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ACCESS TO JUSTICE THROUGH MODERN TECHNOLOGY

Dear colleagues!

I am extremely honoured to be here and to have a chance to learn many interesting things for further work and probably to share our experience. I am going to look at access to justice through the means of modern technology, applied in Russian commercial courts.

At the beginning, I would like to make a short preamble.

As you probably know, in Russia we have three kinds of state courts, namely:

- courts of general jurisdiction: they try disputes with citizens involved such as matrimonial, civil, labor, administrative and criminal cases;
- state commercial courts that hear economic disputes. The parties to these cases are mainly enterprises and private businesses. It is quite a young (only 18 years old) system of state courts;
- the Constitutional Court.

I am speaking on behalf of commercial courts, where I work as a president in a regional court. The system of commercial courts has made great steps forward on the way of the so-called **electronic judicial procedure**.

Sir Jack Jacob, one of the most famous professors of procedural law in England, used to say: "The concept of access to justice is a highly emotional, even evocative, subject. It is like a clarion call to make the administration of civil justice available to all on the basis of equity and fairness"¹. So, the new technology, being

¹ J.I.H. Jacob. The reform of civil procedural law and other essays in civil procedure. London. Sweet & Maxwell. 1982. P. 125

applied in administering justice, is to result in making our justice fair and guaranteeing equality to the parties. How should we keep the balance? It is one of the tasks, while the new technology "seduces" us by its possibilities.

Modern technology makes justice more accessible to the public through the Internet. But at the same time we can use the technology to give everyone fair access to the justice.

We may point out several directions of using modern technology in access to justice.

On the one hand, it is new legislation, which was adopted quite recently and we shall apply them in a week.

First, the audio recording of court sessions become obligatory now in all arbitraz courts. This innovation is starting to operate in November.

Secondly, since November 2010 both a plaintiff and a defendant may fill in the form of either a suit, or a defense and send it to the court through Internet. The Supreme Commercial Court of Russian Federation has worked out the standard forms. In future it will provide the electronic initiating of the case. It will also contribute to the efficiency of data backup.

Thirdly, according to the law, parties must be informed by summons only once, when the case is started. After that the parties have to take care of getting all information from Internet themselves.

Fourthly, we can use video conference as the means of getting testimonial evidence. For instance, the distance between the court of the region, where I work, and the appellate court is 500- 800 kilometers. So, for many witnesses it is quite problematic to move so far away.

On another hand Internet makes justice more accessible to the public. So, everyone can get full and fast information about the particular cases or judicial practice in general from the Internet. All court decisions, schedules of court sessions, other information are in Internet already. Now our judges make decisions in a special module called "case preparation". Using the module we can kill two birds with one stone. On the one hand, a judge uses a standard form with

automatically substituted words, that speeds the matter up. On the other hand, having been signed the court act is uploaded online immediately, where everyone can find it and print it out. Also, in the Internet one can see a schedule of court sessions.

It can be a special program, located in the court web site, using which the parties can calculate the sum of state duty that is supposed to be paid before applying to the court. The payment order on the state duty can be printed out. Similar program provides the possibility of calculating the sum of the forfeit for filling a suit.

Mostly programs are produced and distributed by the Supreme Commercial Court to other commercial courts. However, trials, appellate, cassation courts can create own program or directions.

Some courts use both the electronic summons with electronic digital signature to inform about the trial time and place, and the traditional form of summons such as court act, which is sent by mail. Many potential parties apply to the court to conclude the agreement on electronic summons with electronic digital signature. The most important thing is that the program works so efficiently, that judges and clerks need not do anything else.

To get the necessary information without delay court has digitally signed agreements with many bodies, such as expert organizations (for obtaining information about the term of execution and the price for some particular expertise), state bodies that are authorized to register enterprises and real estates. When we use traditional means - sending an official letter, it usually takes several days. Electronic means give a chance to get a reply maximum in 30 minutes.

As for special guarantees of access to justice we can consider electronic means of signing up for the case file examination, which takes place in the court, or reserving time in the president of the court office hours, etc.

Besides, in commercial courts we have a twenty-four-hour helpline, using which everyone can apply with complains and suggestions. In the court web site one can also ask any question or introduce any complaint.

In commercial courts for people, who do not use Internet, we offer voice portal, presenting the whole information on the case.

In web site my court keeps an electronic quarterly journal with review of court practice, commentary of court practice, review of modern technology, etc.