# Online Procedure Rules and Access to Justice Sarah Stephens, March 2024

# How can we make the justice system work better for people?

## Integrated digital justice system

The vision of the Master of the Rolls:

"...digital justice is an entirely smart system that operates online.. to identify and resolve the issues between the parties...

Judges, arbitrators or experts will still be responsible for the ultimate decision, but routine or interim processes may be automated and resolved by algorithms, always provided that the parties know what AI is deciding and retain the right of appeal to a human judge."

# Formation of the Online Procedure Rule Committee (OPRC)

- Established in June 2023 under the Judicial Review and Courts Act 2022
- Charged with regulating online court services in civil court, family courts and tribunals

# Key Functions and Responsibilities

- Develops rules for online court services and sets standards for online dispute resolution providers
- Facilitates seamless transfer of unresolved cases from pre-action space to online court system
- Rules will be for proceedings of a specified kind, so an affirmative SI will be required to confer areas within its remit

### OPRC – 6 Members

#### 3 Judicial Members

- Sir Geoffrey Vos, Master of the Rolls (Chair)
- O Sir Andrew McFarlane, President of the Family Division
- The Right Honourable Sir Keith Lindblom, Senior President of Tribunals

#### 3 Expert Members

- Brett Dixon, legal expert
- Sarah Stephens, lay advice sector expert
- Gerard Boyers, technology expert

### **OPRC Sub-Committee structure\***

#### **OPRC**

- Final sign-off of rules
- Liaison with other rule committees/chairs
- External Engagement

#### **Data and Technology**

- To make recommendations on the handling, use, sharing, and storage of data.
- Liaison with the SDGP.
- Horizon scanning and engaging with sector
- Working with HMCTS to inform decisions on useful approach to developing rules, APIs and data requirements

#### Governance, Rules and Liaison

- Develop proposals for how OPRC will approach its role in providing the governance framework to allow electronic transfer between ODR providers and HMCTS.
- Work will feed into creation of rules.
- Work collaboratively with the MOJ policy team to identify how best to maximise stakeholder input
- Liaise with the jurisdictional rule committees in Civil, Family and Tribunals

# OPRC Indicative Timelines\*

- Further develop and agree sub-committee remits
- Begin identifying members for subcommittees
- Discussion on work programme/SI

November 2023

Launch event

- Sub-committees at full complement and begin work
- Decisions on SI

Spring 2024

#### Future

- Affirmative SI to go to Parliament
- Development of guiding principles in the approach to rulemaking
- Development of first Online Procedure Rules

Autumn 2023

### Discussion: OPRC and Access to Justice

- Unintended consequences?
- Additional barriers to justice?
- What is the problem for which a digital portal is the answer?
- Is the problem the same for all user/potential users. How does the proposed solution meet the needs of different user groups with varied challenges and capabilities.
- Can/ will technology bridge the capability gap?
- People seeking to resolve legal issues have interconnected issues and journey. See this
  interactive map can be accessed here: <a href="https://moj.kumu.io/civil-family-and-tribunal-ecosystem">https://moj.kumu.io/civil-family-and-tribunal-ecosystem</a>

# Thank you!

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