

Wrap Up

Dr Gérardine Goh Escolar
First Secretary | HCCH





gérardine
GOH ESCOLAR

*First Secretary
HCCH*

today
was a
good day

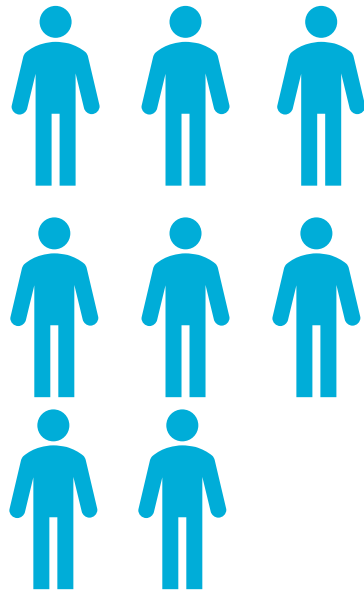


What happened
here today?





You heard from 20 speakers today.





You heard from speakers from every
continent (except Antarctica).





“intersection of technology and law”



“increasingly
interdependent
world”



“inclusiveness”

“universality”

“building bridges”





christopher
BERNASCONI

Secretary General
HCCH





christopher
BERNASCONI

Secretary General
HCCH

“The success of the HCCH Conventions has been not only because of their ability to facilitate effective access to justice for all by simplifying and streamlining procedures, but also because of their technology-neutrality.”

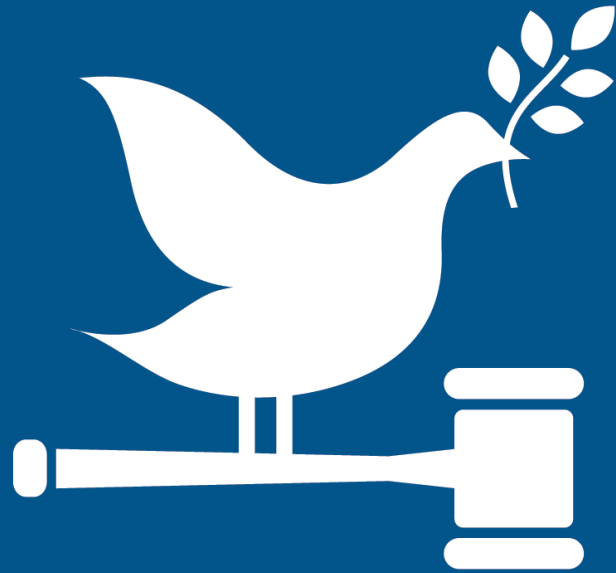




How do we retool the Convention and dress it up
for the new world of technology and borderless
cyberspace?



16 PEACE, JUSTICE AND STRONG INSTITUTIONS



We asked you:
How does innovation in cross-border
litigation and civil procedure
improve civil access to justice and
contribute to the rule of law?





Only in a transitive sense – more innovation means lower cost, and lower cost opens avenues to justice for people who lack access because courts and attorneys can advocate for them more efficiently



The movement to online allows individuals to work on their own timetable (within reason) as they do not need to do everything during traditional business hours.



As access to justice is a fundamental human right, States must improve their civil procedures in order to help safeguard this right. The first step is to sign the Hague Convention on Service. Second, to implement a common civil procedure to ensure mutual trust and recognition of the justice systems of all States and thus give people the access to justice they deserve regardless of their location.



At present





Reform programme to bring new technology to the administration of justice in England and Wales, including e-filing, online money claims service, online negotiation and e-service.



e-service in South Korea includes posting e-documents on the system, and notifying the addressee of the post of these e-documents. e-service requires prior registration and verification.



A photograph of a panel discussion on a stage. Three people are seated in white chairs: a man on the left in a dark suit and glasses, a man in the center in a dark suit and glasses gesturing with his hand, and a woman on the right in a grey blazer. The stage has a light wood-paneled background with blue and purple spotlights. In the foreground, the backs of several audience members' heads are visible.

Brazil has for more than a decade instituted legislative reforms that allow for

- the computerisation of the judicial process
- the use of digital certification
- progressive incorporation of technology innovation in the judicial process.



We asked you:
How can domestic civil procedures
become truly borderless with the use of
IT and other legal technology?





Technology that is consent based and which allows people to operate in their comfort zone, whether online or on paper, is a good step. It allows people to embrace new technology while acknowledging that not all individuals are equally technologically adept.





Colombia has legislative reforms that aim to optimise the capacity of the judicial system, including the digital and e-service of documents.





One of the greatest concerns of judicial officers in the harness of legal tech and e-service is the question of security. Two-factor verification processes may help.



Tech – present and emerging







Technology that can straddle two planes – the cloud and the ground – is a good middle ground for the progressive implementation of IT in the operation of the HCCH Service Convention.

Scanning and printing is a good in-between solution.



No technology is perfectly secure. Is it
about as secure as traditional methods?



#HCSH



No technology is perfectly secure. Is it
about as secure as traditional methods?

Email, if secured, have strong technical measures
to ensure authenticity, integrity, and
confidentiality. These are crucial for e-service.



A common electronic platform for cross border transmissions of service requests has several advantages, but also several unresolved issues.



DLT and blockchain may improve the operation of HCCH Service Convention by increasing efficiency, budget-friendliness, accuracy, and immutability.





A man in a dark blazer and light trousers stands on a stage, holding a piece of paper and gesturing. The background is a large wooden wall with blue and purple lighting. To the left, large windows show greenery outside. In the foreground, there are white chairs and a small table with water bottles. A semi-transparent dark blue banner with white text is overlaid across the middle of the image. A circular logo with a stylized bridge or mountain shape is in the bottom right corner.

Blockchain may also raise certain issues: the scope of application, identification of authorities, real-time recording, data protection, and undefined legal effect.





Social media is becoming more prevalent – what are the advantages and challenges in using social media as an e-service platform?





“[Technology] neutrality is a key factor of the Conventions’ longevity. It is this neutrality that enables HCCH Conventions to embrace new developments and new technologies, to pass the test of time and to adjust effectively to changing environments.”



We asked you:

Are international treaties truly
technology neutral?

How can stakeholders in these treaties
respond to advances in technology?







“[The HCCH Service] Convention needs to be interpreted in a modern way. Stakeholders should be prepared for ... innovation.”





“The main adaptation question would be striking a balance between maintaining the security that is assumed currently and the speed and facility bought by new technology.”



Preparing for the future





The HCCH Service Convention must adapt not only to work with novel legal tech and IT innovation, but also with legal innovation such as newer HCCH Conventions.



It is crucial for e-systems to be interoperable across jurisdictions. In ensuring interoperability, varying legal, budgetary, policy and cultural considerations must be considered.

theodore
FOLKMAN

Partner, Pierce
Bainbridge Bank Price
LLP, New York,
LLM Technology

katerina
OSSENOVA

Trial Attorney, Office of
International Judicial
Assistance, U.S.
Department of Justice,
Foreign Litigation, U.S.

emma
VAN GELDER

PhD Candidate, Erasmus
University Rotterdam
Research Fellow,
Deep Tech Lab, Oxford
University

florian
HEINDLER

Assistant Professor,
Samuel Freud
University





xandra
KRAMER

Professor of European,
Civil Procedure, Erasmus
University of Rotterdam



florence
GUILLAUME

Professor of Private
International Law,
University of Neuchâtel



louise ellen
TEITZ

Professor of Law,
Roger Williams
University



Service is a key issue in international judicial cooperation. IT allows for greater efficiency, speed and security, which enables greater access to justice.





xandra
KRAMER

Professor of European,
Civil Procedure, Erasmus
University of Rotterdam



florence
GUILLAUME

Professor of Private
International Law
University of Neuchâtel



louise ellen
TEITZ

Professor of Law,
Roger Williams
University

We need a new way of thinking.





How far can we stretch the “postal channel”
analogy?








How do we leverage technology now while we wait for the law to catch up?





A woman with dark hair, wearing a dark blazer over a patterned top and dark trousers, stands on a wooden stage. She is holding a white paper and looking towards the audience. The background is a large wall of vertical wood panels. To the left, there are large windows showing greenery outside. In the foreground, a small, round, light-colored wooden table holds two water bottles. A black floor monitor is visible on the stage floor to the right.

How can we best reconcile efficiency, security and data protection?
How do we reach consensus on what is “secure electronic service”?



We asked you:
Which technology will pose the greatest
challenges to cross border civil procedure?
Which technology will provide the greatest
opportunities? Why?







I. Challenge: [Blockchain] Special training for officers needed

II. Opportunity: [Email + 5G] Legally compatible and fast



I. Challenge: [Blockchain] raises the question of security not in terms of immutability but rather privacy since all access to data in the chain is open.



II Opportunity:

Technology which allows for all types of delocalized living and working.

Technology which allows for secure, guaranteed, confirmed communication of documents online, with ease.





A man in a blue suit and glasses is standing and speaking to a large audience seated in a conference hall. He is holding a blue folder with the word "catena" and a gear icon on it. The audience consists of many people, mostly men, wearing suits and lanyards, looking towards the speaker. The background is a plain wall with a door visible on the right.

“Blockchain, once proofed for proper application in the legal sphere ... seems most secure [as a solution for the HCCH Service Convention].”



A man in a blue suit is standing and presenting to a large audience seated in rows. He is holding a blue folder with the 'Health' logo. The audience is diverse and appears to be at a professional conference. A semi-transparent dark blue box is overlaid on the image, containing white text.

“Based on discussion, the email and shared government regulated platforms look most promising [for the HCCH Service Convention] due to their nature of follower of traditional post and government oversight respectively.”



Our final questions to you:
(pick one to answer please)



I. Which idea was the most impactful today?



2. What is the one action stakeholders should take to harness IT for greater civil access to justice?



Final questions: (choose one)

1. Which idea was the most impactful today?
2. What is the one action stakeholders should take to harness IT for greater civil access to justice?



Snowball Fight



What just happened?



Let's do
this again
sometime!



Speakers

Christophe Bernasconi

Aashna Bhikhari

Yoon Jung Choi

David Cook

Theodore Folkman

Ellen Gilley

G rardine Goh Escolar

Florence Guillaume

Florian Heindler

Christine Kalibbala

Xandra Kramer

Nicol s Lozada-Pimiento

Katerina Ossanova

Madi Saken

Louise Ellen Teitz

Emma van Gelder

Marie Vautravers

Carlos Vieira von Adamek

Brody Warren

Elizabeth Zorilla

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Federal Ministry
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ROPES & GRAY





HCCH

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Connecting Protecting Cooperating Since 1893