**International workshop on E-Justice, Consumer Protection and Corporate Social Responsibility.**

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**THE JUDICIAL PROCESS AND ”E-JUSTICE”**

**Introduction**

In this paper, I shall describe how it was to practice law as a young trainee lawyer in Scotland. Then I shall note the technological changes which have transformed daily life and legal life. After that background, I describe how “E-justice” has modified and is modifying practice in the Courts of Scotland, in England and the EU.

I shall also comment on the phenomenon of litigation funding and collective or class actions, each a mechanism to offer easier access to redress for large numbers of persons who claim to have suffered damage, but damage of a relatively modest amount.

And finally, I will offer a few personal observations and recommendations.

1. **Where we were**

Courts in my young day depended on physical delivery of paper documents. My very first legal job involved pursuing small debt claims for unpaid furniture or clothes on behalf of Lewis’s, a Glasgow department store. Each file would involved a letter demanding payment, then another letter, then a court document to be sent by “recorded delivery” (cheaper than registered letters). Then the case would be set down for argument, in the Sheriff’s Small Debt Court, where a crowd of debtors, (very few lawyers) would gather and would be ordered to pay the debt, usually in weekly or monthly instalments.

Paper was essential. Appeals to the higher courts by indigent persons could be handwritten, “in forma pauperis”, on old-fashioned sheets of white paper. One of the essential jobs of a Scottish advocate (or English barrister) would be to advise a solicitor on a difficult point of law. The request from the solicitor would come typed on several pages, bound together with tape in a bundle, including some white pages at the end. The advocate’s response (“advice of counsel”, or “learned counsel” if it was a QC) was to be written by hand on those blank pages and the bundle returned to the solicitor.

The bigger the controversy, the more voluminous the burden of paper. And also, I suppose for every court, setting deadlines for the physical delivery of that paper. In the case of the courts of the European Union, the deadline to file an appeal against a decision of the European Commission varied depending on how distant from Luxembourg was the country from which the appeal was sent. The post could be expected to take longer to make a delivery from a distant country. A New York company had one month extra to file; a Belgian company had 2 days extra. 72 days from the act challenged, I believe, was the deadline for Belgium. I remember that in the Microsoft case in 2004, a reliable taximan drove from Brussels to Luxembourg with a cargo of many kilos of paper, to ensure safe physical delivery before the deadline of the application to the General Court. In London, young strong men employed by barristers’ chambers wheeled around trolleys loaded with pounds and pounds of documents. I am by no means mocking the old practices: written ideas recorded in black ink on white paper are admirably easy to read. But as prolixity increased, and administrative appeals became more hotly controversial, and pleadings and attachments became more voluminous, the traditional practice of printing everything multiple times became very painful.

Courts are usually conservative institutions, and paper is solid and sure. Fax filings (paper to electronics to paper) became lawful in Luxembourg in 1994 (check). It was necessary to make a filing by fax well before a midnight deadline, as each page took a few seconds to transmit by fax, and fax machines could jam or freeze, with the danger that the filing could not be accomplished completely by the deadline. It was also necessary to file a hard copy, though not before the deadline. In the course of this century, courts began to adopt electronic mail, and the EU Courts made it compulsory to make filings electronically. Each bar member had an electronic profile. E-Curia was a major transformation of how counsel communicated with the Courts in Luxembourg.

1. **Technical Changes**

In my professional life time I have witnessed the emergence of the efficient photocopier, the electronic calculator, the fax machine, the personal computer, intelligent printers, work group servers, tablets and the advent of e-mail. An Apple i-phone has space for a sophisticated camera, a mid-sized computer, thousands of photographs, e-mail, games and a range of applications for cooking to monitor health, research, holiday planning and word processing. Earning a living, planning a dinner, or seeking a love partner: each activity can be pursued by the i-phone.

1. **COVID**

COVID, the global pandemic which reached epic proportions from about February 2020 changed everything again, or confirmed the necessity of change. COVID eliminated much of the traditional approach to litigation, in which physical delivery of court documents is followed by debates between lawyers physically present before a judge, often with witness testimony, delivered on oath by a person physically present. In Scotland for example, physical presence in court was required for administration of the case. Technology and Covid collectively upended that tradition in the period 2020, 2021 and 2022.

The technical ease of digital case management meant that a solicitor in Inverness, in the north of Scotland, could in a single day participate in court proceedings in Edinburgh, Aberdeen and Paisley. Lessons then learned could not be unlearned.

Digital transmission of documents became indispensable. Prisoners in court could not be visited for face to face conversations. The Scottish court system had to react. One celebrated technique, which I think was a Scottish initiative, was the imaginative use of cinemas, where the jury could sit, well separated, in an otherwise empty cinema, and observe on a large screen the prisoners, judge and counsel in the traditional court room. The change was particularly easy for procedural hearings, where lawyers and judge would agree on the management of a litigation. Personal appearances by lawyers were not necessary. This has been described in a previous issue of the Ritsumeikan Law Review [[2]](#footnote-2)

1. **Scotland’s plans to embrace technology**

In Scotland, “digital justice” was on the agenda in 2014. It sounded good, and it was obvious that the future would become more and more digital, but that future was some way away.[[3]](#footnote-3) An integrated digital system was not yet achieved. The aspirations of the government in 2014 were very commendable.

“Reform of the justice system is at the heart of Scottish Government’s public service reform agenda. We want to create a more successful country, with opportunities for all to flourish through increasing sustainable economic growth. To contribute to that aim, [The Strategy for Justice in Scotland](http://www.scotland.gov.uk/Resource/0040/00401836.pdf) looks to create an inclusive and respectful society in which people and communities live in safety and security; where individual and collective rights are supported and disputes are resolved fairly and swiftly.

We want to use digital technology wherever possible to broaden access to justice, improve quality of service and safeguard the rights of citizens and users. By digitising our justice systems and operating efficient processes, we can at the same time lower our costs.

Delivering these outcomes cannot be done in isolation. We will continue to take a collaborative approach. Justice organisations, the broader public, private and voluntary sectors will all need to work together to deliver our aims.”

These were very worthy sentiments. However, eleven years later, the changes have been less impressive.”[[4]](#footnote-4)

In November 2023, the Scottish government consulted on how to digitise the handling of low value personal injury claims arising out of motor accidents[[5]](#footnote-5). The ideas have been floated, and are meritorious from some points of view. Indeed they should save money in the long run. But implementing them properly would involve expenditure and no government is cash-rich today; new hardware and new software are costly.

1. **Case tracking made easy in Scotland**

Case tracking in the Court of Session in Scotland has been introduced on February 5, 2025, marking the first digital service available in the Court of Session and enabling 90% of case types to be tracked online.[[6]](#footnote-6) Legal professionals will be able to monitor the status and progress of their Court of Session cases, offering real-time updates on case activity, ensuring solicitors and legal professionals have the most up-to-date information about a case at their fingertips.

I may note, with regret, that the European Court of Human Rights in Strasbourg has a caseload so vast that cases may languish for years, to the frustration of clients and lawyers alike. Tens of thousands of applications are made to that court every year, of which a few hundreds or less will arise in functioning democracies like the UK while thousands come from countries with weak judicial institutions like Russia (which was a member until removed after the invasion of Ukraine) or Serbia, or Turkey.

1. **Broader Changes proposed for Scotland**

It is maybe worth reminding this audience that Scotland is a “mixed jurisdiction” with a civil law tradition and a large common law neighbour. The civil law in the tradition of Roman law applies in Scotland, though with many adjustments and exceptions. The kingdom of Scotland joined the kingdom of England, in the United Kingdom in 1707, one of the provisions of the Treaty of Union being that Scots law would be retained. Today, Scots lawyers are often proud of their heritage, but Scots law in daily practice is heavily influenced by its larger neighbour, England and by the legislation of the parliament of the UK. A similar phenomenon can be observed in Louisiana, which has a French style Civil Code (the authentic version being in French) but is heavily influenced by the common law of the United States.

This may be the moment to record that major changes in criminal justice are under discussion in Scotland for the moment. These are indeed radical. One proposal was to respond to the very low conviction rate in sexual assault trials by removing juries, on the basis that jurors can be too readily swayed by “rape myths” such as “the victim was dressed provocatively”. It is true that conviction rates have been low in sexual assaults, but the elimination of juries has been seen by some commentators as a step too far. A sexual offences court, with specialised judges, may be a more acceptable alternative approach, along with the reduction of the number of jurors from 15 to 12, and the abolition of the “not proven” verdict. (Scottish juries have three verdicts available to them: guilty, not guilty, and not proven, which is functionally an acquittal which recognises that matters were unclear.) At the time of writing, the outcome of these interesting initiatives is not decided.

Another Scottish procedural change has been considered as to the law on corroboration. Corroboration was an ancient requirement, by way of a guarantee against perjury. Sometimes corroboration can be supplied by physical evidence, such as DNA, or fingerprints or other techniques, but its removal - say some – could risk justice by denunciation. Those who feel that since corroboration in civil cases was abolished in the 1980’s, without the collapse of civil justice, criminal cases should be excused its formal necessity.

These are truly major initiatives, which cannot be lightly adopted or rejected. Since 1672 the High Court of Judiciary has had jurisdiction over such grave crimes as rape, murder, theft and burglary. (Drunk driving is a modern addition to the list.) Removing sexual crimes from the list could be seen as reducing the powers and competences of the Court.

One feature of Scottish legal history which was unique in the world, or almost unique, was speed. Unless the accused person in custody had been tried, and convicted, and sentenced, within about 120 days (the periods were very precisely defined) he would walk free and could not be charged again for the same offence. Scientific techniques require more time, so Scottish criminal trials no longer are accomplished inside four months, but they do move more rapidly than English ones, which I guess is a consequence of the previous exigent rules.

 The continental European method of discovering the truth in a criminal case depends on the cooperation of two branches of the magistrature. Thus the examining magistrates work closely with the police while “sitting” magistrates preside at the subsequent trial. The UK systems involve the examination of two competing versions of the truth. The Scottish and English procedures attach high importance to the quality of the evidence, and, exclude hearsay, and insist on a hierarchy of reliability, while the French or Belgian or EU procedures admit such items as newspaper clippings and hearsay. Neither approach is better than the other at getting to the bottom of the question of guilt or innocence, but they are different. One assumes that those deciding will sift the solid evidence from the fragile in reaching a conclusion. The other adopts a more formalist approach in which only the “best evidence” is adduced, so that the conclusion is not polluted by weak foundations.

1. **An English Judicial approach to AI**

The Master of the Rolls, Sir Geoffrey Vos, the second highest judge in England and Wales, in January 2025, gave an enthusiastic account of why the new high technology world should be embraced by the legal profession. Industrial, financial and consumer sectors are using AI at every level, so the legal profession cannot be an exception. He felt that it will make advice available to more people, more cheaply, and more quickly. And he warned of legal claims arising out of the negligent or inappropriate use, or failure to use, of AI.

Sir Geoffrey lamented the nervousness of some practitioners.

“Whenever I say that generative AI will save lawyers time and money, someone pipes up with the example of a lawyer who used GenAI to write submissions which included a fictitious case reference. The first and best example of that was the hapless Steven Schwartz in New York. We should not be using silly examples of bad practice as a reason to shun the entirety of a new technology.”

The Master of the Rolls observed that Large Language Models (LLMs) are trained to predict the most likely combination of words from a mass of data. Basic GenAI does not check its responses by reference to an authoritative database. Therefore when lawyers use a LLM to summarise information, draft a document, or for any other purpose, they must carefully review the responses before using them. Putting confidential information into public LLMs, makes the information available to the world. Some LLMs claim to be confidential, and some can check their work output against accredited databases, but there must be some concerns. Sir Geoffrey noted that the Supreme Court of New South Wales had recently issued a practice note on generative AI.

“Gen AI must not be used in generating the content of affidavits, witness statements, character references or other material that is intended to reflect the deponent or witness’ evidence and/or opinion, or other material tendered in evidence or used in cross examination.

Where Gen AI has been used in the preparation of written submissions or summaries or skeletons of argument, the author must verify, in the body of the submissions, summaries or skeleton, that all citations, legal and academic authority and case law and legislative references exist, are accurate and are relevant to the proceedings.”

Subject to exceptions, Gen AI must not be used to draft or prepare the content of an expert report (or any part of an expert report) without prior leave of the court. This was more restrictive than the approach taken in England and Wales, Sir Geoffrey observed. “AI is already being used in many jurisdictions for some of the purposes that the New South Wales guidance says it should not be,” said Sir Geoffrey. “I doubt we will be able to turn back the tide. Our guidance is within the grain of current usage, making clear that the lawyers are 100% responsible for all their output, AI generated or not.”

1. **The experience of the EU Courts in Luxembourg**

There are two large functions of the Courts of the European Union in Luxembourg: appellate review of administrative action by the institutions of the EU, and guidance to national courts confronted by disputed questions of European law. There are 27 countries (sadly not 28 as before Brexit), 24 official languages (from Finnish to Portuguese, Irish to Greek) and a single working language, French. The judges sit in chambers of 3, 5 or 15, and produce unanimous verdicts, with no dissents. Differences in approach are addressed by compromise during the drafting process.

E-justice has faced less of a challenge with the appellate jurisdiction of the General Court than with the reference jurisdiction of the Court of Justice. A national court confronted by a question of European Union law which is necessary for the resolution of a dispute may, and if a court from which there is no appeal, must refer to the EU courts the question before proceeding to render judgement in the pending case. The extent and nature of that duty has been debated over the years in such cases as CILFIT (SRL CILFIT v Ministry of Health case 283/81 (1982) ECR 3415). The national court is free to express itself, in the national language, in framing the question (preferably with the contribution of counsel in the case) and supplying more or less of the file to the ECJ. That may come as documents in a thick envelope in Lithuanian, or as an electronic filing. Some national courts continue to submit their references in paper form.

E-Curia is the term covering the ambitious steps to create a purely electronic secure and transparent means of communicating court documents. Its use has been compulsory for the General Court since 1 December 2018. However, the recent constitutional change whereby the General Court will receive competence to answer references from national courts in certain areas (including customs classification, value added tax and passenger’s rights) means that paper and fax documents can still be used to access the General Court registry.

An area which is uniquely important for the EU Courts is translation. The court has 24 official languages, although the majority of cases are conducted in English, French, Spanish or German. All pleadings are translated into French and all deliberations between the judges are conducted in French. Whereas lawyer-linguist, translators and interpreters had an immense task, accounting for nearly half of the staff at the court, Artificial Intelligence offers significant means of reducing the burden of conducting cases in 24 languages. An excellent account of the latest E-Curia procedural developments can be found in Concurrences 4-2024, 06-, by the former Registrar of the General Court Emmanuel Coulon. “Summer 2024 reforms: A radical overhaul of the statute of the Court of Justice of the EU and the rules of procedure of the Court of Justice and the General Court”

1. **Video link or face to face**

A separate challenge is how to retain public access to the court process. And another is how far traditional face to face physical presence is desirable or necessary. Court proceedings in some countries are driven by written submissions. The British public probably aspires to proceedings which are not too expensive; easy to access; deliver enforceable outcomes; and which are seen to be responsive.

Some leading practitioners have insisted that there is no substitute for face to face dialogue, that witnesses’ credibility can depend on factors which cannot be discerned via a screen, that unseen coaches may prompt a witness to give convenient answers to difficult questions, that prisoners’ instructions cannot be received or can be only imperfectly received, via a screen.

Lawyers have expressed significant concerns regarding the proposed expansion of virtual attendances at criminal court hearings, as outlined in the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill. Simon Brown, president of the Scottish Solicitors Bar Association, stressed the importance of personal interaction, stating: “You can't do that over a video link, you have to meet these people.” He highlighted the challenges faced by vulnerable clients, including those with mental health problems, and the necessity of eye contact and empathy during legal proceedings. Additionally, there are concerns about the lack of video conferencing facilities, which could require “millions of pounds” in investment.

1. **The funding of litigation**

When I was a young lawyer, the rule against “champerty” was clear. It was unacceptable and unlawful to foment litigation by financing the costs of a party. Collective actions, pioneered in the United States, offered a partial alternative: the lawyer as privateer, pursuing financial reward for the practitioner rather than rendering a service for the client. Litigation being costly, many causes of action, though potentially well-founded, never progressed beyond heated correspondence.

The suggestion that Europe should facilitate private claims for breach of the competition rules or seeking damages for injury caused by “defective” products, was approached with reluctance; lest American “abuses” might be replicated in Europe. But in actual practice each legislative initiative had a gradual, not a revolutionary, impact.

A parallel development was the acceptance of litigation funding, a phenomenon which in 2005 was almost unimaginable yet is today completely routine. The Competition Appeal Tribunal in London is currently considering 19 applications by class representatives who propose the opening of actions seeking damages on behalf of all persons who paid in a certain manner to travel on a certain route, or paid for water and sewerage services during a time when spillage of sewage occurred, or used a certain credit card - millions of individuals in some cases.

These claims are funded by commercial enterprises which advance money, sometimes tens of millions of pounds, to finance the hiring of specialised barristers, expert economists, technical specialists and solicitors who administer the vehicle as it rumbles forward. The agreements between the funder and the class representative are closely examined by the court to ensure broadly, that the public interest is protected, and avoiding excessive remuneration for the funders and lawyers.

It is evident that managing such a huge class of claimants would be impossible without modern technology. A pending controversy confirms that in the UK, the funding regime is not a free- for-all. A financial expert called Walter Merricks made a claim against Mastercard, asserting that Mastercard had overcharged millions of customers. The case went through many stages before the Competition Appeal Tribunal, and was finally on the verge of being settled for about £ 200 million, much less than the £ 14 billion originally claimed. Mr Merricks wants to settle after years of litigation, while the funder, opposes the settlement. According to the Financial Times, wider reflections on the fairest way to reward litigation funders in successful cases is under way[[7]](#footnote-7)

It is premature to comment on how mass claims funding will be governed in future, but I observe that modern technology has made it feasible for a large number of people, each with relatively small claims (eg. The utility charged too much, or the makers of football shirts coordinated pricing), to pursue a remedy without risk of financial ruin. E-justice is indispensable to achieve this.

1. **The merits of face to face interactions**

Let me add some hesitations about the limits of E-justice. It might be tempting to believe that with good electronic inputs, good decisions will emerge automatically. Why not entrust the drafting of the decision to a well-programmed computer? Important elements of reality as judges know it are the human characteristics of hate, love, empathy, suspicion, confidence, trust. I personally admit to a prejudice in favour of face to face sessions on important matters and other vital but unquantifiable concepts. Undiluted E-judging, without human input, could lead to pre-judging.

Another area where I have some dissenting views is that of the fashion for anonymity. Public justice is a merit. The ECHR speaks of fair and public hearing before independent judges. Why is anonymity so favoured? Is this wise or necessary? I suggest that we are passing through anonymity to unintelligibility.

Whereas celebrated cases such as Costa v ENEL or Adaoui v Belgium or Van Duyn\_v UK are well-remembered as such, and the facts are described in detail in the judgements, the fashion now is to assign a random coded name such as FQ v LX. In this respect I confess to being a sceptic about the advantage of anonymising the names of litigants who have embarked on public justice.

1. **General thoughts on how far to go**

I must note that there is a strong continental preference for written pleadings. And there is a commensurate sense that oral advocacy is of little “added value”. In the common law tradition, oral advocacy is highly developed, and skill in oratory is a feature of court-room barristers and solicitors. The reading aloud of a written script is never as convincing or interesting as the conveying orally, into the eyes of the judges, of the (few) key points of the client’s case. Most judges in international courts would confirm that lawyers from the UK and Ireland are nearly always interesting and easy to listen to; therefore more likely to convince! The oral argument in London or Edinburgh occurs earlier in the process of judicial reflection than is the case in Luxembourg, and has more influence on the conclusion. By contrast, in Luxembourg the judges will usually have discussed and reached preliminary conclusions before the argument is heard. They may change their minds as the result of the oral argument, but in many, maybe most cases they will be inclined to stick to their preliminary opinions. While the preparation of the case will be greatly helped by technology, it is debatable whether electronic means would be acceptable in place of oral argument.

It must be true that public transparent justice is a worthy, indeed essential, goal. That means that proceedings are accessible to the public, and the press, and that decisions are available to anyone who wants to see them. Exceptions (such things as victims’ names in family disputes, trade secrets and the like) must exist, but they should be justifiable and justified.

I would distinguish between publicly noting the pendency of a case and giving public access to the pleadings and attachments. In the courts of the EU, the pleadings are summarised and the summary is published in the Official Journal. In big cases there may well be extensive annexes of factual or expert evidence, which will not be public unless the party producing them chooses to do.

The UK Ministry of Justice is engaged in public consultation[[8]](#footnote-8) about how far to go. Should court reporters be present at any court? Should certain categories of pleadings, such as applications for judicial review, be available to the media? Technology permits the making of perfect transcripts: should this justify caution or should it be reason to welcome greater openness? Sixty years ago, Lord Denning spoke “a newspaper reporter in every court. He sits through the dullest cases in the Court of Appeal and the most trivial cases before the magistrates. He says nothing but writes a lot. He notes all that goes on and makes a fair and accurate report of it. He supplies it for use either in the national press or in the local press according to the public interest it commands. He is, I verily believe, the watchdog of justice.”

I suggest that one day courts, lawyers and politicians are going to consider what kinds of advice and decision-making should and should not be undertaken by a machine. An obvious thought to me is that people would never have the requisite confidence in peculiarly human decisions, like whether children should be removed from their parents, being made by machines. But emotive decisions of that kind would be just the type of decision-making that some parents might actually really prefer to be taken out of human hands. The disagreement shows that we need to start an urgent and wide-ranging discussion about what we want machines to do, and more importantly what we feel that machines should not be allowed to do. But Sir Geoffrey himself was in no doubt that lawyers and judges would have to embrace AI, “albeit cautiously and responsibly, taking the time that lawyers always like to take before they accept any radical change”.

1. King’s Counsel at the Scots Bar; Master of the Bench, Middle Temple, London; member Competition Appeal Tribunal, London; Judge of the General Court of the European Union, Luxembourg 2015-2020

I have had the advantage of discussing questions of procedure more generally with Professor Deguchi and Michael Clancy, OBE of the Law Society of Scotland, as well as the perceptive speech of Sir Geoffrey Vos, Master of the Rolls, in London in February 2025, and kind friends in the registry of the EU Courts in Luxembourg. <https://e-justice.europa.eu/16/EN/national_justice_systems?SCOTLAND&init=true>

I must also congratulate Prof. Deguchi and his university for bringing together a cluster of lawyers from very different backgrounds to explore parallel problems, not just in this year but on previous occasions. [↑](#footnote-ref-1)
2. The Adaptation of Scottish Courts to the Pandemic: An Innovative New Chapter for the Justice System

<https://www.ritsumei.ac.jp/acd/cg/law/lex/rlr41/rlr41idx.htm> [↑](#footnote-ref-2)
3. <https://www.scotcourts.gov.uk/taking-action/simple-procedure/civil-online/> [↑](#footnote-ref-3)
4. A published critique [Andrew Tolmie: Scotland still has work to do on digital civil justice | Scottish Legal News](https://www.scottishlegal.com/articles/andrew-tolmie-scotland-still-has-work-to-do-on-digital-civil-justice) “Around ten years ago, the [**Scottish Government**](https://www.scotsman.com/topic/scottish-government) published The Digital Strategy for Justice in [**Scotland**](https://www.scotsman.com/topic/scotland). It outlined a “vision to have modern, user-focused justice systems which use digital technology to deliver simple, fast and effective justice at best cost”, setting an objective of “fully digitised justice systems”.It was an ambitious target and has not been achieved – but there has been significant progress, particularly with electronic management of court documents and business, developments accelerated by the Covid-19 pandemic. The next step must be moving the administration of court and pre-litigation disputes further online with a view to speeding up the journey from claim notification to resolution and reducing the cost for court users, especially in lower value disputes.One year ago, the Scottish Government conducted “a targeted information gathering exercise on the process for low value personal injury claims resulting from road traffic accidents”, seeking views on the introduction to Scotland of an online portal like that already in place in England. We have heard little since that exercise concluded but the idea was certainly welcomed by motor insurers and it is difficult to see the downside for claimants. If implemented effectively, low value injury claims could be dealt with by claimants directly with insurers and at a cost proportionate to the value of the injuries being claimed for.In England & Wales, an online Damages Claims Pilot has been running from 2021. It involves mandatory use of an online portal for the issuing of litigation within its scope and case management thereafter. This covers many injury claims at County Court level, with those courts having exclusive monetary jurisdiction up to £100,000 and with competence to hear higher value litigation.Spurred on by pandemic necessity, the Scottish civil justice system has made some progress in using technology to improve the process of resolving disputes. Nonetheless, to achieve the objective set several years before the pandemic of a fully digitised justice system, Scotland still has work still to do.” [↑](#footnote-ref-4)
5. This has been trialled in England since 2021 [↑](#footnote-ref-5)
6. The Scottish Government’s Digital Strategy Paper is published in 2014

<https://www.scotcourts.gov.uk/taking-action/simple-procedure/civil-online/> [↑](#footnote-ref-6)
7. Alistair Gray, Financial Times, February 16, 2025) [↑](#footnote-ref-7)
8. ‘Open Jusice’ by Joshua Rozenberg – 12 Feb 2025 [↑](#footnote-ref-8)