














16 JULY 2020 | ONLINE CONFERENCE | LINE-UP

Access to Justice in the Digital Age Perspectives and Challenges

- 10:00  **Opening of the Conference**
Moderator: **Markus Hartung**, lawyer und mediator, Berlin
-  **Welcome Address by Christine Lambrecht**, Federal Minister of Justice and Consumer Protection, Germany
-  **Opening Speech by Didier Reynders**, European Commissioner for Justice and Consumers
- 10:30 **High-level Policy Panel on**
“Digital transformation in the judicial systems of the member states – future developments and visions”
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- Statements by:
- **Christine Lambrecht**, Federal Minister of Justice and Consumer Protection, Germany
 - **Francisca Van Dunem**, Minister of Justice, Portugal
 - **Lilijana Kozlovič**, Minister of Justice, Slovenia
 - **Nicole Belloubet, Ph.D.**, Minister of Justice, France
 - **Sander Dekker**, Minister for Legal Protection, The Netherlands
- Moderation: **Markus Hartung**, lawyer and mediator, Berlin
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- Virtual Coffee Break*
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- 11:20 **Interactive Expert Panel Discussion on**
„Law as a service? How Digitalization changes access to justice“
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- **Emmanuel Crabit, Ph.D.**, Director, Fundamental Rights and Rule of Law, DG Justice and Consumers, European Commission
 - **Edith Kindermann**, President of the German Bar Association (DAV)
 - **Alisha Andert**, LL.M., Chairwoman of the German Legal Tech Association
 - **Jeanne Daleau**, Acting Head of the project group PORTALIS, Ministry of Justice, France
 - **Johannes Laitenberger**, Judge at the General Court of the European Union (*to be confirmed*)
- Moderation: **Markus Hartung**, lawyer and mediator, Berlin



Impulse-Video-Statement by **Michael O'Flaherty**, Director of the EU Agency for Fundamental Rights

The discussion will be followed by a Q&A session with the audience. Online participants can submit questions via chat feature or in advance via e-mail ask-a-question@bmjv.bund.de.

13:15

Open Space

15:00

Keynote Discussions on

“Algorithms and Artificial Intelligence in judicial systems: Possibilities – Limitations – Regulation”

Part I: “A nuanced view on Transparency and Accountability of Algorithmic Decision Making Systems”



Keynote by **Prof. Katharina Zweig, Ph.D.**, Professor for Theoretical Computer Science, Head of the Algorithm Accountability Lab, TU Kaiserslautern



Discussion with **Dory Reiling, Ph.D.**, Independent IT and judicial reform expert, Retired Senior Judge, Amsterdam District Court

The discussion will be followed by a Q&A session with the audience. Online participants can submit questions via chat feature or in advance via e-mail ask-a-question@bmjv.bund.de.

Moderation: **Markus Hartung**, lawyer and mediator, Berlin

Virtual Coffee Break

16:15

Part II: “Artificial Intelligence and Dispute Resolution”



Keynote by **Felix Steffek, Ph.D., LL.M.**, University Senior Lecturer, Faculty of Law, University of Cambridge and Senior Member & Director of Studies, Newnham College



Discussion with **Dory Reiling, Ph.D.**, Independent IT and judicial reform expert, Retired Senior Judge, Amsterdam District Court

The discussion will be followed by a Q&A session with the audience. Online participants can submit questions via chat feature or in advance via e-mail ask-a-question@bmjv.bund.de.

Moderation: **Markus Hartung**, lawyer and mediator, Berlin

17:15



Closing Remarks by **Margaretha Sudhof, Ph.D.**, State Secretary at the Federal Ministry of Justice and Consumer Protection, Germany

Access to Justice in the Digital Age Perspectives and Challenges

Interactive Expert Panel Discussion on *“Law as a service? How digitalisation is changing access to justice”*

Digitalisation and the associated digital transformation are having a profound impact on everyday realities in our society. Within the last two decades, the use of digital technology has created entirely new digital environments alongside the conventional structures – environments where organisations, people and things are connected together and can interact with one another in numerous different ways. These new channels and spaces for communication also affect how actors in the justice system interact with one another and how they interact with those seeking justice. Legal services are now frequently available online, with some kind of Legal Tech often being used. Here again, the justice system is rising to the fundamental new challenges posed by the digital era and is striving to meet the legitimate expectations of citizens, companies and organisations. The provision of modern, efficient, non-intimidating and barrier-free access to justice is a sign that the rule of law is in good shape while also strengthening trust in the justice system.

Online procedures, virtual court hearings and the provision of simple, uncomplicated, technology-assisted access to court proceedings are under discussion here. But the possibilities for using digital technology are considerably broader still. One idea involves the utilisation and analysis of huge legal databases such as judgments and other court decisions. Another involves the (partial) automation of constantly recurring and suitably uniform procedural steps and assessment tasks.

In all of these considerations, the safeguarding of rule-of-law principles remains a key concern. The use of digital technology must serve to maintain and enhance the quality of how judicial authority is exercised by the justice system. And even when digital technology is used, legal disputes should continue to be resolved in fair and independent proceedings that take due account of the different interests involved.

Bringing together high-level representatives from the judiciary, the bar, the Legal Tech sector and the EU Commission, the panel discussion will examine ways in which the justice system can benefit from the digital transformation process. It will also discuss the legal conditions under which the digitalisation of the justice system is possible and consider the tasks and challenges facing legal systems as a result.

What changes are required, what objectives must be pursued in order to achieve them, and where might it be necessary to restrict the use of digital technologies in order to protect the rights enshrined under Article 47 of the Charter of Fundamental Rights? When can judicial proceedings be shaped around digital technology and when should the technology be subordinated to the principles of justice? As the justice system undergoes further digital transformation, how should we uphold the principle that the courts must hold oral and public hearings? And must parallel systems of access to justice – digital and non-digital – be maintained in the long term?

Apart from considering the state-run justice system, the discussion will also focus on developments in the legal marketplace. In the area of private legal services, Legal Tech is opening up new forms of access to justice, especially for consumers. Online dispute resolution allows for rights (particularly rights arising from online transactions) to be asserted via dispute resolution bodies organised under private law without involving the judiciary. Do digital services of this type offer any benefits over the state-run justice system when it comes to

asserting people's rights? What role are lawyers expected to play here? Does the increasingly privatised nature of how people assert their rights ultimately mean that people will less often seek protection through the courts?

Online Presentations: On demand starting July 2nd, 2020 at the online platform of the conference:

“Making Legal Tech Useful – Applications, Services and Technologies”

Quick introduction to Legal Tech: “robo-judges” or just some fancy Excel spreadsheets? What falls under the term “Legal Tech”? What digital tools are already available to the judiciary and lawyers today? What services and technologies will be capable of helping citizens gain access to justice in future? How will the use of Legal Tech make working in and on the law easier? How does automatic text analysis and text processing work? What does “decision automation” mean and when can it be used? What are the potential benefits of using Legal Tech? Short presentations will outline various projects and case studies involving applications, services and technologies from the Legal Tech field, furthermore you will find the video-address by **Wojciech Wiewiórowski** (European Data Protection Supervisor) on “AI in judicial systems – data protection perspective”.

Keynotes and discussions (live) on

“Algorithms and Artificial Intelligence in Judicial Systems: Possibilities – Limitations – Regulations”

The huge benefits promised by Big Data, machine learning and artificial intelligence have not gone unnoticed in the justice system. With their help, the hope is to make legal proceedings more transparent and predictable, more effective and faster. Two keynote speeches will explore the opportunities and risks associated with using algorithms and artificial intelligence in the justice system. These will be followed by a discussion (with audience involvement) on the technical and regulatory measures needed to ensure the transparent and accountable use of these systems.

What cognitive abilities and human decision-making qualities can and cannot be emulated by algorithms? And conversely, where is artificial intelligence actually better than human decision-making – e.g. in terms of avoiding prejudices, cognitive distortions and habits in everyday bureaucratic processes? What role (if any) can algorithms play in the judiciary with its individual adjudication of cases based on human observations? Will the old axiom that a computer is only as smart and non-discriminatory as the person who programmed it prove applicable here too?

How can systematic bias and unjustified discrimination be minimised? Does the high level of trust in the infallibility of technical systems (automation bias) combined with a general reluctance to reach deviating decisions (default effect) generate dangers for the recipients of judicial decisions? What requirements must the underlying data satisfy in order to ensure that the decisions produced are “just”? In what areas of justice can AI be helpful? Is there a need for specific regulations in this particular field? Do we need transparency and labelling obligations whenever algorithmic systems are used? What might a risk assessment look like in this field? How is “human oversight” guaranteed when solutions are semi-automated? Who is supposed to review and monitor the use of algorithms and AI within an independent justice system?