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Let's Get Digital: Access to Justice in a digitised world

Nicolás Lozada-Pimiento

Partner, Rincón-Cuellar & Asociados |

Lecturer, Universidad Externado de Colombia





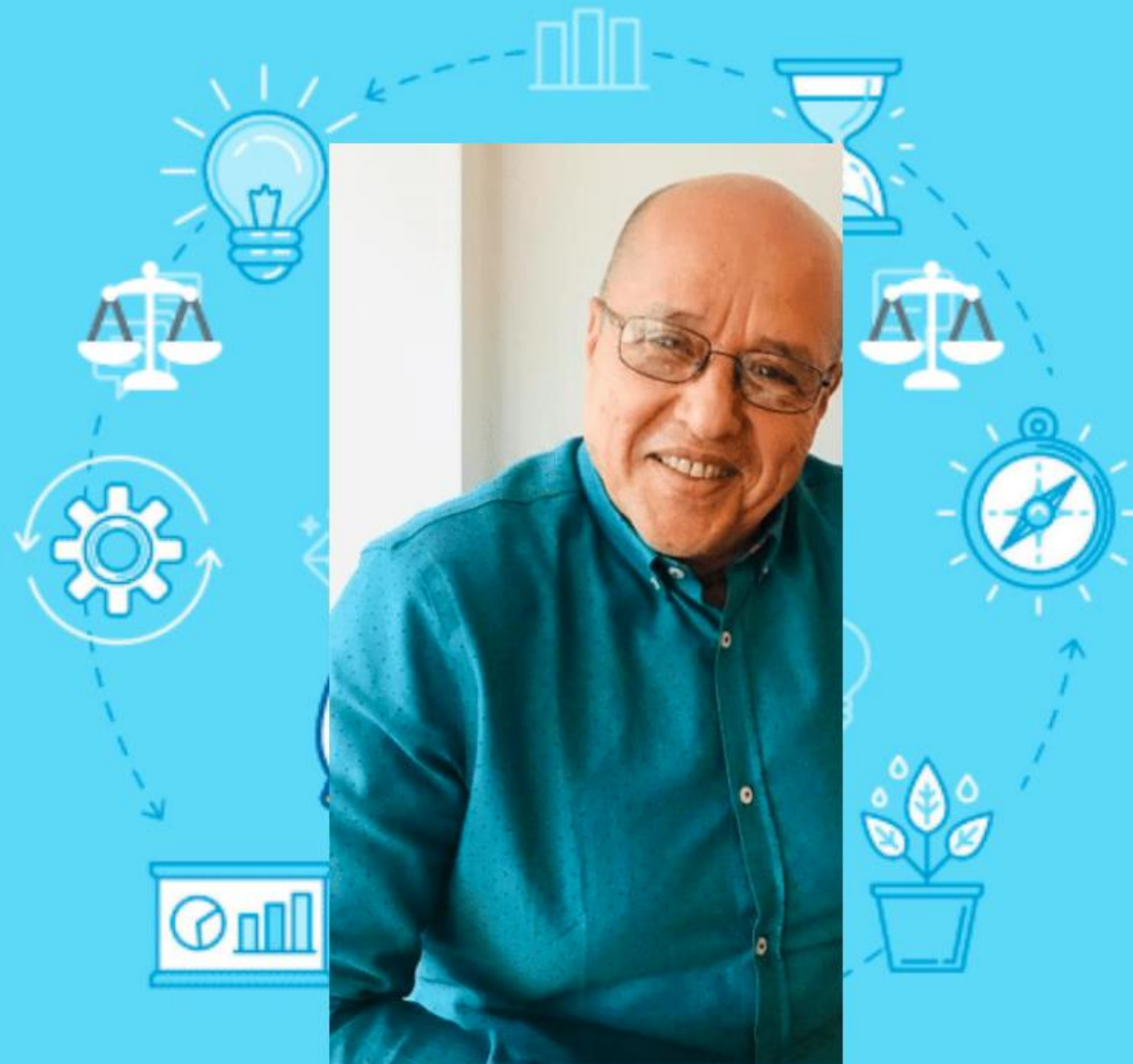
nicolás
LOZADA -
PIMIENTO

Partner

Rincón-Cuellar & Asociados

Professor

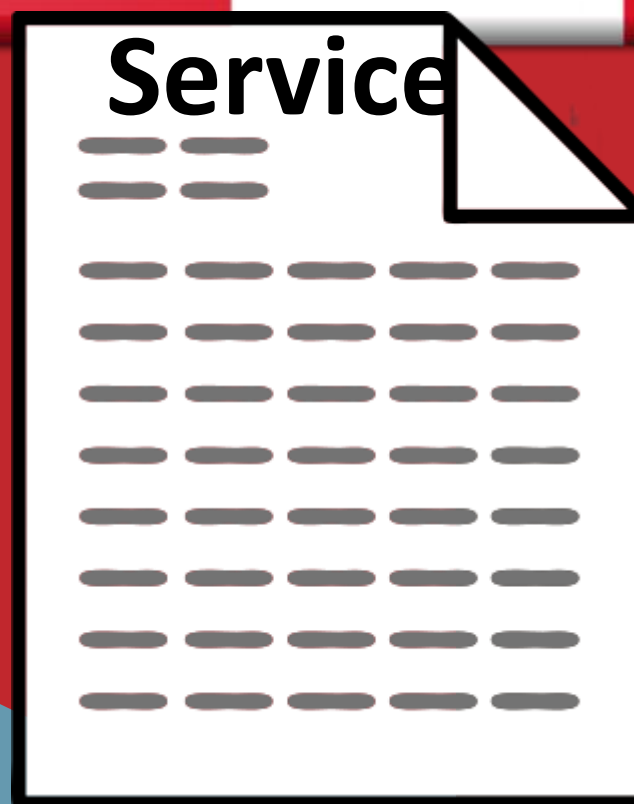
*Externado University of
Colombia*









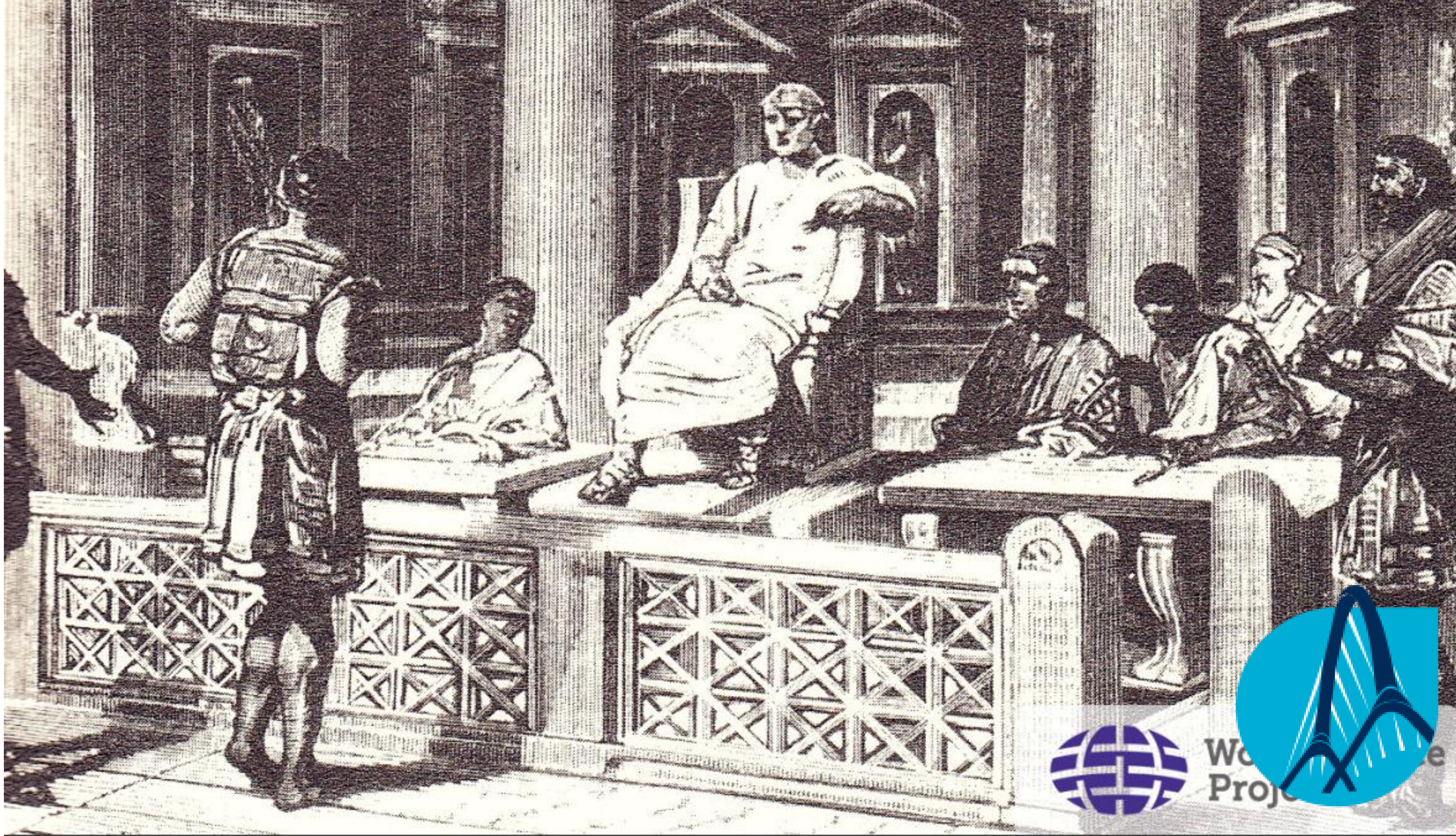


Around 4.000 million people DO NOT have
access to justice



A CNUDMI Report





World
Project



A target with concentric red and white rings is centered on a white background. Numerous arrows with blue fletching and wooden shafts are scattered around the target, all of which have missed the center bullseye and are pointing in various directions. A semi-transparent red rectangle is overlaid on the target, containing the word "Ineffective" in white text.

Ineffective



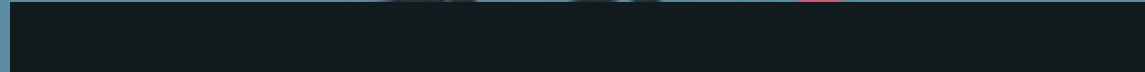




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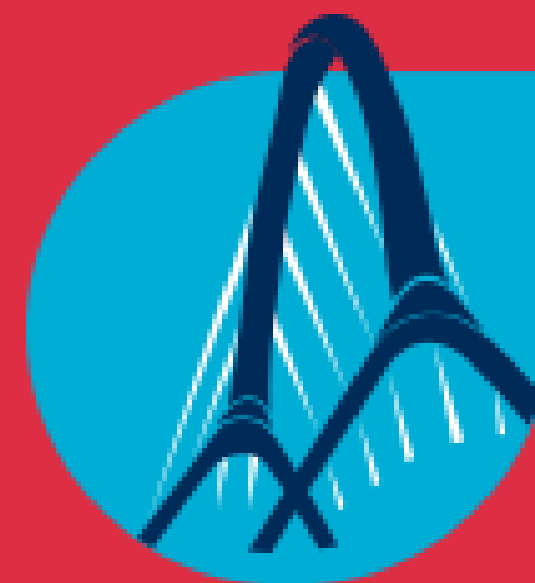
Online Dispute Resolution







REGULATION OF
ELECTRONIC
ADDRESSES FOR
JUDICIAL SERVICE






Arbitration process

ARBITRATION STATUTE

ARTICLE 23 USE OF ELECTRONIC MEANS. *In arbitral procedures, electronic means may be used in **all proceedings** and, in particular, to carry out all communications, both from the court to the parties and with third parties, for the service of procedural orders, the submission of memoirs and the conduct of hearings, as well as for the storage of the files and its subsequent consultation.*

- The email is the only mean of service.



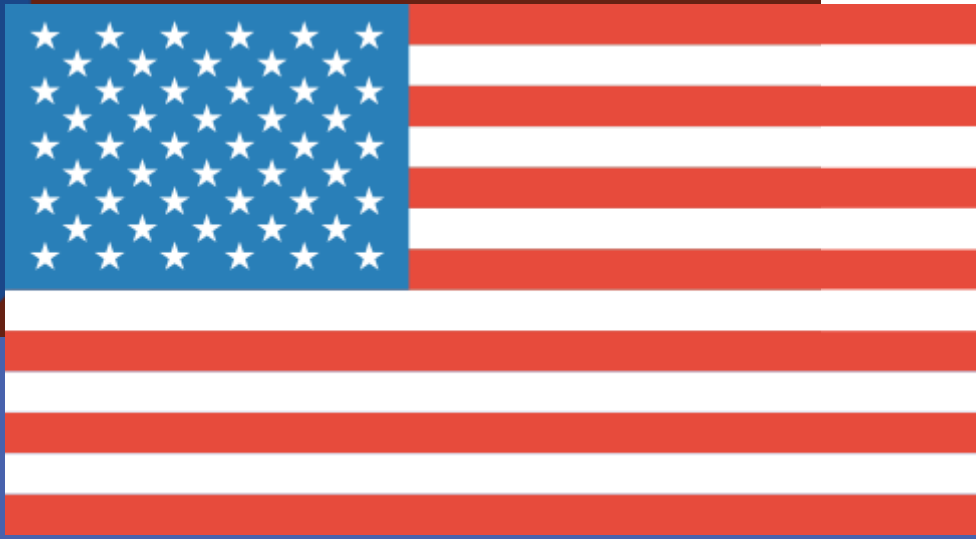
- 
- Use of other means is left open in the event of unforeseen events.



BENCHMARKING







Service

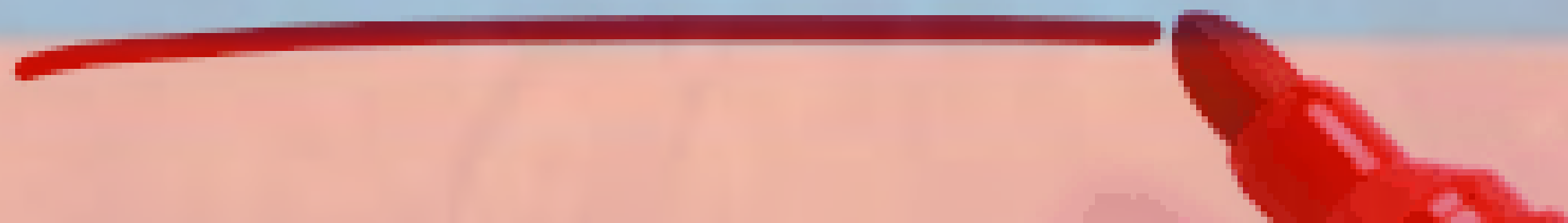


Ninth Circuit decision from 2002

The court allowed a “special method of service” by email on an individual in a foreign country, based on Fed. R. Civ. P. 4(f)(3) and the Hague Convention



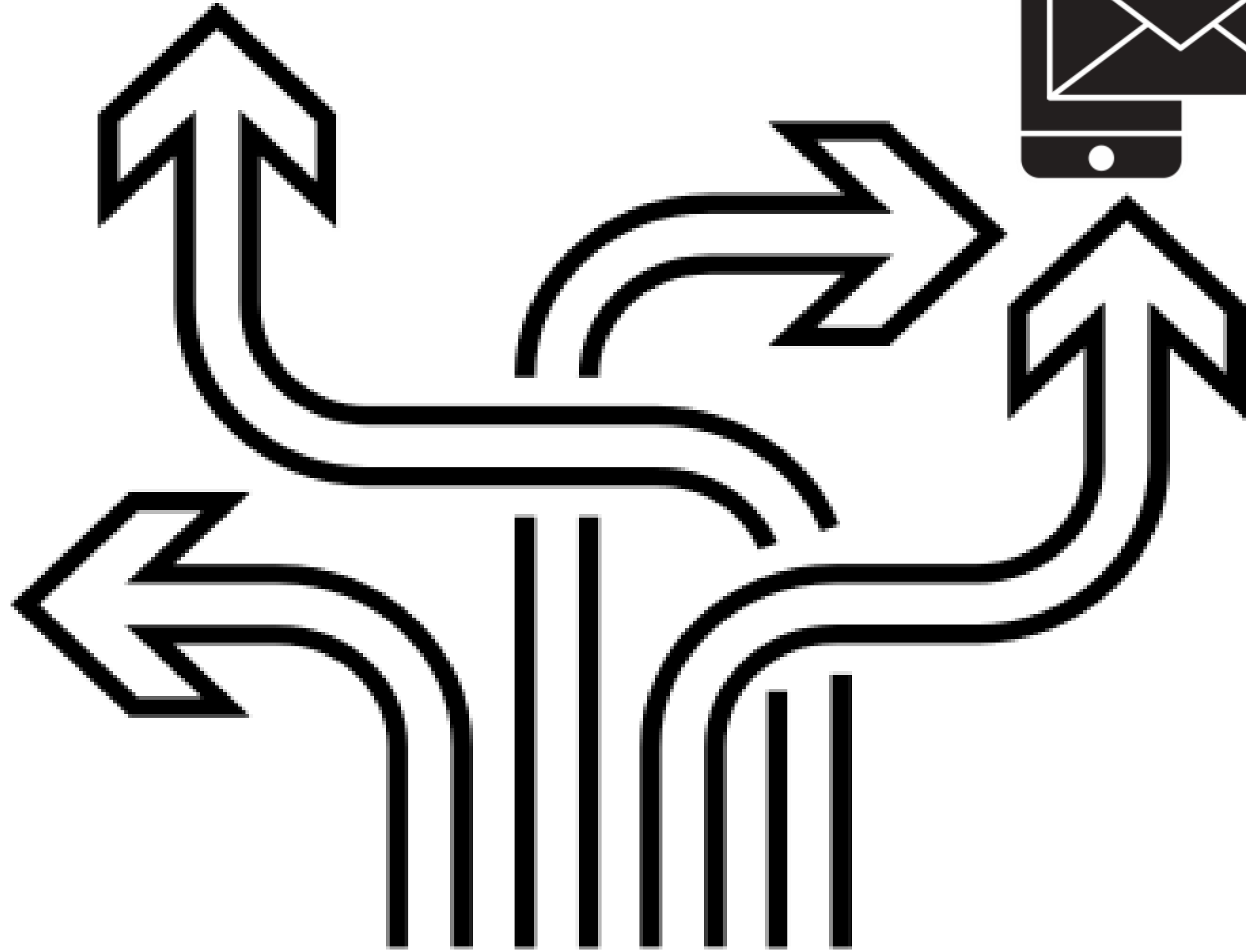
LESSONS
LEARNED



STOP







GUARANTEE





Physical Means

The request and
the document in
duplicate.

Need to be
certified

Difficulties shall be
settled through
diplomatic channels.

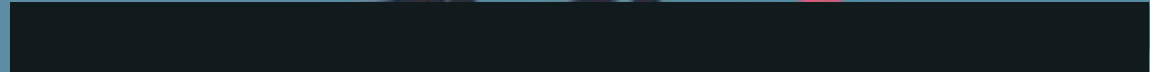
E-mail

No duplicates

No formalities

**Involves fewer
complications**







THE HAGUE CONVENTION



THE HAGUE CONVENTION - ARTICLE 1

*"This Convention shall not apply where the **address** of the person to be served with the document is not known"*

¿What does ADDRESS mean?



Electronic address

or

Physical address



VIENNA CONVENTION ON THE LAW OF TREATIES - ARTÍCULO 31

Criteria for interpreting

In good faith in
accordance with
the ordinary
meaning to be
given to the
terms

In their context

In the light of its
object and
purpose.





Wide sense of words

Exclusive interpretations



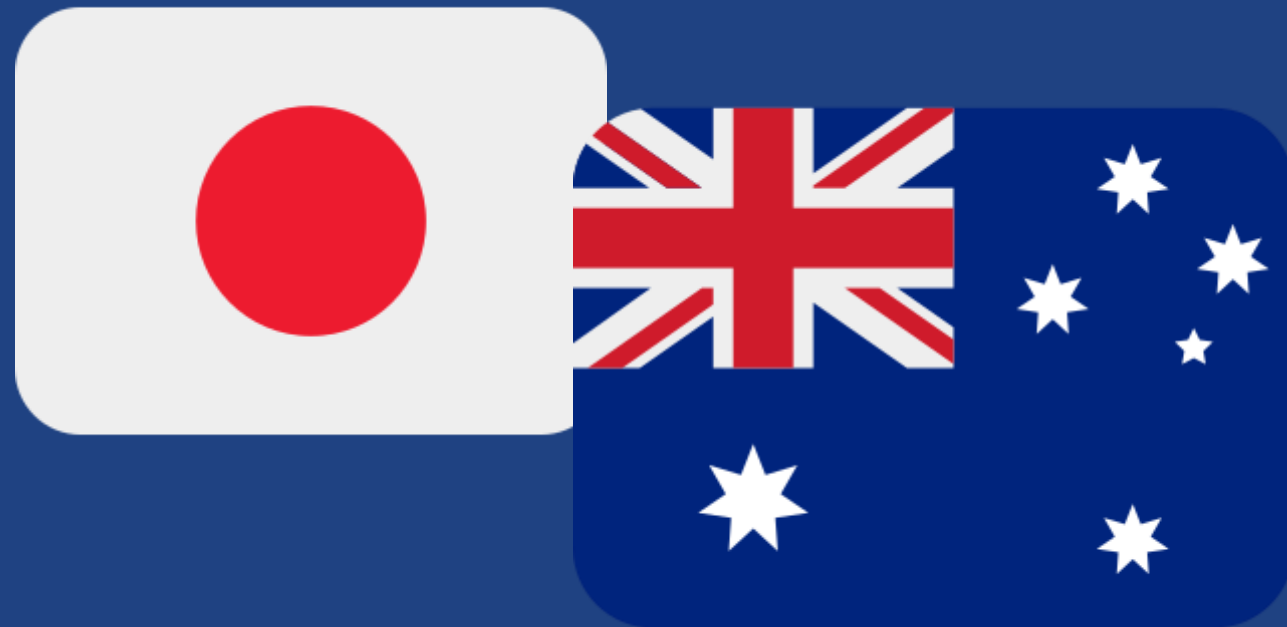


Wide sense of words

Scientific or specialised definitions are not accepted, unless it is a complex term



Case: Australia vs. Japan



Just the ordinary meaning of the words



Case: Libya vs. Chad





ENGLISH

Search OALD



Definition of **address** noun from the Oxford Advanced Learner's Dictionary


address *noun*


BrE /ə'dres/ ; NAmE /ə'dres/ , also /'ædres/ 

1 ★  [countable] details of where somebody lives or works and where letters, etc. can be sent

- What's your **name and address**?
- I'll give you my **address** and phone number.
- Is that your **home address**?
- Please note my **change of address**.
- Police found him at an **address** (= a house or flat/apartment) in West London.
- people **of no fixed address** (= with no permanent home)

→ SEE ALSO [FORWARDING ADDRESS](#)

 [Oxford Collocations Dictionary](#)

2 ★  [countable] (*computing*) a series of words and symbols that tells you where you can find something using a computer, for example on the Internet

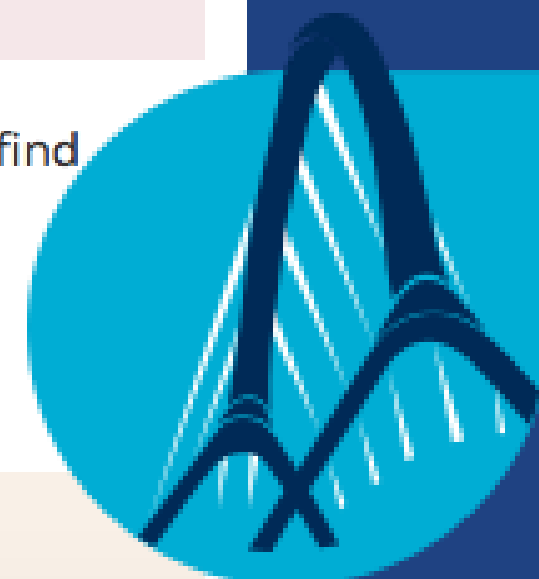
- What's your **email address**?
- The project has a new **web address**.

 [Wordfinder](#)

Physical address

Both

Electronic address



In their context

THE HAGUE CONVENTION

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5



A PHYSICAL ADDRESS **IS NOT** SPECIFICALLY REQUIRED



In the light of its
object and purpose

*"Desiring to **create appropriate means to ensure that judicial and extrajudicial documents** to be served abroad shall be brought to the notice of the addressee **in sufficient time,***

*Desiring to improve the organisation of mutual judicial assistance for that purpose by **simplifying and expediting the procedure**"*



**WHEN YOU ARE BEING SUED AND
THEY DON'T KNOW YOUR
PHYSICAL ADDRESS**

**BUT THEY DO KNOW YOUR
ELECTRONIC ADDRESS**



THE HAGUE CONVENTION - ARTICLE 10

*"Provided the State of destination does not object, the present Convention shall not interfere with –
a) the freedom to send judicial documents, by **postal channels**, directly to persons abroad,"*



THE HAGUE CONVENTION - ARTICLE 10

postal 



ADJECTIVE

1 Relating to the post.

+ More example sentences

+ Synonyms

1.1 *British* Done by post.

'a postal ballot'

+ More example sentences



THE HAGUE CONVENTION - ARTICLE 10

post¹ 



NOUN

- 1 A long, sturdy piece of timber or metal set upright in the ground and used as a support or marker.

'follow the blue posts until the track meets a road'

[+ More example sentences](#)

[+ Synonyms](#)

- 1.1 A goalpost.

'Robertson, at the near post, headed wide'

[+ More example sentences](#)

- 1.2 **(the post)** A starting post or winning post.

[+ More example sentences](#)

- 2 A piece of writing, image, or other item of content published online, typically on a blog or social media website or application.

'in a recent post, he cautioned investors to be wary of these predictions'



THE HAGUE CONVENTION - ARTICLE 10

Post

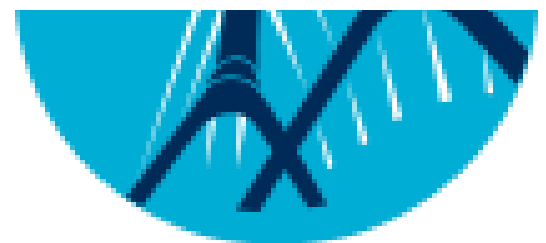
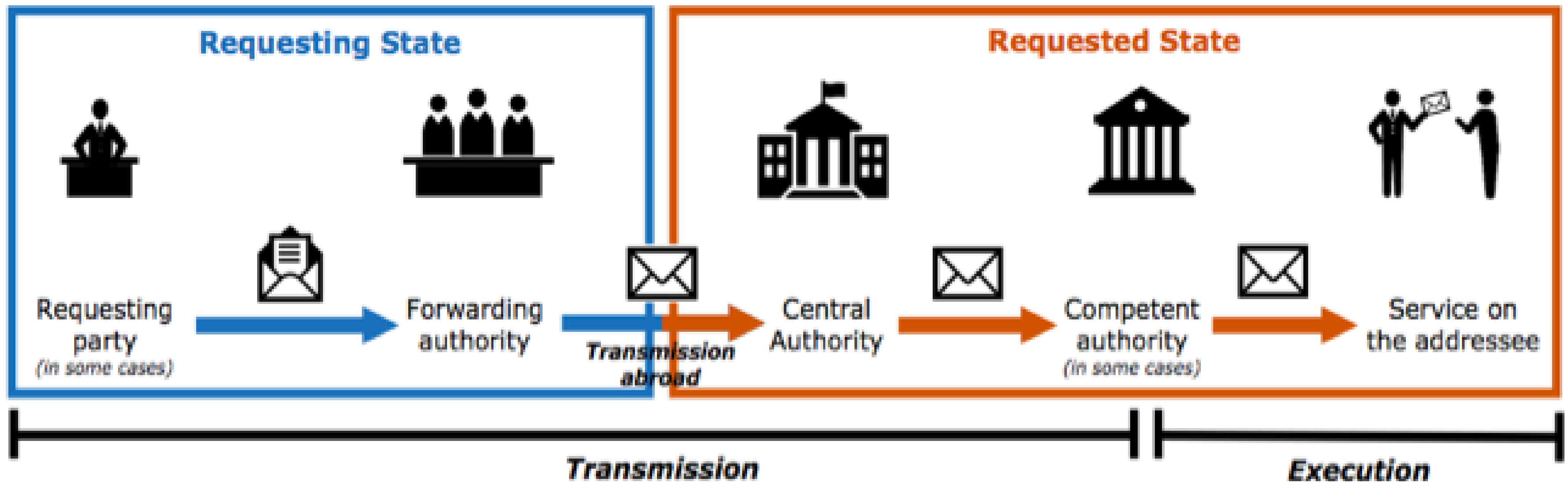
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ONLINE POSTING



sovereignty

(Article 4 - The Hague Convention)



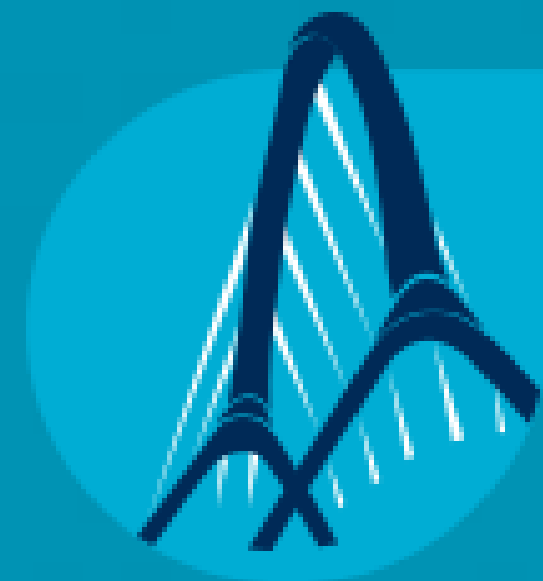


**THIS IS YOUR FACE WHEN THEY SAY
THEY CAN'T SERVE YOU BY MAIL, SO
YOU'VE GOT A PLANE TICKET TO PAY**



NOT
It's Mandatory







TRENDS



¿Can you imagine a world without lawyers?



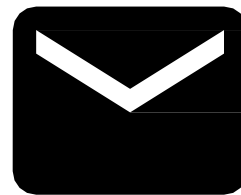


**"Not a single leaf of a tree
moves without the internet
knowing".**

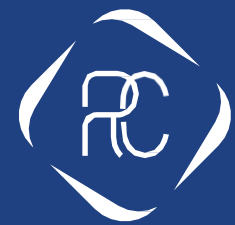


T H A N K

Y O U !



Universidad
Externado
de Colombia



RINCÓN-CUELLAR
& ASOCIADOS

lozada@rincon-cuellar.com
nicolas.lozada@uexternado.edu.co



Nicolás Lozada Pimiento





HCCH

Connecter Protéger Coopérer Depuis 1893
Connecting Protecting Cooperating Since 1893