



ONLINE COURTS
COMPARATIVE STUDY
(2022)



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1. ABSTRACT

Given the transformation that technology has brought about over the past few years in almost every area of our society, it has become increasingly important to ask ourselves why we do not use technology to improve our justice system. After some countries took on the challenge, they started to prepare and implement changes in the judiciary, and the topics “Online Courts” (“OC”) and “Online Dispute Resolution” (“ODR”) are becoming more popular in the public debate. In this study, we try to give an image of the current situation of this transformation of justice in several countries around the Eurasian continent. Once you read it, you will have some familiarity with the level of digitization of the justice system in all the participating countries in this study, as well as their most popular strategies to approach this topic, their ongoing projects, if they have education on ODR in universities and in the judiciary, and finally their level of the support of innovation in each country.

2. INTRODUCTION OF THE STUDY & DEFINITIONS

In view of the fact that the concepts of OC and ODR are gaining on popularity and acceptance in the public debate, and also at the same time growing in their development and implementation, we see the necessity of carrying out a comparative study about the level of implementation of these topics in several countries.

In this comparative study, we present the different approaches of 14 countries with regard to the implementation of the OC and ODR, and their current situation, allowing us to create a common ground to facilitate the cross-country comparison and find out the most and least advanced countries in this subject, with a brief overview of their strategy. The results of this work will not just benefit the participating countries (although they will be more beneficial to them), but also any other country interested in implementing the OC or ODR, acquiring knowledge from those countries who have already spent considerable time and resources developing and implementing this subject.

To obtain all the necessary information for the elaboration of this study, we have applied the following procedure: first, we have sent out a questionnaire with different questions related to OC and ODR (Annex 1: Questionnaire) to 14 specialists from different countries (see chapter 10 *Collaborators*). After answering these questions, we have organized the ODR TRACK 2022 (an event organized by the University of Masaryk in collaboration with PRK Partners, part of the Cyberspace Conference), where each specialist presented the situation of their respective countries,

with a subsequent panel discussion to share experiences. Based on the ODR TRACK 2022 and the answers obtained from the questionnaires, the present comparative study was prepared.

2.1 Definitions.

Definition of Online Courts.

An online court is a judicial proceeding without use of paper and physical court hearings. Instead, evidence and arguments are submitted through an online platform and court hearings are done in a virtual mode. Exceptionally, online courts use paper and conduct in person hearings. The Online Courts are managed and ruled by the public sector.

Definition of Online Dispute Resolution.

Online Dispute Resolution is the use of an online environment to facilitate communication and dispute resolution. In other words, using the Internet as a more efficient way for parties to resolve their disputes through various alternative dispute resolution methods. The Online court is included in ODR. The ODR can be managed and ruled by private or public players.

** Both definitions serve as a point of reference and can have a flexible interpretation. This is mainly due to the fact that the field of ODR is in its development and Online Courts and Online Dispute Resolution can have different interpretations based on jurisdictions.*

2.2 Abbreviations.

- (OC) Online Court
- (ODR) Online Dispute Resolution.
- (POS) Published official strategy.

3. PARTICIPANTS



- Estonia
- Lithuania
- Latvia
- England and Wales
- Israel
- Ireland
- Spain
- Poland
- Italy
- The Netherlands
- Portugal
- Czech Republic
- China
- Ukraine

4. IMPLEMENTATION OF THE ONLINE COURTS (OC)

A. Explanation of the section.

The aim of this section is to give a picture of the actual situation of online courts in the countries assessed within the framework of this study, for that purpose we classified them in four different stages of progress, regarding the level of implementation of at least one OC: the first stage is for those countries that have at least one OC completely operative, followed by the existence of an OC pilot test, the publication of a strategy for the implementation of an OC, and, in the bottom, those who have an official task to prepare the strategy mentioned, or at least an official intent.

As we already commented in section 2.1 of this study, our definition of Online Courts is flexible, for that reason, we include a brief explanation of the situation of the country in the box we considered more appropriate, with that explanation will be able to know better the situation of OC in the country.

B. General Overview.

In view of the results of the investigation, we want to highlight a high number of online court operatives (9 of 14 countries), the most advanced countries are, England and Wales and China, with truly Online Courts operatives (If we use the exact definition of OC give in this study), followed by the Baltic countries (Estonia, Lithuania, and Latvia), they are very close to completing the whole digitalization of the judicial system. The rest of the countries with at least one pilot OC are: The Netherlands, Portugal, Poland, and Ireland, in these, we see more simple online courts operatives, or just procedures online from regular courts, like in Poland and Portugal. Even though in Ireland's Small Claims Court, the court hearing still takes place in physical form, the procedure can be started completely online, and thus it can be considered as online court.

Spain and Italy have published strategies to achieve the implementation of online court through the digitalization of the system, comparing both countries' strategies, the Spanish strategy is more complete and focuses more on the digitalization of justice. We include Ukraine under those countries with a strategy but we can see that they are more focused on the foundation of future digitalization.

Finally, we have the Czech Republic with an official intent, and Israel, with different projects and objectives, but without a published strategy for the moment.

IMPLEMENTATION OF ONLINE COURTS

Country	OC in operation	Pilot test of OC	Published Official Strategy (POS)	Official Task to prepare the POS, (or at least Official Intent)
Czech Republic				The Czech ministry of justice is preparing a strategy for the digitalization of justice sector. Part of this strategy will most probably be an official task of preparing a strategy for the gradual development of online courts in Czechia; at the moment the Ministry is active in supporting discussions of external experts on this topic.
England & Wales	<p>Since 2016 the English Court Administration Service has been working to improve digital and technology services across the courts and tribunal system through the HMCTS Reform Programme. Several judicial processes already operate completely or partially online, dealing with civil, criminal, family, and administrative disputes. Among others:</p> <ul style="list-style-type: none"> - Online Civil Money Claim (OCMC) (under £10,000) - Traffic Penalty Tribunal - Social Security Tribunal operates online for appeals over state benefits that have not been granted to citizens by the Government Department 	<p>The OCMC is already operative, but at the same time, we can consider it as a pilot OC, because they tested new upgrades, like:</p> <ul style="list-style-type: none"> - Opt-out of telephone mediation. - Online directions by legal advisers. - Judges can decide on the documents - Bulk litigants 	<p>They have published:</p> <p>A short-term strategy, (The Ministry of Justice Digital Strategy 2025) which is seeking to make the administration of justice a more flexible, data-driven, and user-driven organization.</p> <p>A Long-term program (HMCTS Reform Programme) aims to modernize the justice system to make it more straightforward, accessible, and efficient.</p>	

<p>Estonia</p>	<p>Estonia has digitized almost every aspect of judicial dispute resolution (will be fully paperless by 2023, except for criminal procedures, until 2026). The court does not always create a paper file, all court hearings must be audio-recorded, participation in the proceedings via video conference is increasingly used, the evidence submitted to the court and presented in the courtroom is digital, and the court, in some occasions, creates a complete digital file (in the future will be mandatory).</p>		<p>There is no active special strategy for the preparation of online justice because Estonia has already mostly digitalized court proceedings. However, they are new strategies that include parts for improving the existing systems and implementing new applications, among others: speech-recognition software for transcribing the Courts Proceedings (CP), the introduction of AI, a data-based CP plan, etc.</p>	
<p>China</p>	<p>China has a well-developed system of online courts for:</p> <ul style="list-style-type: none"> - Civil and administrative litigation cases - Cases to which the fast-track sentencing procedures apply. - Enforcement cases. <p>They have an operative API that allows the online management of the whole proceedings' phases, from filing to enforcement. (it can be accessed through the WeChat App).</p>	<p>Since 2014, there have been many pilot projects across China.</p>	<p>There is a nationwide strategy that promotes the building of a whole system of online justice, but the implementation has seen many pilot projects start over the past 7-8 years, which have led today to a more unified system of online court. In 2021, the Chinese Supreme People's Court published rules aimed at:</p> <ol style="list-style-type: none"> 1. Promoting and regulating Online litigation activities. 2. Improving online litigation rules. 3. Protecting the rights of the parties, and ensuring the fair and efficient trial of cases. 	
<p>Ireland</p>	<p>Partially yes, the <u>Small Claims Courts Procedure</u> can be initiated online. That is designed to handle consumer or business claims inexpensively without involving a solicitor. Where possible, the Registrar will negotiate a settlement. The process can be initiated online, claimants create an identity within the platform and can monitor progress and communicate through the platform. But, is not completely online, if there is opposition, the court hearing would be on site.</p>		<p>They are two strategies from the Courts Service of Ireland:</p> <ul style="list-style-type: none"> - "<u>Supporting Access to Justice in a modern digital Ireland: Long Term Strategic Vision 2030</u>" - "<u>Strategic Plan 2021-2023</u>" <p>The strategies provide for the movement online of the whole system of justice but do not expressly identify negotiation and mediation – probably since these are not integrated into the existing court system, although they are part of civil procedure.</p>	

<p>Israel</p>		<p>Currently, a pilot test is underway with academics, it consists of a tribunal working exclusively via videoconference and writing. This test aims to determine whether access to justice is improving and whether the rights of those being prosecuted are being upheld.</p>		<p>The Administration of the Courts and the Ministry of Justice have been working to develop ODR in courts and tribunals since early 2020. There is no ongoing program project to date, but there are several areas for which ODR proceedings and videoconferences are being developed. This process will likely take several years to roll out. However, at this time, no strategy or official task has been published.</p>
<p>Italy</p>			<p>The PNRR (<u>National Resilience and Reaction Plan</u>) envisages a set of actions dedicated to the digitalization of justice, however, the objectives do not cover the development of online courts, but establish a basis for this objective. Current goals include:</p> <ul style="list-style-type: none"> - Digitization of paper documents creating a digital case file; - Creation of a free and accessible database of all civil decisions. 	
<p>Poland</p>	<p>There is a proceeding fully paperless for issuing an order for payment when the claimant pursues a pecuniary claim, through an online platform "<u>EPU</u>" (Elektroniczne Postępowanie Upominawcze – Electronic Writ Procedure). We can't say that Poland has an OC court operative, but, instead, they have an online court procedure operative.</p>			

<p>Latvia</p>	<p>The project E-Case is introduced partially starting from December 1, 2021, to digitalize dispute resolution in courts and in pre-trial stage in criminal and administrative offence proceedings. Transition period until December 2023 when the legal proceedings shall be in digital format. During the transition period, paper and electronic files are used. The previous Court Information System platform is used in parallel until full functionality of the E-Case will be reached.</p> <p>In criminal and administrative offence proceedings, the principle of a joint file is introduced starting from the application to the police until the final court judgment.</p> <p>In respect of the civil litigation the following digital formats are currently used:</p> <ul style="list-style-type: none"> - The enforcement of obligations through the warning procedure is completely remote. - Option to submit statements of claim via online forms from E-Case. - Electronic filings by e-mail and communication between the parties and the court. - Remote court hearings, remote questioning of witnesses and experts, use of video conferences. - Audio recording of all hearings. <p>The new project to introduce ODR was started in September 2021 administered by OECD and the Ministry of Justice to introduce ODR and relevant platforms in addition to the E-Case.</p>		<p>The Guidelines approved by the Cabinet of Ministers, include this section: "Further digitalization of the investigation and court proceedings". According to these guidelines, the plan is to digitalize current processes as much as possible.</p> <p>In addition to that, starting from 1 December 2023, all case materials will be available exclusively in electronic format (there will be no hard copies).</p>	
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<p>Lithuania</p>	<p>The civil and administrative cases are fully digitalized, you can submit case material, get access to the material submitted, receive various notices and services of documents, pay the respective sums, listen to audio recordings of the court hearings, and connect to the remote hearings. Regarding criminal cases, they have an electronic service portal for pre-trial investigations, however, as the criminal cases enter the court stage, are no longer administrated via platforms. They have an Online Arbitration Court for commercial disputes.</p>		<p>There is no official published strategy for the preparation of OJ, however, the Strategic Action Plan of the Ministry of Justice prepared for 2022-2024 envisages the development of the Consumer Rights Information System with new advanced online services – out-of-court (alternative) resolution of consumer disputes concerning contracts concluded in cyberspace with sellers and service providers.</p>	
<p>Portugal</p>	<p>The order for payment procedure, when used by professionals, is fully electronic and with its own app. We can't say that Portugal has an OC court operative, but, instead, they have an online court procedure operative.</p> <p>The Portuguese procedural law already states that the process is electronic. In the Portuguese legal system, civil proceedings in the judicial courts are submitted and processed through <u>CITIUS</u> (online platform), among other functionalities, allowing professionals to deliver procedural documents and receive notifications.</p> <p>There is an Online Arbitration Court for industrial property disputes.</p>		<p>The <u>new Justice + Next 20 23</u> is a new modernization plan of the justice system, composed of 4 pillars: efficiency, innovation, proximity, and humanization, and includes 140 measures. Among others:</p> <ul style="list-style-type: none"> - Development of a pilot project for a Virtual Court of Peace. (non-judicial court) - Creation of common platforms for non-judicial courts - Development of a proof of concept for the “Court of the future” under the “Digital Only” paradigm. - Development of a Pilot System for modeling and decision support in the context of jurisprudence in Family Minors. - Increase automatic transcription capacity in the Courts. 	

<p style="text-align: center;">Spain</p>	<p>There isn't an online court or an online procedure in operation in Spain in the form of an online platform for judicial dispute resolution that offers judges, lawyers and users a variety of tools to make it easy to follow a procedure in a predominantly paperless way. However electronic communications through <u>LEXNET</u> (the electronic judicial office) and videoconferences for judicial hearings are available dependig on the circumstances.</p>		<p>The general objective of <u>Justicia 2030</u> is to transform the Public Justice Service to make it more accessible, efficient and to contribute to the common effort for cohesion and sustainability.</p> <p>Part of the strategy is the approval of three bills that envisages relevant changes to the justice system: extending the obligation to communicate with the courts online, and the mandatory use of ADR (with the possibility to use online tools) before beginning certain types of procedures, set the regulation for using videoconference for trials, reduce the use of paper, etc.</p>	
<p style="text-align: center;">The Netherlands</p>	<p>There is an operative OC for asylum and detention cases since 2017. In other cases, there is the possibility of digitally requesting an attachment order, you can appeal fully online with regards to taxes, litigate online in immigration cases, among others. There is an online justice platform where citizens, as well as justice professionals can access justice.</p> <p>With effect from 1 January 2023, the Supreme Court will start mandatory digital litigation in all cases of which the criminal division of the Supreme Court hears as a cassation judge.</p>	<p>Between 2014 and 2018, there was a pilot online court for the digitalization of civil and administrative law (KEI, <i>Kwaliteit en Innovatie Rechtspraak</i>)</p>	<p>At the moment, no such strategy is published for the entire justice system. There is the 'digitalization strategy' for the government in general. For civil and administrative law there is a plan which is a follow-up from the KEI program, they mostly focus on digital accessibility for users, and digital exchange of documents for staff members, with the option of doing everything on paper.</p>	
<p style="text-align: center;">Ukraine</p>	<p>There isn't any Online Court. They have an Electronic Court Subsystem to submit procedural documents, but the majority of lawyers and state authorities didn't use it because is not convenient, reliable, and beneficial (in terms of money and procedural guarantees).</p> <p>However, the introduction of remote work of courts in the conditions of martial law currently requires a wider use of electronic document circulation and access to court cases in electronic form, which was already foreseen in recent years during the development of EUIITS modules, but was used a low percentage of</p>		<p>There is a legal act Decree from the President of Ukraine About the <u>Strategy for the Development of the Justice System and Constitutional Judiciary for 2021-2023</u>" that contemplates the development of electronic justice taking into account world standards in the field of information technology, its integration into the national infrastructure of electronic government by:</p> <ul style="list-style-type: none"> - Introduction of the possibility of online consideration of certain categories of cases regardless of the location of the parties and the court and other electronic judicial services; 	

	people. Currently, to optimize the document flow in courts and create prefaces for greater protection of the rights of individuals to access to courts, they exist officials online services to help the individuals.		- Introduction of modern electronic record keeping in the court, electronic case management, electronic communications with the court, the judge's office, and the office of the participant in the process.	
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5. TYPES OF STRATEGIES

5.1 Type of approach.

A. Explanation of the table / block / segment.

In this segment, we classify the countries by their type of approach for the implementation of OC. We see two main types of approach, the first one, is the systematically done all-at-once approach, clear examples are the Baltic countries (Estonia, Lithuania, and Latvia). The second one is the type of approach that starts with a special online court for specific disputes and builds on those which prove successful, a clear example of this approach is England & Wales. We referred to these types of approaches as the “Baltic Countries approach” and the “England and Wales Approach”.

We haven't assigned (by highlighting them) a type of approach mentioned above to those countries without a clear indication of the direction of their POS.

B. General Overview.

Most of the countries are choosing the “Baltic Countries approach”, but we need to clear up that Portugal, Spain, and Ireland, are far away from the Baltic countries in the digitalization of their judicial system and we don't exclude the possibility that in the future they could switch from this type of approach to the “England and Wales Approach” after they lay the foundations.

TYPE OF APPROACH													
Do it all at once							Start with a Special OC						
Czech Rp.	England & Wales	Estonia	China	Ireland	Israel	Italy	Czech Rp.	England & Wales	Estonia	China	Ireland	Israel	Italy
Poland	Latvia	Lithuania	Portugal	Spain	The Netherlands	Ukraine	Poland	Latvia	Lithuania	Portugal	Spain	The Netherlands	Ukraine

5.2 Digitalization or Redesign of the civil procedures.

A. Explanation of the table / block / segment

In this segment, we show those countries that are focusing more on the digitalization of existing court processes and those that are focusing more on the redesign of court processes (simplification of procedural steps, online negotiation, and mediation, etc). We, again haven't assigned (by highlighting them) a type of approach mentioned above to those countries without a clear indication of the direction of their POS

B. General Overview.

What we can see from the results is that the most advanced countries are focusing more on redesigning court processes instead of digitalizing them. Every country focused on redesigning their court processes is very advanced in digitalization. From this fact cannot be deduced although that even these countries started with the digitalization of their existing processes before revising. It may be that a number of countries will proceed with both digitalization of some of the existing processes and at the same time with redesigning of other processes.

FOCUS MORE...													
Digitalization of existing court processes							Redesign of court processes						
Czech Republic	England & Wales	Estonia	China	Ireland	Israel	Italy	Czech Republic	England & Wales	Estonia	China	Ireland	Israel	Italy
Poland	Latvia	Lithuania	Portugal	Spain	The Netherlands	Ukraine	Poland	Latvia	Lithuania	Portugal	Spain	The Netherlands	Ukraine

6. UNIFICATION OF DATA FORMATS

A. Explanation of the table / block.

In this section, we analyze the current strategies that are looking for the unification of data formats within sectors of justice and civil services (Ministry of interior). This aspect is crucial for efficient Online Courts. Not only is this unification of data formats needed in the judicial sector, but also in the civil services sector (Ministry of Interior), because of their interdependence. Without a united data format in these two sectors, the benefits of an Online Court will be considerably reduced.

B. General Overview.

The most common aspect between almost all the countries is that in some way or other, everyone is involved in the unification of data format (except for China, they have already achieved this goal). In other words, in the majority of the countries, no one has achieved the complete unification of data formats in these two sectors. Of course, when you look at each country in detail, you can observe how far they are from achieving this goal. This is likely due to the fact that each sector has not been modernized/digitalized at the same time. Given that technology continues to improve constantly, the difference between the two systems can be substantial.

Some countries seek the unification of data formats not only for the effectiveness that this will bring, but also for the information that this more accessible data will provide to lawmakers, giving them more precise knowledge when drafting new legislation in the future. Today this is referred to as Big Data analysis.

Finally, we didn't see the countries' concern about the unification of data formats with other countries. The cross-border aspect of the data format will be a problem in the future if the countries do not reflect this aspect in their projects.

IS THERE AN OFFICIAL TASK OR OFFICIAL INTENT TO UNITE DATA FORMATS WITHIN SECTORS OF JUSTICE AND INTERIOR?

Country	Brief description of the official task or official intent
Czech Republic	Yes, but this task has not been fully completed yet.
England & Wales	The most significant initiative in this regard is <u>Data First</u> , which seeks to link administrative datasets from across the justice system and enable accredited researchers, from within government and academia, to access the data ethically and responsibly. The project will also enhance the linking of justice data with other government departments.

<p>Estonia</p>	<p>They are not specific tasks; however, enabling data sharing has been one of the objectives when building the digital solutions for courts. The “<u>IT Strategy</u>” of the Estonian Ministry of Justice meets the following principles for enabling data sharing between different systems:</p> <ul style="list-style-type: none"> - Creating user-friendly, machine-processable, and reusable datasets in an open format. - Creating and collecting data in a manner that is cross-usable. - Asking for data only once. - Introducing the data directory.
<p>China</p>	<p>Overall, the existence of one system unifying more than 3500 courts allows data sharing. Nonetheless, some aspects could be improved. For example, in order to digitalize an entire process, both parties (plaintiffs and defendants) and judges must upload relevant documents, and evidence, in a specific format. Some participants from disadvantaged areas might view this process as more complicated, and cumbersome due to specific format requirements (including scanning, file formats, sizes, clarity, and so on), which may make it burdensome (e.g., rural areas which may be less sufficiently equipped with electronic devices).</p>
<p>Ireland</p>	<p>There is an official task to unite data formats within the sector of justice and interior, it forms a central part of the policy statements from the Courts Service of Ireland (see above).</p> <p>One of the main objectives is to have a court system Integrated with other justice sector organizations sharing “whole system” information and insights with a focus on the interoperability of systems and data.</p>

<p>Israel</p>	<p>N.A</p>
<p>Italy</p>	<p>The PNRR (National Resilience and Reaction Plan) envisages a data-lake project to improve the operational processes of ordinary justice and the Council of State. Furthermore, the project takes into account the possibility of updating the information pool through external data sources from other public bodies and/or internally, implying uniform or at least compatible data formats.</p>
<p>Poland</p>	<p>Even though is no official task or official intent to unite data formats within sector of justice and interior, it must be noted that the use of the electronic signature may be considered an example of unification of formats, as a typical format for documents signed with and electronic signature, use both in electronic Writ Procedure and National Court Register Proceedings, is .xades.</p>

<p>Latvia</p>	<p>According to the <u>Guidelines</u>, since 1 December 2021, the electronic exchange of information must be ensured between courts, the prosecutor's office, decision enforcement authorities, process participants, and other information systems of institutions related to legal proceedings. Before that, each institution was using its own system and it was not technically possible to exchange information automatically between them. Transition period until December 1, 2023 to improve functionality.</p>
<p>Lithuania</p>	<p>There are some examples of data sharing between different systems, but there is no centralized database (yet). As everything is being digitalized on a large scale, the dissemination of data from one system to another is done by downloading data from one system and uploading it to the other (requiring human involvement and no automated).</p> <p>There is an official intent to include this task on the official task list of the Ministry of Justice and the Ministry of the Economy and Innovation on the official task list. Namely, the Strategic Action Plan of the Ministry of Justice prepared for 2022-2024 refers to the Digitalization Development Programme 2021-2030 prepared by the Ministry of Economy and Innovation, which, in its turn, envisages the creation and/or development of information systems or registers or the development of specific e-services as one of the tasks.</p>
<p>Portugal</p>	<p>The <u>new Justice + Next 20 23</u> plan, includes, among others, these measures are:</p> <ul style="list-style-type: none"> - Automatic integration in the procedural processing support system of the information from the inventory platform of the Order of Notaries. - Creation of a single portal for proxies. - Electronic interoperability between the procedural processing support system and the platform for auctioning existing court assets.

<p>Spain</p>	<p>The bill “Measures of Digital Efficiency of the Public Justice Services” mentions repeatedly the duty of the administration of justice to improve the interoperability of its systems, and the interoperability with the other administrations. For this purpose, as part of the plan Justice 2030, Spain will invest 128.416 million in the next 3 years. Also, they envisage a process oriented to the date instead to the document. However, the draft legislation doesn’t consider the improvement of interoperability between Spain and EU projects.</p>
<p>The Netherlands</p>	<p>Currently, in administrative and civil law this is possible to a certain extent (depending on which kind of case). Within criminal law, there are some further developments—the police, the public prosecutor’s office, and the justice system are currently working on using digital case files. This was implemented in July 2022, being part of a program that focuses on three themes – multimedia, less paper, and services.</p>
<p>Ukraine</p>	<p>They focus in harmonizing with the digital European initiatives, like the <u>Digital Agenda for Europe</u> and the <u>Digital Single Market Strategy for Europe</u>, cooperating and developing more concrete initiatives like:</p> <ul style="list-style-type: none"> - The inclusion of Ukraine in the EU program Interoperability Solutions for European Public Administration 2. - The implementation of norms of the EU regulation in Ukraine eIDAS, in particular the introduction of cross/border electronic identification, authentication, and attachment to EU projects. - To develop open government data.

7. PROJECTS CONCERNING THE PREPARATION OF ONLINE JUSTICE

A. Explanation of the section.

In this section we have examined whether the responding countries do have any ongoing significant projects for preparation of online justice.

Additionally, we looked into the topic of these projects and offered respondents the choices of:

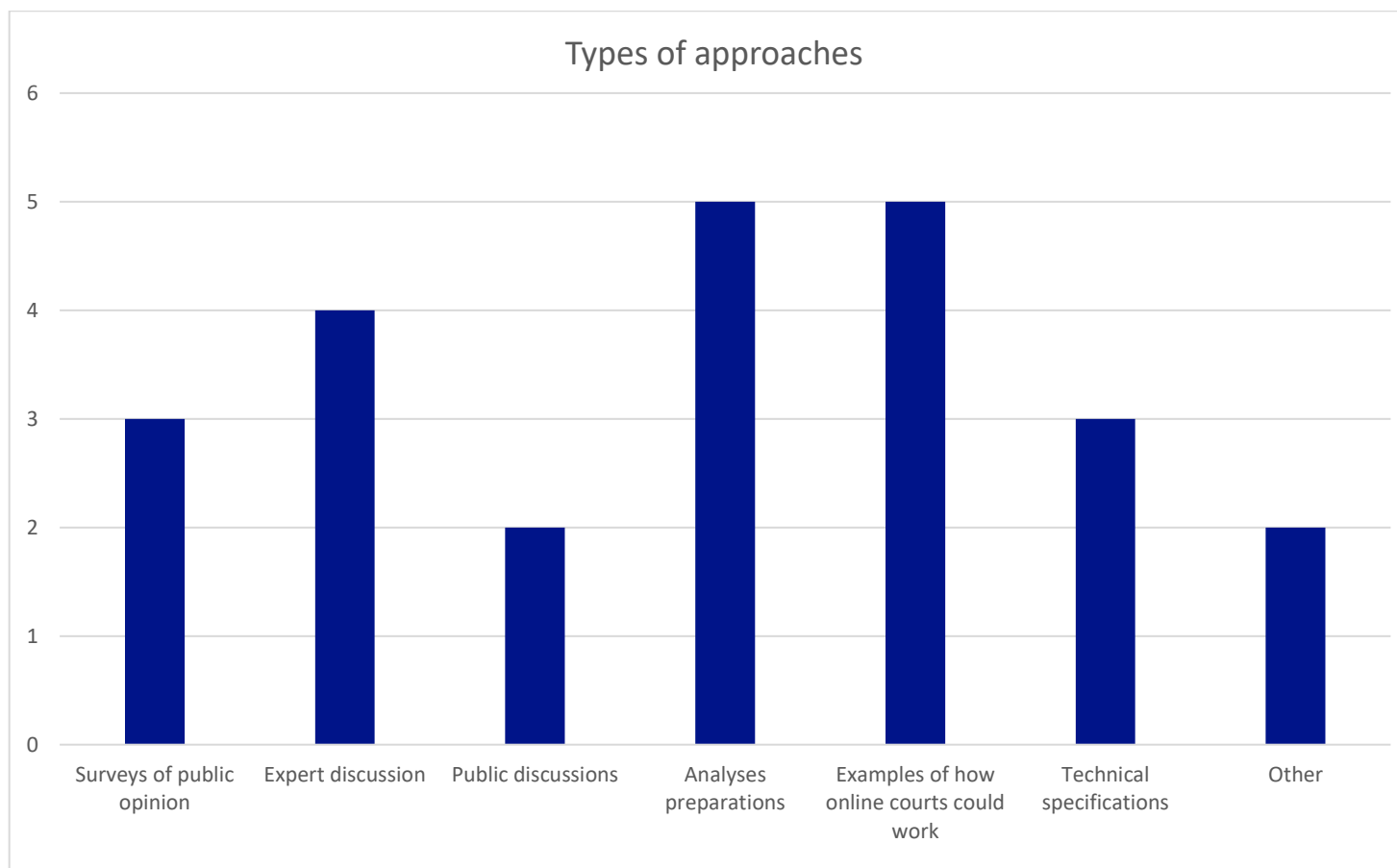
- a) Surveys of public opinions;
- b) Expert discussions;
- c) Public discussions;
- d) Preparation of analyses regarding;
 - i) Legislation
 - ii) Strategy
 - iii) Other
- e) Examples of how online courts could work:
 - i) Localized examples from abroad
 - ii) Examples of applications
 - iii) Online platform mock-ups
 - iv) Preparation of training on online dispute resolution in the judiciary
 - v) Other
- f) Technical specifications, applications, formats, etc.
- g) Other – more details: ...

Respondents were encouraged to include as many details about the mentioned projects as possible to complement their answers.

B. General Overview.

Although, only a relatively small number of responding countries has ongoing projects for the preparation of online justice, from the included graph we can see that there are three main types of initiatives. The most common initiative is preparation of examples of how online courts could work. By this it is understood pilot projects of online justice and/or prototypes of ODR systems. Any kind of example of how online courts could work has been done or is being prepared in 5 countries out of the 14 responding, those include Czechia, England & Wales, Estonia, Latvia and Portugal. Closely related to the examples are expert discussions and analyses preparations. Preparation of analyses is done in all 5 countries, for both

legislation and strategy. Expert discussions are done or prepared in 4 of the responding countries. Possible conclusions to draw from this would be that the countries put appropriate importance to the opinion of experts and public.



SIGNIFICANT PROJECTS CONCERNING THE PREPARATION OF ONLINE JUSTICE

Country	Brief description of ongoing projects.
England & Wales	<p>There are multiple ongoing projects, yet there is no universal space where they could be conveniently found. An important future development, recently announced by the Master of the Rolls (ie, the second most senior judge in the country) is the launch of an 'online funnel' which will channel all civil, family, and tribunal claims. He believes that the new website will be transformational in terms of widening access to justice. The function of the funnel will be to channel most non-criminal claims towards ADR options, such as ombudsman schemes and mediation providers (Stage 1). When a case cannot be settled, then it will progress to pre-action court portals, (Stage 2), and if the dispute cannot be settled there, then a digital bundle in the form of an interoperable Application Programming Interface (or API) will be generated so that it can be transferred to court where further referrals to ADR will occur as the case proceeds to trial (Stage 3).</p>
Latvia	<p>The project has been focused on developing an effective online dispute resolution (ODR). It was started in September 2021 and is implemented by the OECD Directorate for Public Governance. Its main goals are to extend online dispute resolution opportunities and make the process simpler, and faster and reduce the workload of judges. The estimated time of completion of this project is September 2023. The Project involves a survey of public opinions, expert discussions, preparation of analysis regarding legislation and strategy, and localization of examples from abroad.</p>

8. EDUCATION IN ONLINE DISPUTE RESOLUTION

A. Explanation of the section.

In this section we have analyzed where there is a training available for judges and admin staff in the judiciary on the topic of online dispute resolution and whether there is an ongoing course on online dispute resolution for university students. If there are neither of these we asked if they are at least in preparatory stages. This block together with incentives for contribution to justice by judges and other staff in the judiciary (Chapter 9) are a measure of active participation in justice innovations.

B. General Overview.

There are still some countries that do not have any education on ODR for the judiciary, including Israel, Italy, Poland, Spain and the Netherlands. Yet in Spain there are at least other programs focused on other uses of technology in the judiciary. In Ireland and Czechia the education for the judiciary is still in preparations. Nonetheless, majority of countries already has some education on ODR for the judiciary which is compliant with the European Judicial Training Strategy 2021-2024 which envisages that judicial training should prepare justices to take advantage of digitalization and artificial intelligence and to increase the digital competence of the judges, including on topics regarding cybercrimes, virtual hearings, etc. Similarly, many countries do not ongoing university on ODR but do have indirect education in ODR in universities. However, in Israel, Lithuania, Spain and The Netherlands there are specific courses on ODR. Which are however not common for every university in the country. Although in Czechia there is no ongoing course at the moment, it is under preparation, yet the specifics about this course are not very clear. There are still some countries that do not have any type of online dispute resolution course for university students and where it is not even under preparation. Those countries include Estonia, Italy and Poland.

EDUCATION IN ODR

Country	In the Judiciary	In the Universities
Czech Republic	In preparation They will start in 2023.	In preparation.
England & Wales	Yes Training is provided to those judges and court staff that use new ODR systems. The detail of this training is not publicly available.	Yes, indirectly There aren't any ODR courses as such in UK universities, but there is a growing number of ADR courses that increasingly cover ODR topics for both undergraduate and postgraduate students. However, most of these courses are optional, so it depends on whether students choose them over other options.
Estonia	Yes According to the judges' lecture strategy, 2021-2024 one of the goals is to increase the digital competence of the judges, including on topics regarding cybercrimes, artificial intelligence in court proceedings, virtual hearings, etc.	No There aren't specific courses about ODR.
China	Not needed. Since the system of online courts is well established, judges across the country have already acquainted themselves with it, which is part of their day/today work of administering justice.	No.
Ireland	In preparation Is a key role of the Courts Service identified in the above policy statements.	Yes, indirectly ODR form part of university modules in ADR, Mediation, and Arbitration at a number of Irish Universities. There is no Irish course focusing exclusively on ODR.

Israel	N.A	Yes ODR is taught at several law schools, and there is a course for mediators led by a local mediator.
Italy	No	No
Poland	No. Many courts in Poland provide training for judges adjudicating in civil and commercial cases and for court referendaries. Said training has mainly internal character, confined to a particular court or a particular division of court, and focuses mainly on the subject of specifics of electronic writ procedure. Similar training has also been provided for the implementation of the online National Court Register system	No Currently there is no such course. However, there is an Alternative Dispute Resolution Scientific Association, which functions within the Institute of Sociology of the Jagiellonian University in Cracow. Its main objective is to pass on knowledge about dispute resolution by both theoretical and practical coursework's and workshops, as well as to prepare students for participation in many international mediation and negotiation competitions.
Latvia	Yes As of November 2021, the Ministry of Justice and the Courts Administration is providing webinars to judges and court staff regarding the new platform E-lieta. There is also a separate organization – the Latvian Judicial Training Centre – providing continuous training for judges and court employees, occasionally in cooperation with the Academy of European Law (ERA), which includes various topics related to technology, for example, electronic evidence, artificial intelligence in criminal law, etc. In November 2022, a project was confirmed on establishment of the Justice Academy, which will start to operate on 1 January 2025 and will serve as a unified learning center for judges, court employees, prosecutors and their assistants, as well as investigators. Within the Justice Academy, it is planned to adopt an inter-disciplinary approach and focus on innovation, therefore, training related to digitalization is expected, among other. Also, digital transformation and data literacy is one of the priorities according to the Learning and development plan for employees in the public administration for the years 2021-2027. Judges are also frequently participating in international conferences relating to the use of technology in court processes, as well as exchange experience with colleagues from abroad on official trips.	Yes, indirectly The main law study programs do not offer to train about ODR. There are courses on alternative dispute resolution, during which ODR may be one of the topics.

Lithuania	<p style="text-align: center;">Yes</p> <p>The “2022 training programme for judges” envisages a six-hour LegalTech seminar for judges of the Supreme Court of Lithuania hearing civil and criminal cases. Additionally, the same programme envisages a three-hour use of technical tools and instruments (organization of remote meetings; digital documents) seminar for pre-trial judges hearing criminal cases.</p>	<p style="text-align: center;">Yes</p> <p>At the Vilnius University there is a course called “E-justice and Online Dispute Resolution”, which is a mandatory subject for International and European law Master studies.</p>
Portugal	<p style="text-align: center;">No</p> <p>There is no training of judges on the specific topic of ODR and there is no one in preparation.</p>	<p style="text-align: center;">Yes, indirectly</p> <p>There are several master’s degrees that, although not specifically on ODR, have a syllabus with topics mostly related to ODR. IPP CTeSP Informática Jurídica IPP ESTG Práticas Jurídico-Digitais Direito e Informática UMinho, Universidade Nova 2023, Digital Transformation for Lawyers</p>
Spain	<p style="text-align: center;">No</p> <p>There are several programs about digital evidence, AO, cybersecurity, content moderation policies, cybercrime, blockchain, etc. But not anyone specific about ODR.</p>	<p style="text-align: center;">Yes</p> <p>A private university, the IE Law School, offers an ODR course. But, instead, the public universities, only have courses related to ADR with some mention of the use of technology.</p>
The Netherlands	<p style="text-align: center;">No</p>	<p style="text-align: center;">Yes</p> <p>Radboud University offers Digital Dispute Resolution course. Other universities do mention ODR in graduate courses on alternative dispute resolution and some Honors courses.</p>
Ukraine	<p style="text-align: center;">No</p>	<p style="text-align: center;">No</p>

9. INNOVATION IN THE JUDICIARY: CONTRIBUTIONS, INCENTIVES AND SPECIAL FUNDING PROGRAMS

A. Explanation of the section.

In this section we have focused on the degree to which innovations in justice by judges and other admin staff are made possible and encouraged. It was assessed whether they do have any possibilities to contribute to innovations and whether there are any incentives for active participation. Additional question concerned special funding programs for innovations within the judiciary. These funding programs could be targeted at both participants from the private and public sector. We have also asked if, in case there are special funding programs, they do have any participant within the judiciary.

B. General Overview.

In most countries there are some types of possibilities for the judiciary to contribute to innovation. In Latvia the involvement of the judiciary in innovations is most likely the biggest out of all the surveyed countries. Some of the judges are involved in a project about the implementation of ODR, contributing directly to the development of the concept of ODR in Latvia. Other means of contribution include through institutions, such as the Judicial Council. Any type of committee or council for judges is globally common measure of contributing to innovations. In Estonia, Lithuania and Spain there are not direct possibilities to contribute to innovation, however there are discussions on ODR and innovation of justice that include the judiciary. In Spain it is mainly in the areas of cybersecurity, digital transformation of forensic science, and accessibility and usability. However, only two countries have incentives for the judiciary to actively participate in innovation. Those are Portugal and Latvia.

Regarding special funding programs, those are available in England & Wales, Estonia, Latvia, Portugal and Spain. While in England & Wales these programs mainly take form of public tenders aimed at private initiatives, in the remaining countries it is aimed both at public and private sector. Naturally, the funding programs in Estonia, Latvia, Portugal and Spain are supported by funding from the EU Commission.

INNOVATION IN THE JUDICIARY

Country	Possibilities to contribute to Innovation	Incentives to actively participate in innovation	Special funding Programs supporting Innovation	
			Participants from Private Sector	Participants from the judiciary
Czech Republic	No	No	So far, without funds for innovations made by members of the judiciary.	
England & Wales	<p style="text-align: center;">Yes</p> <p>The views of the judges are surveyed and they also report to their supervisors, so there is some level of trickling up feedback. In addition, a few judges are also heavily involved with the Civil Justice Council and the Civil Procedure Rules Committee which take leadership in researching and regulating digital initiatives in the justice space.</p>	No	The main initiatives are public tenders that seek to outsource digital solutions.	
Estonia	<p style="text-align: center;">Yes</p> <p>The courts are included in the discussions on the programs related with the innovation of justice.</p>	No	Yes	No
			Yes	Yes

China	China has an advanced system of online courts, and the focus is already on streamlining the existing procedures and make them more efficient, rather than innovating per se. Therefore, the focus is on consolidating and improvising the existing system.		No	
			No	No
Ireland	Limited The Irish judiciary is constitutionally subordinate to the legislature in the making of laws. Innovation in the delivery of justice is possible through the reform of civil procedure rules – these are devised and ordered by committees comprising judiciary, practitioners, and lay persons; and in that sense, there is judicial leadership and involvement in the innovation in the delivery of justice. Moreover, there is also a judicial liaison with the Courts Service of Ireland which has the day-to-day role of managing the courts service.	No No specific incentives, though the general concern for justice will drive many judges to lead innovation within the constitutional bounds of their position.	No	
			No	No
Israel	N.A	N.A	N.A	
Italy	No	No	The National Resilience And Reaction Plan envisages a set of actions dedicated to the digitalization of justice.	
Poland	Limited Such possibilities are very limited due to the regulation of the proceedings in the provisions of applicable law. Judges and admin staff have	No	No	
			No	No

	no other option than only to follow the procedure outlined by the legislator.			
Latvia	<p>Yes</p> <p>Some of the judges are involved in a project about the implementation of ODR, contributing directly to the development of the concept of ODR in Latvia. Moreover, Judges can contribute to innovation through several institutions that they are involved in, most importantly, the Judicial Council.</p>	<p>Partially</p> <p>There aren't any incentives specifically for this purpose. However, the judges receive premiums for working for the various institutions where the judges can be elected to, such as Judicial Council, Judges Qualification Board, etc. Also, the judges' and their assistants' initiative may be recognized in other ways, such as receiving letter of appreciation or increasing their rating in annual evaluation.</p>	<p>The development of a new online platform for the Justice (<u>E-lieta</u>), as well as the training of the judges, is financed mostly from the EU funding, but there is also some funding from the Latvian state budget. There is an ongoing project "Justice for Development" (the EU and state budget funding), where some of the activities relate to e-solutions in the judiciary and the judges are actively participating in training, conferences, and improvement of the systems used.</p>	<p>Yes</p> <p>Yes</p>
Lithuania	<p>Yes</p> <p>Judges and admin staff in the judiciary can take part in debates about the key technological innovations that would be useful in their daily activities, submit proposal on development of existing on-line platforms (via the Judicial Council, an executive body of self-governance of judges).</p>	<p>No</p>	<p>European Commission runs the Justice Programme (2021 – 2027). In 2020-2024 period, the Lithuanian courts are to implement the Justice and Home Affairs Programme, which will be carried out at the national level within the framework of Increasing the Quality, Services and Infrastructure in Lithuanian Courts Project. This Programme is financed by the European Economic Area Financial Mechanism during the 2014-2021 period.</p>	<p>Yes</p> <p>Yes</p>
Portugal	<p>Yes</p> <p>Creation of a collaborative workspace (HUB). Creation of different spaces that encourage collaborative work between multidisciplinary teams, in agile models within the Justice bodies, focused on the development of faster projects and for a culture of knowledge sharing within Justice. Judges can collaborate with de Judicial High Council in the definition of the continuing training program proposal</p>	<p>No</p>	<p>The Recovery and Resilience Programme fund with 267 million euros for the digitalization of Justice and criminal investigation and the e/justice projects (both from the EU Justice Program).</p>	<p>Yes</p> <p>Yes</p>

	presented each year to the Centre for Judicial Studies.			
Spain	<p style="text-align: center;">Yes</p> <p>At the present time, work groups (open to everyone) are set up to take forward developments in the different topic areas:</p> <ul style="list-style-type: none"> - Cybersecurity - Digital transformation of forensic science. - Accessibility and usability. 	No	<p>The Next Generation EU Fund program, for the digitization of Spanish Justice and modernization of the infrastructures, has an approach total budget of 5.239 million eu.</p> <p>The COTEC Foundation for Innovation, has financed a research project about OJ.</p> <p>Recently took place a Symposium of 'justice and data' and it has tried to become a meeting point between public justice administration, public institutions, and private companies to provide concrete solutions using big data.</p>	
			Yes	Yes
The Netherlands	<p style="text-align: center;">Yes (in theory)</p> <p>According to the council for the justice system, there are quite a few options for offering innovative solutions, but they do not mention in depth what these are. On their website, they only mention that they categorize these innovative ideas into four categories: civil procedures, district courts, approaches to debt, and complex divorces.</p>	No		
			No	No
Ukraine	<p style="text-align: center;">Yes</p> <p>The opportunities of contribution innovation in justice, in the broadest sense, have only judges, who are the part of governmental legislative groups, who works on amendments to the Ukrainian legislation.</p>	No		
			No	No

10. COLLABORATORS

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11. ANNEX 1: QUESTIONNAIRE

- 1) Is there an online court in operation in your country, in other words, an online platform for judicial dispute resolution, that is fully or predominantly paperless? If yes, please provide details.
- 2) Is there at least one pilot online court for testing by the general and expert public? If yes, please provide details.
- 3) Is there an official published strategy for the preparation of online justice? If yes, what is the basis of the strategy:
 - a. Design, develop, and implement the whole system of online justice including online negotiation, mediation, and elevation to an online court for a decision by a judge;
 - b. Start with a pilot for a specific online court for a specific type of court proceedings where online procedures can be tested and, in the meantime, unite data formats, build data storage, etc.;
 - c. Other strategies (e.g. digitalization of the current procedures with equipment for videoconferences);
- 4) If not, is there an official task to prepare such a strategy?
- 5) If not, is there an official intent of the ministry of justice (or another responsible public body) to enforce the creation of the said task?
- 6) Is there an official task to unite data formats within sectors of justice and interior, so that data sharing between different systems would be made easy (automatized or nearly automatized)?
- 7) If not, is there an official intent to include this task on the official task list of the ministry of justice or another responsible public body?
- 8) Are there any significant projects concerning the preparation of online justice?
- 9) If yes, do they concern:
 - a. Surveys of public opinions;
 - b. Expert discussions;
 - c. Public discussions;

- d. Preparation of analyses regarding;
 - i. Legislation
 - ii. Strategy
 - iii. Other
- e. Examples of how online courts could work:
 - i. Localized examples from abroad
 - ii. Examples of applications
 - iii. Online platform mock-ups
 - iv. Preparation of training on online dispute resolution in the judiciary
 - v. Other
- f. Technical specifications, applications, formats, etc.
- g. Other – more details: ...

10) Is there training of judges and admin staff in the judiciary on the topic of online dispute resolution? If not, is it in preparation?

11) What are the possibilities of judges and admin staff in the judiciary to contribute to innovation in justice in the broadest sense of the word?

12) Are there special funding programs supporting innovation within the judiciary? Do these programs have participants from the private sector? Do they have participants from the judiciary?

13) Are there incentives for judges and admin staff in the judiciary to actively participate in innovation within the judiciary? If yes, please describe the incentives.

14) Is there a running course on online dispute resolution for university students or at least in preparation?