INSTITUT MONTAIGNE

Summary

From videoconferences to artificial intelligence, from predictive justice to blockchain, the ability of digital technology to transform the public service of justice is considerable. Calls for change are multiplying, as experts describe the French judicial system as being "in crisis". The aim of this report is not to draft a global reform but to contribute to the general reflection regarding the use of digital tools in improving the quality of French civil justice.

A better understanding of litigants' expectations…

Prior to analyzing how digital tools can impact the offer of justice by state courts, it is necessary to scrutinize the qualitative aspects of litigants' expectations. To do so, various innovative tools exist, such as the organization of focus groups or the listening to material on social media. Through these experiments, this work identifies essential characteristics of litigants' demands with regards to the service provided by the judicial system. They believe justice should fulfil the following criteria: authority, trust, simplicity, loyalty, credibility, accessibility, cost, temporality, predictability, humanity, feasibility, effectiveness, efficiency and entirety.

…for a better response thanks to digital tools.

Building on this knowledge, the report identifies areas in which technological innovation can improve the functioning of this public service. Geographical access to justice could notably evolve via the electronic processing of certain litigations, without the parties having to physically attend court. Indeed, certain appearances could be carried out through videoconferences. As for the trial's publicity, the recording of judicial debates and their accessibility could be generalized. These developments will necessarily encourage us to rethink the territorial distribution of justice.

Digital tools also transform the handling of judicial information through the analysis and processing of considerable amounts of data, allowed by "Open Data" and artificial intelligence. The use of these new tools should be supervised in order to guarantee equality of access to information among citizens. Moreover, a digital platform connected to other public services could help to improve the organization of legal support and reduce the financial costs of litigations.

Judicial methods will also be challenged by information technologies, such as the introduction of a case before court, trial's proceedings, hearings, the verdict and its enforcement.

Efficiently guiding the justice system's transformations

In order to achieve the justice system's digital transformation, the report identifies a set of "good practices": high-level teams driven by a spirit of innovation and combining professionals and computer scientists in a single workplace, guiding through a project mode with sufficient autonomy with regards to usual administrative structures, the use of "flexible" methods for a conception based on the users' expectations.

Axis: Understanding the litigants' expectations

In order to better assess the demand of the various categories of litigants, it is important to use new techniques that allow for an accurate reporting of a qualitative – rather than solely quantitative – outlook of citizens' expectations.

Axis: Improving the offer of justice through digital innovation

New technologies are bound to deeply transform the functioning of the French civil justice system. It is for example necessary to:

- Identify the proceedings that can be processed electronically and organize processing centres for paperless proceedings

- Determine the cases and conditions in which the hearing of parties, witnesses and experts could be organized by videoconference

- Generalize the recording of judicial debates and define the conditions in which these recordings could be made available to parties, superior jurisdictions, and the public

- Review the functioning and regional implantation of judicial services

- Develop an operational method to track the evolution of various types of litigations and to anticipate their evolution

- Strengthen the services dedicated to users' reception and improve their information on the conduct of trials, provide them with new artificial intelligence tools designed to exploit legal data and provide predictions on possible solutions

- Transfer the handling of legal support to a completely digital platform connected to other public services

- Create a digital form for introducing a legal demand and an interactive online procedure

- Generalize and simplify the examination of files and provide this information to the parties, by developing dashboards and digital desktops shared between all the parties to a trial

- Rethink the organization and holding of judicial hearings by using distance communication techniques

- Develop the possibility of delivering the verdict orally in the context of multimedia hearings collected on a device issued to the parties, and effective immediately

- Take into account transformations regarding the judge's office due to the development of mediation services and arbitration in mass litigations, facilitated by digital platforms and blockchain organizers.

Axis: Guiding the transformation

The creation of a high-level authority, in charge of the development and the governance of different digital transformation programs is necessary. Moreover, an advisory body could be established, involving professionals, future users and experts, whose mission would be to explore and experiment new technologies for judicial purposes.

Prior experiment processes must be generalized in order to study the sociological, economic and financial impact of established technologies.

Finally, it is necessary to establish the long term budget allocated to the digital transformation of the justice system in a sufficiently adaptable framework, allowing for restructuring in accordance with the evolution of technologies.