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"The Future of Digital Justice": International study shows Germany's backlog and provides concrete solutions

Bucerius Law School (BLS), the strategy consultancy Boston Consulting Group (BCG), and the Legal Tech Association Germany (LTV) use nearly fifty expert interviews to compare the state of digitization of the justice system in Germany with the pioneering nations of Singapore, Canada, the United Kingdom, and Austria.

The conclusion of the country comparison: Germany's politicians must reorganize their strategy in terms of digitization and pick up the pace. If Germany manages to systematically digitize the judiciary instead of developing isolated solutions, it can massively increase the acceptance and efficiency of the legal system. Partial congestion would thus be overcome and access to justice significantly improved.

How other countries handle it

The study shows how other countries are digitizing their justice systems. Unifying elements of these approaches include increasing court efficiency, including speeding up proceedings; a clear commitment to user-centricity, including modern software and process development; and the introduction of data analytics.

Arguably, Singapore has the most digital judiciary in the world. This is largely due to the unified and seamless online case management system for all jurisdictions and all stakeholders. Parties, lawyers, authorities, judges and experts use a common platform where they can communicate and work with each other in real time. Attorneys can access their files at any time, schedule hearings, and participate in virtual hearings. "Singapore is clearly the pioneer when it comes to digitizing the judiciary. A common platform for all parties involved in court proceedings should also be the goal for Germany, so that our many achievements in the rule of law also reach those seeking justice," said Dirk Hartung, Executive Director at Bucerius Law School and corresponding author of the study.

In the area of data collection and use, the United Kingdom can serve as a role model. The introduction of a digital case management system to capture court performance data (e.g., case numbers and duration) has led to a better understanding of the needs of all parties involved, an increase in administrative efficiency, and is now even reducing the average length of proceedings. Initial concerns about possible monitoring of individual judges and additional workload due to data collection have not been confirmed. The system is now an important pillar for further digitization reform in the UK. "The targeted use of data will play a decisive role in the digitization of the German judiciary, and projects such as those in the United Kingdom demonstrate its benefits," Hartung added.

The federally organized nations of Canada and Austria, which are now among the pioneers with regional lighthouse projects and reallabs of individual states as well as national leadership and bundling of digitization resources in federal systems, are also a role model. This is remarkable because federalism in Germany is not infrequently cited as an obstacle to reform. "The study shows particularly well that comprehensive reform can also and especially succeed in federal systems, based on a project in Canada," explains Dr. Philipp Plog, Chairman of the Board of the Legal Tech Association Germany and co-author of the study. The "Civil Resolution Tribunal" in British Columbia is possibly the most advanced online court in the world. Throughout the proceedings, all interactions with the court and its systems are entirely digital. The court has

completed a total of nearly 20,000 disputes with very high user satisfaction: Nearly 85 percent (including losing parties) would recommend it to others. "Federalism can actually promote digitization because state-specific characteristics can be taken into account from the outset," explains Plog. "With the study and the positive examples from other federal nations, we hope above all to reach the justice ministers of the states in Germany so that we can quickly move into concrete implementation," Plog continues.

The countries analyzed have apparently also managed to avoid conducting the discussion about equipping the judiciary solely from a cost perspective, as has recently been the case in Germany in view of mass proceedings. Rather, they recognize systemic digitization as a lever to increase the performance of the judiciary for consumers and businesses. Furthermore, the private sector has been heavily involved to learn from their expertise and implementation strength.

What this means for Germany

The study shows that Germany still has a long way to go in digitizing the justice system. The technical solutions used in Germany are comparatively underrepresented, outdated and not sufficiently user-oriented. In addition, they are implemented inconsistently in the individual federal states, courts and specialized jurisdictions. "Digitization of the judiciary is lagging behind leading countries, while court congestion, cost pressures and the impending wave of retirements (more than 25 percent of all judges will retire by 2030) are increasing the pressure to modernize and digitize the courts," said Christian Veith, Senior Advisor at BCG and co-author of the study.

"To start, Germany needs to set a goal of becoming a leader in digital justice. Clearly defined governance structures - ideally at ministerial level - are essential to this. Significant budgetary resources must be allocated and multi-year procurement procedures redesigned. We should also draw on the experience of the private sector to achieve results more quickly," says Dr. Philipp Plog.

Implementation could be guided by three elements: increasing the efficiency of the courts, including speeding up procedures; a clear commitment to user orientation, including modern software and process development; and a timely introduction of data analytics to provide the relevant information to identify and solve the most pressing problems. Dirk Hartung adds: "If Germany continues with its current digitization strategy, we may spend the next few years digitizing existing court processes and improving existing solutions. However, in doing so, we will neither ensure better access to justice, nor increase efficiency, nor use new technologies in a meaningful way. Continuing as before is therefore not a good option."

About the study

For the study, nearly 50 in-depth interviews were conducted with judges, clerks and IT managers from courts, government officials, in-house attorneys, partners and managers from large law firms, board members from trade associations and academics, managing directors from law firms, owners and managing directors, from insurance companies, board members from trade associations and academics. The interviews were supplemented by extensive research, analysis and evaluation of existing literature. Based on a detailed comparison of countries, the study also derives concrete proposals for solutions and strategically necessary steps for Germany.

About Bucerius Law School:

Bucerius Law School is the first private law school in Germany. Established in 2000 by the ZEIT- Stiftung Ebelin und Gerd Bucerius, Bucerius seeks to offer the highest quality in internationally focused and practical-oriented legal education. Combining rigorous legal instruction with a mandatory term abroad, business administration classes, foreign language studies, a technology curriculum including computer science, and data science as well as coding, professional internships, and a broad nonlegal academic program, a Bucerius education offers students a complete and well-rounded package. Its international orientation sets Bucerius apart from other law schools in Germany and is central to its mission to advance international legal education by focusing on the diverse legal systems shaping

international law and business today. Since its inception, Bucerius has been recognized as a model for higher- education reform throughout Germany.

Press contact:

Jonathan Schramm
Tel.: (040) 3 07 06 - 2941
jonathan.schramm@law-school.de

About BCG:

Boston Consulting Group (BCG) is a global management consulting firm and the world's leading advisor on business strategy. We partner with clients from the private, public, and not-for-profit sectors in all regions to identify their highest-value opportunities, address their most critical challenges, and transform their enterprises. Our customized approach combines deep insight into the dynamics of companies and markets with close collaboration at all levels of the client organization. This ensures that our clients achieve a sustainable competitive advantage, build more capable organizations, and secure lasting results. Founded in 1963, BCG is a private company with offices in more than 90 cities in 50 countries. For more information, please visit bcg.com.

Press contact:

Julian Bird
bird.julian@bcg.com
M +49 151 6895 1371

About The Legal Tech Association Germany:

The Legal Tech Association Germany is committed to an innovation-friendly framework for legal services. It is the platform for exchange between a wide variety of players in the German legal market. Its members are law firms, legal departments, legal protection insurers, software companies, legal-tech startups and legal services providers. The association was founded in 2020 and has been shaping the transformation of the legal market in numerous debates and parliamentary initiatives. It is guided by the conviction that innovation arises when different perspectives and disciplines interact.



Press contact:

Charlotte Falk
presse@legaltechverband.de
M +49 176 668 219 79