

Report of the New Technology Commissions. Strasbourg 12 May 2016

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There were 6 items on the Agenda:

1. The results of the IT survey conducted among FBE Bar members.
2. The FBE audit website –recommendations
3. New IT projects for legal professionals (e-codex, case management and other legal software, lawbay application- Warsaw Bar)
4. Opportunities and risks connected with the use of new technologies by lawyers.
5. E-filings of documents and online communication with courts – good practices regarding the secured data transfer.
6. The guide for legal professionals on good practices in use of new technologies.

1.The results of the IT survey

The survey has been completed by 21 attorneys, 17 of whom completed it in English and 4 in German. The respondents come from Germany, Poland, Switzerland, the UK, Belgium, Turkey, Spain, Italy, Romania and Portugal. The biggest number of respondents come from Spain (33 %).

The access to the court's files is available in most countries the respondents come from. Most of the respondents have confirmed the possibility of on-line filing of documents with courts and other state authorities. In several countries there are specifically designed software which allow lawyers to communicate with courts.

The software also can be used by legal professionals to send e-mails and other documents to court.

Only 15% of respondents have indicated the possibility of conducting proceedings online and in most cases this would apply to mediation and arbitration as well as resolutions of commercial disputes.

As far as technology advances are concerned most of the respondents emphasized that the system of documents workflow and new archive solutions had had the biggest impact on their practice over the past 5 years. Nevertheless 28 % of the respondents pointed out that the most significant advances that had the biggest impact on their practice were virtual offices and electronic signatures.

It also worth mentioning that as the top technology initiatives the respondents indicated specialised application designed for legal professionals and network security and firewall protection (i.e. installing a firewall protection software against hackers, identity thieves etc.). According to the respondents the biggest changes affecting the practice of legal profession in the nearest future will follow out of the increasing number of virtual offices and remote employees as well as paperless offices.

All respondents have answered the questions regarding different ways of clients' data protection what proves the significance of this topic for lawyers.

In most cases the files are accessible only in the law firm, the lawyers avoids using Dropbox to send files which are too big for e-mails, the safeguards have been implemented to secure clients' database by e.g. providing training to the employees.

2. We have been asked by the Presidency to give recommendations as to how the FBE website should be modernised.

The audit of the website has been carried out and the following problems have been identified

-there are certain errors and warnings on the website, which may make the website inaccessible for some users and adversely affect the website operation,

-the website has not been adapted to mobile devices, which may make viewing the website on such devices harder. Moreover, the website may be omitted from Google search results on mobile devices.

-a Google's compliance test with mobile devices identified the following errors:

- fonts are too small, which make the text difficult to read,

- the working window for mobile devices has not been properly set, which contributes to the failure of the website to adjust to different mobile device sizes and features.
- the links on the Website have been situated too close to each other
- there is not a proper footer on the Website, which could contain FBE contact details. The present footer is not very visible and practicable.
- although, there is such a tool as the newsletter on the Website, the last one is from 2010 so it is not used,
- all the elements are grouped on the left-hand corner menu. The menu unfolds properly, but on clicking a particular reference window, the menu folds up and the user does not know where they are on the Website.
- the Website does not comply with the Web Content Accessibility Guidelines (WCAG) standards, which are set out in the form of recommendations on how to make content accessible to a wider range of people with disabilities, including the blind, partially sighted, and people with hearing loss, learning disabilities, cognitive limitations, limited movement, speech disabilities, photosensitivity or combinations of these. Following these guidelines will also often make the Web content more usable to visitors in general.

As the solutions to the above the Commission recommends the following.

The Website operates properly in general. However, it does not comply with recent standards for website building (such as a mobile -friendly website or WCAG standards). Therefore, modifications are necessary and the Commission recommends to build a new mobile-friendly version of the Website, to format and update the contents properly and on regular basis, comply with WCAG standards, move information from the Website footer, make modification of the side menu.

3. The Commission discussed interesting projects within the field of New Technologies such as e.g. e-codex –the platform through which lawyers from Germany, Austria, Greece and Poland may file online claims against debtors from foreign jurisdiction.

Members reported also on different methods of online filing of documents with court and online communication with courts. In some jurisdictions such as Italy the communication between a lawyer and court is very well secured by use of certified mail (first registration takes place by giving some personal data, e.g. fiscal code). What's new is that the documents can be filed from any place. The court communicates with lawyers by certified e-mails and attachments are also certified.

4. We have also identified problems connected with the use of new technologies as except for obvious benefits such as mobility, fast access to court files, due to which the lawyer can nowadays handle cases everywhere there are also risks connected especially with the data of our clients which may be stolen or simply lost. Therefore the Commission recommends that a list of good practices with respect to cybersecurity i.e. security of electronic files, lawyer-client online communication and court electronic documents should be implemented by each law firm.

Although the lawyers are aware of the benefits of the legal software designed to assess or even manage cases we should not forget that no software could ever replace the judgment of a well educated and experienced lawyer.

The NT commission will continue to work on these issues.