

**MEETING OF THE SCOTTISH CIVIL JUSTICE COUNCIL**  
**INFORMATION AND COMMUNICATIONS TECHNOLOGY COMMITTEE**  
**MONDAY 10 OCTOBER 2016 AT 4.30 PM**  
**JUDGES' CONFERENCE ROOM, PARLIAMENT HOUSE**

**MINUTES**

- Members Present:** Lord Tyre (Chair)  
Craig McCorkindale (Director for Civil Courts Reform, Scottish Courts and Tribunal Service)  
Stuart Duncan (Head of Delivery: Criminal Justice and Parole, Scottish Government)  
Lord Woolman  
Gavin MacColl (Advocate)  
Tony Jones (Solicitor)
- In attendance:** Jane MacDonald (Head of Legislation Implementation Team, Scottish Courts and Tribunals Service)
- Support:** Edward McHugh (Deputy Legal Secretary, Lord President's Private Office)  
Julie Davidson (Deputy Legal Secretary, Rules Rewrite Drafting Team)  
Lauren Gibb (Policy Officer, Scottish Civil Justice Council)
- Apologies:** Sheriff Principal Murray  
Sheriff Murphy  
Graeme Hill (Director of Corporate Services and Accounts, Scottish Legal Aid Board)  
Yvonne Anderson (Depute in Charge of Offices of Court, Court of Session)

**Item 1: Welcome, apologies and agreement of private papers**

1. The Chair welcomed all those present. Apologies were noted from Sheriff Principal Murray, Sheriff Murphy, Graeme Hill and Yvonne Anderson.
2. The Chair welcomed Lord Woolman to his first committee meeting.
3. The Chair informed the Committee that Sheriff Principal Murray's appointment to the Committee had been approved by Council on 11 July 2016.

4. **The Committee agreed not to publish the following papers: 4.1, 5.1, 5.2, 6.1A - C.**

#### **Item 2: Previous meeting**

##### *Item 2.1 – Minutes of previous meeting (Paper 2.1)*

5. **The Committee approved the minutes from the previous meeting.**

#### **Item 3: Proceedings**

##### *Item 3.1 – Committee remit (Oral)*

6. The Chair informed the Committee that the Committee's revised remit was approved by the Council on 11 July 2016.

#### **Item 4: Work Programme**

##### *Item 4.1 – SCTS update on the ICMS Project (Oral)*

7. Craig McCorkindale provided the Committee with an update on the ICMS project. Craig advised that the focus of the project for the remainder of this year will be on the practical implementation of Simple Procedure across the courts and final preparations for the launch of the new Integrated Case Management System (ICMS) to internal court users at the end of October 2016. Craig advised that ICMS in the Court of Session is likely to be deferred until early 2017 and that a second two week round of ICMS business practice testing had just been completed across six sheriff courts, the Sheriff Appeal Court and the Court of Session. The results of that testing are currently being assessed and will inform any last minute changes to the product. Craig advised that the overall reaction to the ICMS system so far from staff and judicial office holders has been positive.

##### *Item 4.2 – SG update on the Justice Digital Strategy (Oral)*

8. Stuart Duncan provided the Committee with an update regarding the on-going digital work in criminal and civil justice. He advised that in civil justice, concentration has been on developing content on lives and life events in mygov.scot, the national publishing portal. Members noted that further content work for publication on mygov.scot is planned for the remainder of this year and it is hoped that discovery work looking at online digital tools and systems will commence later this year.

##### *Item 4.3 – SLAB update on Making Justice Work Online Information project (Paper 4.1)*

9. **The Committee noted the contents of Paper 4.1, which provided an update from SLAB concerning the work of the Making Justice Work online information project.**

## **Item 5: Research and consultations**

### *Item 5.1 – Online dispute resolution and the online court - Consideration of committee conclusions for Council on online dispute resolution and online courts (Paper 5.1 and 5.1A-B)*

10. The Committee considered Paper 5.1 which provided a summary of its conclusions regarding its review of online dispute resolution and the online courts. The Committee was invited to formalise their recommendations to Council.

11. The Committee noted that Lord Justice Briggs's interim and final reports proposed an online court in England and Wales comprising of three tiers; online evaluation, online facilitation and online judicial determination.

12. The Committee noted that taking forward of any recommendations made about online courts would depend heavily on resourcing and that £700 million had been made available in England and Wales for the online court project. The Committee noted that some of this figure had been obtained by making cost savings elsewhere in the court budget. The Committee noted that in Scotland a large project like an online court, could best be broken down into blocks of work and noted that the ICMS project which SCTS are currently working on is already well underway.

13. It was noted that any area of court business that the Committee recommended for development online would be subject to there being a clear business need.

14. It was noted that a potential area of business for online development could be simple procedure, which is closely linked with the ICMS project. It was noted that an online court project in Scotland should be approached as a development of existing initiatives, and not as a standalone project.

**15. The Committee agreed that it would present its recommendations to Council at Council's next appropriate meeting.**

**16. The Committee agreed that it would recommend that the Council supported the idea of an online court in Scotland and, in particular, the development of a three tier online system similar to that put forward by Lord Justice Briggs. The Committee also agreed to recommend that such an online court should be taken forward using simple procedure cases.**

**17. The Committee agreed to include in its paper to Council that it understood the resource implications of such a system and it did not wish to make any suggestion of where the funds to develop an online court would come from.**

18. **The Committee agreed that it would present its recommendations to Council at Council's next appropriate meeting.**

*Item 5.2 - Correspondence from Kennedy's Scotland (Oral and Paper 5.2)*

19. The Committee considered correspondence received from Kennedy's Solicitors. The correspondence contained an overview of two of Kennedy's online products; Cybersettle, an online negotiator that can be deployed for dispute resolution at different stages of an online court process and KIAiM, a virtual defence lawyer which provides non-lawyers with an online litigation platform to manage the early stages of proceedings themselves.

20. **The Committee noted that these were interesting online tools and asked Gavin MacColl to contact Kennedy's and to report back to Committee with more information in due course.**

**Item 6: Justice System Reform: Rules Rewrite Project**

*Item 6.1 Rules Rewrite Project Plan: Upcoming Discussion Paper on ICT in the Courts (Papers 6.1 and 6.1A-C)*

21. The Committee considered Paper 6.1, which provided information about a forthcoming Rules Rewrite Project ICT discussion paper which the Committee will be asked to consider. The paper invited the Committee to provide their initial views about developments in ICT which it wishes to be included in rules of court.

22. The Committee noted that purpose of the forthcoming Rules Rewrite ICT discussion paper is to assist the Committee to make a set of informed decisions of principle about general matters relating to the use of ICT in the courts. These decisions are intended to help inform the structure of new civil procedure rules relating to the use of ICT.

23. The Committee provided its views on a number of developments in ICT which it would potentially wish to see included in the rules of court, such as further exploration of the electronic signing of documents by solicitors and the use of memory sticks for the storing or sharing of evidence in court proceedings.

24. **The Committee noted that the Rules Rewrite Drafting Team will prepare the discussion paper for consideration at the next ICT Committee meeting.**

**Item 7: AOCB**

25. There was no other business raised.

**Item 8: Date of next meeting**

26. The Committee noted the date of the next meeting:

- Monday 6 February 2016 at 4.30pm

**Scottish Civil Justice Council Secretariat**

**October 2016**