the record rooms; one entire floor in an administrative building has become available for other use. The first e-Court in Delhi District Courts was established in the year 2010 at Karkardooma Court Complex. Such e-Court was developed under the guidance of Computer Committee of High Court of Delhi.

Justice HC Gupta, Judge, Allahabad High Court explained the technological efforts behind the computerisation at Allahabad High Court, which started in early 1990's. Substantial ICT infrastructure has been deployed over the years. Daily operations of the Court are now performed through various applications. The online

case management system has computerized data entry of cases viz. case type, petitioner(s) name, respondent(s) name, counsel name, case crime number, district name etc.; computerized allocation of category code and case number, online court wise, judge wise, jurisdiction wise allocation of cases; online management of fresh cases, cause list, backlog cases and online allocation of dates, court number, serial number etc. of cases. The online judgment and copying system software commonly known as e-Legalix contains several modules to facilitate typing and publication of judgments online and issuance of authenticated copy of judgments to litigants/lawyers. Online judgments can be searched/ retrieved by case no., party name, counsel name, judge name, court wise, date wise, free text search etc. Real Time Based Case Running Information System contains a list of cases taken up in Courts is displayed through Electronic Digital Display Boards installed in the Court rooms as well as at vantage points of Court Complex. The same information is displayed on the official website of Allahabad High Court. Notification through SMS and emails of such cases are also sent to the stakeholders. The online services include Online Case Status Enquiry System, Computerized Case Information Counter and Case Information Kiosks. Kiosk machines have been installed to provide information relating to status of cases. Through the computerized Case Information Counter, case related information are available at these counters on a nominal fee.

Ms. Snehlata Shrivastava, Secretary, Department of Justice, Government of India introduced the eCourts Integrated Mission Mode Project to the forum, which is one of the national eGovernance projects being implemented in district and subordinate courts of the country. She described the status of various project outcomes, including the National Judicial Data Grid and delivery of services to stakeholders. New initiatives to be taken up in Phase-II of eCourts MMP were discussed. Members of the forum were impressed by the scale of achievements of the Project. All computerised courts are using CIS software. Next version of the software, namely NC 2.0 has been developed and is being rolled-out in all district and subordinate courts. eCommittee is working towards integration of High Courts into the common software. More than 530 million transactions recorded through eTaal since inception, indicated wide use being made of the case data by litigants. Key challenges were identified, such as Process reengineering on laws, court processes and procedures, uniform nomenclature, unique IDs for JOs/Courts, complete and accurate data entry, timely availability of data on pending cases to

government, delivery of all 30 litigants' services through designated platforms, as well as the use of data for court/case/performance management.

Justice Yashwant Varma, Judge, Allahabad High Court highlighted the automation activities of Allahabad high Court. Digitisation of decided cases was a key activity. A decision was taken to first digitize files of such cases which had been decided. There were about 10 million such files. At an average of about 50 pages per file about 500 million pages were to be digitized in one year, which meant an average of about 35000 files per day. 1.3 Million files having 80 million pages have been digitized till date. Paper free activities such as automatic allocation of dates, bulk sms of causeless and case status are already in place, while e-filing, witness statements, summons tracking systems, video file evidence and process servers are being planned as part of the automation initiatives of Allahabad High Court.

Dr. K.S. Jayachandran, Deputy Secretary, Department of Justice, Ministry of Law and Justice compared the technological advances made by Indian courts against international benchmarks such as Singapore, Luxemborg, Iceland, South Korea and Austria. The pace of digitisation of India was very impressive, with indicators such as increase in number of computerised courts, number of electronic transactions for eCourts, roll out of eCourt services and operationalisation of video conferencing facilities. The bigger picture of integrating the eCourts pillar with the Interoperable Criminal Justice System was also deliberated. Other initiatives of the Department of Justice such as Socio legal cells, Access to Justice for tribal communities, Paralegal Volunteers, District Facilitation Centres, *Nyaya Mitra* (Friend of Justice) and Pro bono Lawyering were underlined. The concerns of technological infusion into courts such as Privacy issues and Digital Divide were also discussed.

Involvement and knowledge of Department of Justice in the Indian court technology projects added immense value to the deliberations.

Second Day: 23rd May, 2017

Field Tours

I. Visit to Federal Court of Australia, Melbourne

The Federal Court of Australia was created by the *Federal Court of Australia Act 1976* and began to exercise its jurisdiction on 1 February 1977. The Court is a superior court of record and a court of law and equity. It sits in all capital cities and elsewhere in Australia from time to time.



The group was welcomed by Justice Christopher Jessop, Former Judge, Federal Court of Australia. He gave an introduction about the judicial perspective on technology in courts. Use of technology in courts has been in two areas mainly, one court administration and two, during the process of hearing. Court administration has used technology in good measure, like the registry. Statement of claims, filing, document management and case management utilise technology in the federal courts, though it is not mandatory. Secondly, technological solutions are provided by firms on request of the litigants and could be witnessed in big cases and commercial cases, otherwise called the mega trials. One of the biggest demerits of digitisation, the Justice felt is the probability of manipulation of electronic documents and evidentiary files.

Litigants pay lots of money to get the case heard through an eCourt, since it saves time, though its expensive. Hence economically weaker litigants cannot afford electronic courts. The judges thus do not have much say in determining the way in which the trial shall be conducted. And technology does not figure amongst the priorities for the judges. eFiling is not mandatory. Though it is difficult for judges to suddenly move towards electronic files, Justice Jessop felt that the search facility in pdf documents is an easy tool for judges to preclude and exclude possibilities in evidence statements. He concluded that an eCourt framework should be ready, however for future generations to harp on.

eCourts in the Federal Court of Australia

The Federal Court of Australia uses information technology to increase the effectiveness, efficiency and accessibility of the Court. The introduction of technology continues to change court operations, similar to the ways in which technology has affected other business practices across the globe. The Federal Court's pioneering eServices Strategy reached a significant milestone when the first file of the Court to be wholly created, managed and stored electronically was produced on 14 July 2014 in Adelaide.

The creation of electronic court files primarily affects the internal functions of the Court but also provided opportunities for Court users to expand how they interact with the Court. The Court's eLodgment system is the means by which documents are placed on an electronic court file (ECF). eLodgment has been expanded as part of the roll out of the ECF.



The benefits for the Court users where there is an electronic court file is:

1. Automatic acceptance of supporting documents. Where an electronic court file exists most supporting documents that are eLodged will be stamped with the seal of the Court and returned to the eLodger within minutes. Case administration documents such as consent orders or correspondence will be stamped, received and also returned to the eLodger within minutes.

2. Increasing the range of documents available for view by authorised users on the Commonwealth Court's Portal
3. Documents filed will be available promptly (twice a business day) on the Commonwealth Courts Portal and, where possible, stamped orders will be available instantly.

The benefits for the Court include:

1. Immediate access to the court file and the documents on it, by different authorised people within the Court at the same time
2. Increased efficiency in case management as the Court eliminates time spent retrieving court files or documents
3. Eliminating the opportunities for lost or incomplete paper files
4. Reduction in ongoing storage and archiving costs as the Court is required to maintain certain Court records in perpetuity.

The Court adopted a staged approach to implementing the project. All files created on or after August, 2014 are electronic files. This means that, unless restricted, a document is available to parties via the Commonwealth Courts Portal.

Online services in Federal Court of Australia:

The online services offered by the Federal Court of Australia are:

1. eLodgement
2. eCourtroom
3. Federal Law Search
4. Commonwealth Courts Portal

We then attended a trial proceeding in the Australian Competition Tribunal presided by Justice Middleton. As the proceeding went on, the use of technology through eCourt facilities were observed, as the commercial trial was underway.

In the next session, the Federal Court IT manager explained the technological advances made in the IT infrastructure of Federal Courts. Timely availability of documents, reliability, security and disaster recovery technologies for resilience are the

priorities of the IT sector in Federal Courts. But the investment is very high especially over cyber security issues. Basic infrastructure like touchscreen monitors in front of judges in courts is made available.



Image: eCourtroom, Federal Court

A tour was then facilitated by Thomas Stewart, IT Manager to a eCourtroom, which is an online courtroom used by Judges and Registrars to assist with the management and hearing of some matters before the Federal Court of Australia or Federal Circuit Court of Australia. Such matters include *ex parte* applications for substituted service in bankruptcy proceedings, applications for examination summonses and giving of directions and other orders in general federal law matters.

eCourtroom is integrated with eLodgment, providing parties with a link between eCourtroom and eLodgment to facilitate the electronic filing of documents. A transcript facility provides a record of all messages posted by the presiding Judicial Officer and the parties in any matter that is conducted on eCourtroom. This transcript is viewable by parties as well as the public. However, documents posted or

filed can be viewed by the parties to the action only, the Judicial Officer and other Court officers.

Learnings:

The future of use of the technology in courts is inevitable. Some of the areas where a huge potential is seen and anticipated is the predictive coding language to cut across millions of pages, called eDiscovery as well as the use of Artificial Intelligence and machine learning in court processes and management.

Litigation service agencies or litigation companies are legal service providers who specialise in ecourts - the delivery of technology and supporting services for courtrooms and electronic evidence display systems. They can deploy and run ecourt solutions for civil litigation and regulatory and other inquiries in a range of locales. From designing purpose built, large scale national instances to commissioning pop-up facilities in existing court rooms or deploying “ecourt in a box” solution and fitting out premises such as community halls and conference centres as ecourts; the agencies can help the litigants conduct an electronic hearing anywhere.

International research shows that there is a small core of non-internet users who do not intend to get connected due to variety of reasons. Digitisation efforts in judiciary will have to factor in rights of this population too, and provide support for those who cannot access services digitally, or who need help to do so. In designing different services we will have to tailor the support provided through computerised systems, around the needs of those who will use them.

II. Visit to Supreme Court of Victoria, Melbourne

Technology Overview at the Supreme Court of Australia was facilitated by the faculty of Deakin University at the Supreme Court. The Supreme Court is the highest court in Victoria. It deals with the state’s most serious criminal and civil cases. The Court’s Trial Division administers and hears cases.



If a party has cause to appeal a decision handed down from the Trial Division they can seek to do so in the Court of Appeal. The judiciary is made up of the Chief Justice, the President of the Court of Appeal, judges, associate judges and judicial registrars.

David Boye, Manager, Court Technology Unit of the Supreme Court demonstrated the Video conferencing facilities in the Supreme Courtroom. Video conferencing is sometimes used in court – for example, when a witness gives evidence from a remote location, or for the appearance of an accused person who is not present in the courtroom.

The Supreme Court registry provides information to the litigants on the filing of documents, pre-trial conferences, video links of proceedings, fee payment, and general procedural advice. Where the Court directs on its own motion or on application by a party during the proceedings of a hearing that it is necessary to take the evidence etc. of a person by video-link, that party or organisation seeking to call that witness shall lodge the call setup form and requisite charges with the Video-link Co-ordinator in the Court Registry.

The Court will dial in to the remote location at the appropriate time. The line charges will therefore be incurred by the Court and those costs will be passed on to the party requesting the video-link. All parties involved in the conference at the remote location are to be in the video conference room at that location at least 15 minutes prior to the commencement of the conference. The party or organisation requesting the video conference is required to notify all conference participants of details of the conference such as venue, commencement time, duration and other relevant requirements or duties.



Image: VC enabled Supreme Court

As the audio visual link connection will be from the Court to the remote facility, the party requesting the audio visual link is responsible for arranging the link at the remote facility and must provide the information required in the attached form entitled audio visual link call setup form and file this form at the same time as the lodging of the application for a videolink. The audio visual link call setup form is only required if the party requesting the link has not used Integrated Vision to facilitate the link to the remote facility. Section 42E(2) of the Evidence Act provides; “*A court must not make a direction under sub-section (1) unless it is satisfied that the technical requirements specified in section 42G are met, or can reasonably be met, in the case of the particular link.*”

Electronic filing and case management is operational in commercial courts. Practitioners can use Commercial Court's electronic filing and electronic case management system to initiate cases and file new documents for judge-managed proceedings that fall under the Commercial, Intellectual Property, Insurance and Corporations lists.

Through electronic filing in all other civil proceedings, legal practitioners can electronically lodge, process and retrieve court documents relating to all other civil cases. Through Criminal Division electronic filing, practitioners can electronically file documents in criminal proceedings by emailing the documents.

Supreme Court has accepted technology assisted review as an appropriate method of discovery in litigation involving a large amount of electronically stored information. “Technology-assisted review” (“TAR”) describes the integration of technology into the process of human document review in discovery. Predictive coding is a subset of TAR and has found use in litigation involving a large volume of electronically stored information (“ESI”). Manual review is now not likely to be the most efficient means of carrying out discovery where there is a large volume of ESI in civil litigation.

Third Day: 24th May, 2017

**Conference on Disruptive Innovations in Legal Services
Deakin Law School**

One of the most dominant trends currently impacting the legal profession is disruptive innovation. As law firms face the rapid growth of globalisation, digital technologies and the commoditisation of traditional legal services, they face increasing challenges to the way they operate and compete in the market.

To address these highly-relevant issues, the Conference featured a range of expert speakers sharing contemporary and cutting-edge insights on disruption in the legal profession and the impact of technology across the courts.

Hosted by the school's Centre on the Legal Profession the conference featured a range of topics exploring:

- the future of legal services
- the law firm of the future
- technology in Australian Courts and tribunals

Keynote addresses and sessions were presented by an outstanding line-up of distinguished legal experts including:

- Justice Dhananjaya Chandrachud, Judge, Supreme Court of India
- Chittu Nagarajan, Founder and Managing Director, Modria, USA
- Ross Paull, CEO, Guided Resolution Pty Ltd
- Duncan Travis, Partner, Allens
- Shannon Salter, Chair of the Civil Resolution Tribunal, Vancouver (Video Presence)
- Rhondda Nichols, Founder, Ozpropertylaw.com
- Peter Maloney, CEO, Global IX
- Stephanie Abbot, Director, Janders Dean
- Justice Yashwant Varma, Judge, Allahabad High Court, India
- Warwick Walsh, CEO & Founder, Lawcadia
- Jacqueline Shannon, Department of Justice, New Zealand
- Murray Bruce, Director, Geography Leader Asia Pacific and Aus and New Zealand, IBM Watson

Dr Allison Stanfield, Managing Director and Solicitor, SG Legal Services
Shaun Chung, Minter Ellison
Alex Solo, Co-founder, SprintLaw
Justice Ravindra Bhat, Judge, High Court of Delhi, India
Elizabeth Whitelock, CEO, Veriluma
Professor Ranbir Singh, Vice-Chancellor, National Law University, Delhi
Adrian Cartland, Principal, CartlandLaw
Michael Green, Senior Counsel, Founder and Director, BarNet JADE
MJ Cartwright, CEO, Court Innovations
Dr Imme Kaschner, Hive Leg
Sheree Ip, Lecturer and Blockchain Consultant
Professor Sandeep Gopalan, Deakin Law School
Kevin Miller, CEO, LegalSifter, USA
Himabindu Lakkaraju, PhD student, Stanford
Paul Sokolowski, Arnold Bloch Liebler, Australia



The proceedings of the day made it clear that innovations in legal services provide improved delivery or performance of an established product or service, along the confines of performance that customers in major markets have conventionally valued. Law firms, for example, are providing more efficient and accessible methods

of acquiring legal documentation or offering legal documents over the internet etc. But such innovations do not harbour the innate need to completely re-engineer their operations. Disruptive innovations, on the other hand, start at the bottom of the market and introduce offerings that are inferior in quality, but that engage the market on new criteria such as price, flexibility or accessibility.

Disruptive innovations are called disruptive because they normally offer worse, not better, performance or quality than the existing innovations during the initial stages. And they are introduced at a time, when the market is already comfortable with solutions which are smaller, cheaper, easier, and convenient. They start out at the lowest level of the market, or create or push themselves into markets that have previously been non-existent or non-visible. More crucially, they offer something that the existing players can't replicate, because the process to replicate would require such an extreme reconfiguration of the existing business processes and production models.

Key Learnings from the Conference:

As the country starts reaping benefits through Digital India and Start up India initiatives in several sectors, it is important that an environment is created for online legal services too. Legal startups can offer faster, better and cost-effective legal services through online platforms. Legal-tech, though a prominent well-funded sector in Europe and the US, is still in its nascent stage in India, with a very few start-ups coming up. But the potential is immense. Ranking algorithms could be used to find the best lawyer for one's need, based on the lawyer's credentials, experience, location, rating and availability. Controlled virtual marketplace, litigation support services, accounting and taxation services, trademark and patent registration, legal documentation services, legal recruitment services, citation services for lawyers, intelligent contract management system for legal documents are some of the areas where start-ups can show promise in the legal sector.

Systems have to be in place so that consumers can access more efficient, transparent and affordable legal services. As the start-up ecosystem grows, with necessary support and frameworks in place, legal technology can see a huge spurt in growth. The environment in India is ripe now, as ubiquitous, fast internet access and cloud computing has opened the door to various forms of business model innovations

that legal startups are pouncing on, including legal document repositories, lawyer marketplaces, and online self-service tools.

Information and communication technology could be used to help parties resolve their disputes through Online Dispute Resolution (ODR) and should thus be an important part of ICT Enablement of Court Systems in India. Online dispute resolution (ODR) in India is in its infancy stage and requires attention. Primary ODR Application Areas could be petty cases, consumer disputes, insurance disputes etc. There is no better option but to strive to develop a modern online alternative mode of dispute resolution (ADR) by establishing legal frameworks for providing settlement of disputes through Online Dispute Resolution.

Public private partnership (PPP) based ODR and cyber arbitration models could be encouraged. Provisioning of a legal system for encouraging ODR will also be big fillip to startups and entrepreneurship. Use of ODR could also be provided a platform in the growing e-courts ecosystem in India. It is high time that judiciary shows a perceptible shift towards the use of the new technology and methods in the resolution of disputes, given the focus of the government on ease of doing business, e-governance, e-commerce, Digital India, start ups and skill development. Exponentially improving technology allows us to do more with less and that includes less humans, which is in tune with the Indian policy of minimum government and maximum governance.

Existing institutions like Lok Adalats will gain out of Online Dispute resolution technologies, because the main condition of the Lok Adalat is that both parties in dispute should agree for settlement. Lok Adalat being very effective in settlement of money claims and disputes like partition suits, damages and matrimonial cases, can also be easily settled as the scope for compromise through an online approach of “give and take” is high in these cases. Technology can be a boost when processes in Lok Adalats can be integrated with ODR. Online Lok Adalats can be a boon to the litigant public, where they can get their disputes settled fast and free of cost with the aid of the online solutions. Fast Track Courts, ADR, Commercial Courts, Tribunals and Government litigations also offer favourable conditions to infuse ODR techniques. Litigations where government is a party are perfect cases, because objective resolution through technology can be ensured and also be used to protect government officers who take decisions to prevent government becom-

ing a compulsive litigant. The philosophy that government matters should be left to the courts for ultimate decision can thus be brought down.

In cases where there are no actual disputes, simpler online processes could be encouraged where defendants can resolve their cases immediately using an entirely automated system. Thus, when someone admits certain minor offences and chooses to opt in to an automated system, that system should provide an online conviction and issue a standard fine and costs. This will enable defendants to complete their case and pay the penalty instantaneously, without having to attend a physical court. Removing the need for full hearings and creating a digital platform in this manner will allow magistrates to spend their valuable time considering the cases that need their attention most. Unless we start to inject technology in such peripheral areas, we will not create a futuristic environment for truly electronic courts and virtual hearings.

Efficient modern commercial courts not only ensure quick justice and aid foreign direct investment as well as business, but also bring in foreign exchange through the legal processes. India, as a nation, could create a world-class position for ourselves as the trusted jurisdiction of choice for international disputes, while becoming easier for everyone in resolving simpler legal disputes. International litigators would come here if they know they will be treated fairly, and would prefer our law to be the governing law for commercial contracts. That confidence would translate into huge contributions to the Indian economy by legal services. To start with, we can build on simpler consumer-focused models through automation and digitisation of the entire process of civil money claims, as we replace paper with digital working. This would control the costs of civil cases, proportionate to the case, and more certain from the start. Moreover, losing parties will not be hit with disproportionately high legal costs, and parties will be able to make more informed decisions on whether to take or defend legal action.

Predictive justice is possible through use of technology especially Artificial Intelligence (AI) in utilising the huge data available with the judiciary. AI and Big Data Analytics through machine learning can create patterns out of unstructured data such as the voluminous data sets. The large database of National Judicial Data Grid can be used to predict the time, different types of cases take to be heard; what kind of outcomes result; how many cases are waiting to be heard; and how

many trials fail to go ahead as planned. A modern justice system should be recording and making available such transparent and open data. AI can even understand contextual differences in meaning and help in predictive justice. As an aid in traditional justice delivery mechanism, AI can thus play a supplementary role in the future. As a first step, it is important to realise the importance of databases, both structured and unstructured, and open up the same to analytics and technology.

Technology can get into the heart of work flow systems. Natural language processing and machine learning algorithms are game changers, since they can bring affordable legal services to the world by empowering people with artificial intelligence. Businesses will pay for speed and lower risk in the justice delivery mechanism. Lawyers delivering full-service and AI service will be the most sought ones after some time. In India, we thus need to be prepared in terms of our technological outlook.

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