

# The use of technology in civil proceedings

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September 2017

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## Translate

English

Spanish

German



Translate

Mein damen unt herren

Willkomen in der Zukunft!

Vielen dank dass sie mich eingeladen haben

Google translate ist abgestürzt. Bitte versuchen Sie es später noch einmal.



 [Suggest an edit](#)

MORE MISERIES .

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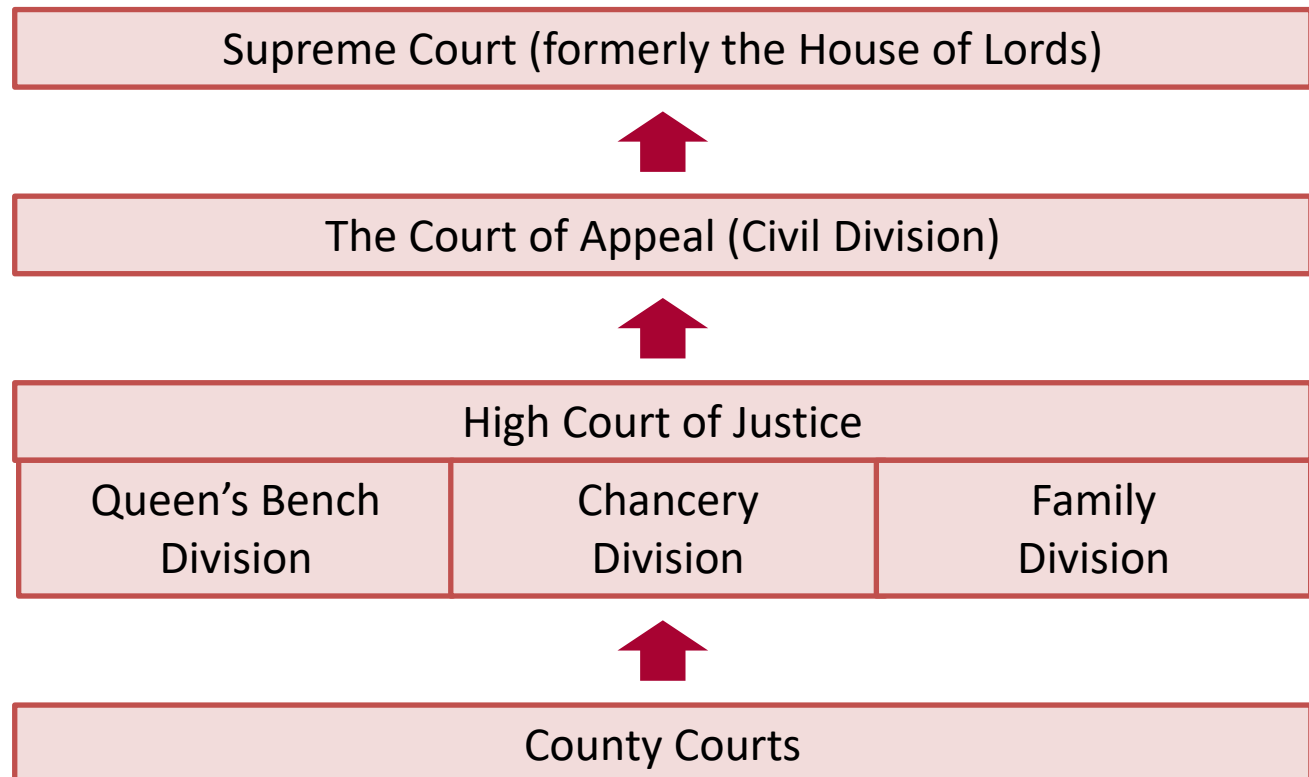


Pub. April 25 1807, by R. Ackermann.

Being nervous and cross examined by Mr. Garrow .

Repository of Arts 101, Strand

# Structure of the civil courts



# SMALL CLAIMS TRACK

- Value  $\leq$ £10,000 or  $\leq$ £1,000 for personal injury
- Hearings will be “informal”
- Lay representations permitted
- Low fixed recoverable costs for Claimant
- Costs generally not recoverable for Defendant

# FAST TRACK

- Value £10,001 – £25,000
- Court timetable – aim to conclude within 30 weeks
- Fairly strict rules regarding evidence
- Some costs are fixed (future costs will be fixed)
- Costs recoverable by both sides (PI exception)
- Claims generally heard in the county courts



# MULTI TRACK CLAIMS

- All other claims
- Typically complex and/or high value matters
- Court lays down timetable
- Strict rules regarding evidence
- Costs budgeting
- Costs generally recoverable (PI exception)
- Heard in county courts or the High Court

# PROPOSALS FOR CHANGE

- Lord Justice Jackson's costs review
- Fixed costs for all claims up to £25k
- New “intermediate track”
- Streamlined procedure and fixed costs if:
  - monetary relief claims
  - modest complexity
  - valued up to £100k



# CURRENT USE OF TECHNOLOGY IN COURT/LITIGATION PROCESSES





# The current use of technology - some examples

- Interlocutory hearings by telephone
- Cross examination via video-link
- Service of documents by (e.g.) email
- Civil Court Digital Case System
- E-disclosure - see *Pyrrho Investments v MWB Property* [2016] EWHC 256 and *Brown v BCA Trading Ltd* [2016] EWHC 1464

# THE FUTURE?



JUDICIARY OF  
ENGLAND AND WALES

## Civil Courts Structure Review: Final Report

by Lord Justice Briggs

July 2016

## Key proposals

- Litigation without lawyers?
- Online court – replace small claims and then fast track
- Triage system
- Compulsory mediation
- Hearing?
- Limited recoverable costs



Ministry  
of Justice



LORD CHIEF JUSTICE  
OF ENGLAND AND WALES



SENIOR PRESIDENT  
OF TRIBUNALS

## **Transforming Our Justice System**

By the Lord Chancellor, the Lord Chief Justice  
and the Senior President of Tribunals

September 2016



# TRANSFORMING OUR JUSTICE SYSTEM

- “problem solving courts”
- “less combative methods for disputes to be resolved”
- “single online system” for all cases
- Virtual hearings used alongside traditional hearings
- Traditional hearings to become “the exception”
- Some cases dealt with entirely online

## NEXT STEPS

- All cases to be started online
- New simplified procedural code to promote settlement
- Automate and digitise all civil money claims by 2020
- Some cases dealt with entirely online

# SOME THOUGHTS

- The benefits of digitisation
- Measures of success?
- Access to justice
- Justice as a right not a commodity
- The majesty of the court process
- Justice seen to be done
- The impact of detachment?

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