

Insights

THE PANDEMIC IS DRIVING TECHNOLOGY'S TAKEOVER OF LEGAL HEARINGS

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SUMMARY

COVID-19 has catalysed the re-examination of the traditional operation of the legal sector and, in particular, the technology required to facilitate the conduct and resolution of disputes. Most conspicuously, this has been shown through the move toward virtual hearings before Courts and regulators.

Over the last few years of technology playing an increasing role in contentious matters, however, there has remained a reluctance to move away from the conventional conduct of trials and hearings. The current crisis has quashed this resistance and demanded that parties, clients, Courts and regulators now adapt and find virtual solutions. This has resulted, in some cases, in a complete digital transformation of hearings.

So what are the consequences of this transformation?

- For **interlocutory, small regulatory hearings and straightforward party-to-party trials**, there is little doubt that the transition to remote hearings has, and will continue to have, costs savings. For example, reduced costs are incurred in the creation of electronic bundles as well as savings made from not copying or printing documents that have historically been simply “factored in” and accepted as a part of the price of litigation.
- For **large and complex trials**, the co-ordination and conduct of often multi-party and potentially multi-jurisdictional virtual hearings presents complications. Matters such as latency, connection and equipment issues will doubtless have an impact on virtual hearings as advocates will likely have less opportunity to respond directly to issues as they arise, witnesses appearing over video link will have more time to consider responses during cross-examination. However, using “custom-built” hearing presentation technology, will certainly assist in reducing some of these potential issues.

From the client's perspective, it is clear that the early intervention of technology in the conduct of a case (from the receipt and processing of data, to the preparation of bundles for a remote trial) will take on increased significance and present considerable opportunities for significant savings.

Jason Alvares and Alexandra Kirby wrote about this in our Emerging Themes in Financial Regulation 2021 publication.

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