

Digital courts must still be open to public, judge insists

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November 5 2016, 12:01am, The Times



The judiciary is keen to stick to the principle of open and publicly visible justice as the digital revolution threatens to make the system more secretive.

The move towards online justice risks increasing secrecy in the court system, a senior judge has warned.

Lord Justice Fulford insisted that the judiciary would fight to keep courts open to public scrutiny as the digital revolution takes effect.

“The judiciary is fiercely committed to the principle of open justice,” he told the annual Bond Solon Expert Witness Conference in London. “Greater digitisation offers both challenges and opportunities in this field, in that technology enables more data to be gathered that can be made accessible than historically has been the case.

“We will need to find ways in which the public can gain access to telephone, video and online hearings. I am determined that we will not throw a cloak of secrecy over our new digital, computer-aided processes, but this is going to need imagination and commitment.”

Lord Justice Fulford, the senior presiding judge in England and Wales, said that even with digitisation, which he is involved with implementing, “every decision about substantive rights will be made by a judge”.

He added, however: “Perhaps all of us professionals who rather enjoy our jobs need to hope that the new digital systems do not render us entirely redundant. We may ultimately be fighting the rise of the robotic court.”

Despite early scepticism from judges, they were now all committed to working with computers, he said. “The remarkable phenomenon is that quite elderly, technologically-challenged judges who vowed they would never touch a keyboard in court, are now — in under a year — working entirely digitally with skill and enthusiasm.”

Lord Justice Fulford said that he wanted far more work conducted via video link, and anticipated a time when expert witnesses would give evidence from their kitchen tables sitting in their dressing gowns.