eAccess to Justice

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Contributors

Jane Bailey is a Full Professor in the Common Law Section (English) at the Faculty of Law, University of Ottawa, who teaches cyberfeminism, technoprudence, contracts, and civil procedure. She is the co-principal investigator with Dr. Valerie Steeves on “The eQuality Project,” which is funded by a seven-year SSHRC Partnership Grant, and team leader of Working Group 1 on a seven-year MCRI project entitled “Rethinking Processual Law: Towards Cyberjustice.” Her current research focuses on how “big data” and behavioural targeting shape the online environment in ways that set youth up for conflict, as well as the privacy and equality concerns arising from surveillance, and the relationship between technology and access to justice.

Katia Balbino de Carvalho Ferreira has been a Federal Judge in Brazil since November 1995. Her numerous appointments and assignments include: President of the Permanent Commission to standardize the Study of Information Technology Platform in Federal Courts by the Federal Council of Justice and Chair of the Technical Commission of Judiciary Certifying Authority (AC-JUS), May 2006 to August 2007; assigned by the Council of Federal Courts as member of the Committee of Procedures Systems and Records for the Federal Justice and by the 1st Regional Federal Court as member of the Special Committee on Standard Procedures Records from May 2006 to April 2008; member of the Management Committee of e-JUS from
December 2007 to April 2008; member of the Committee for the Implementation of Tax Enforcement Virtual Procedures from June 2006 to April 2008; and as a member of the Commission for the Creation of the Manual of Virtual Small Claims System from October 2005 to April 2008); Head of Goals for the Judiciary for the years 2010, 2011, and 2012, for the 1st Regional Federal Court; and member of the Committee on Security of the Federal Courts in August 2011.

**Renaud Beauchard** is a specialist in rule-of-law projects and African investment law. He has undertaken numerous African missions on behalf of the World Bank and the Millennium Challenge Corporation (MCC). His major projects include assistance to the MCC Access to Justice project’s efforts to reform Benin’s courts, regulatory offices, and procedural codes. Mr. Beauchard is a French national who is fluent in English.

In France, Mr. Beauchard formerly specialized in matters concerning admiralty, collisions, commercial law, employment law, insurance litigation, international trade, maritime pollution, and transportation. Mr. Beauchard has regularly served as counsel in international commercial litigation and arbitration, including such major tort and environmental disputes as the “Erika” and “Mont Blanc” cases.

From August 2009 to April 2011, Mr. Beauchard served as a consultant to the World Bank’s Office of Evaluation and Suspension (OES). In this capacity, he assisted the evaluation and suspension officer in reviewing accusations leveled against allegedly fraudulent, corrupt, coercive, or obstructionist companies and individuals. Mr. Beauchard has also advised OES on comparative-law issues and sanctions policy.

**Karim Benyekhlef** has been a Professor in the Faculty of Law at the Université de Montréal since 1989. He has been seconded to the Centre de recherche en droit public (Public Law Research Centre) since 1990 and served as its Director from 2006 to 2014. He was also the Director of the Regroupement stratégique Droit, changements et gouvernance (Strategic Law, Change and Governance Group), which brings together some fifty researchers, from 2006 to 2014. At the same time, he was the Scientific Director of the Centre d’études et de recherches internationales de l’Université de Montréal (CÉRIUM—Université de Montréal International Research and Study Centre) from 2009 to 2012. He is now Director of the Cyberjustice
Laboratory, which he founded in 2010. He holds the Chaire de recherche en information juridique Lexum (Lexum Research Chair on Legal Information) and serves as a member of CÉRIUM’s science and advisory committees.

Jacquelyn Burkell is Assistant Dean of Research and Associate Professor in the Faculty of Information and Media Studies at the University of Western Ontario. Dr. Burkell’s research focuses on the empirical study of the interaction between people and technology, with a particular emphasis on the role of cognition in such interactions. Specific aspects of this research include the impact of presentation on information use and understanding, the design of human-computer interfaces, and the social impact of technology. With respect to this latter topic, she is interested in the impact of computer mediation on communication and the perception of self. Much of this work focuses on anonymity in online communication, examining how the pseudonymity offered by online communication is experienced by online communicators, and how this experience changes communication behaviour and interpretation. Dr. Burkell is also involved in research on the credibility of online information and information sources. Part of this work will focus on intelligent agents and virtual representatives as information sources, examining whether the credibility of these sources is assessed according to the same criteria used to establish the credibility of human information sources.

Clément Camion is a lawyer at the New York bar and a graduate of McGill University, Faculty of Law. He graduated magna cum laude in Political Science and Philosophy from the Université de Montréal. His research interests are centered on the construction and deconstruction of notions of sovereignty and the state, the divide between public and private entities, as well as constitutionalization processes in both historical and contemporary settings. He is also an advocate of plain language and clear communication in the legal field, and is pursuing several projects meant to foster access to justice, including through his work with the plain legal language and clear communication leader organization in Quebec, Éducaloi.

Guy Canivet is a member of the Conseil Constitutionnel de la République française. He was appointed on February 22, 2007, by the president of the National Assembly, and took the oath of office on March 5, 2007, before the president of the republic.
**Fabien Gélinas** teaches and conducts research in the areas of international-dispute resolution, contract law, and legal theory. Formerly General Counsel of the International Court of Arbitration of the International Chamber of Commerce, he is a member of the Quebec bar and acts as an arbitrator and as a consultant on dispute resolution and legal reform.

In April 2013, he was appointed a Norton Rose Faculty Scholar in Arbitration and Commercial Law for a two-year term. In November 2014, he was elected president of the Arbitration Committee of the Canadian Chamber of Commerce.

**Donald Horowitz** was a King County Superior Court Judge and Senior Assistant Attorney General for the State of Washington, serving as Chief Counsel for the Department of Social and Health Services. After retiring from his private law practice in 1991, he has served as a mediator and arbitrator while remaining involved in a broad range of community service projects.

Mr. Horowitz has authored legislation in a variety of areas, including the Mandatory Child Abuse Reporting Act; Crime Victim Compensation Act; Adoption Subsidy Act; the law allowing emergency medical care for children whose parent or guardian is unavailable; and the law requiring interpreters for persons with hearing disabilities in courts and other legal proceedings. He has been an instructor for the National Institute of Trial Advocacy and an Adjunct Professor of Civil Trial Practice and Consumer Protection at Seattle University School of Law. He has served as a mediator for the United States District Court for the Western District of Washington and a judge pro tem and arbitrator for King County Superior Court. In 2010, Mr. Horowitz was awarded the WSBA’s highest honor, its Award of Merit.

**Xandra Kramer** is Professor of law at the Erasmus School of Law (Rotterdam, the Netherlands). She studied law at Leiden University (cum laude), specializing in private international law, civil procedure, comparative law, and philosophy (and where she was awarded the Leiden University thesis prize). She received the Ars Aequi prize (1996) for her first article, written as a student. She was an Assistant Professor at Leiden University and obtained her PhD on provisional measures and private international law in 2001. She worked as an associate professor at Erasmus School of Law and was appointed full professor in February 2011 (chair, European Civil Procedure).
Giampiero Lupo received his PhD in Political Science-Comparative and European Politics in 2010 at the University of Siena. He is a former researcher of the University of Bologna, working on deliberative democracy, quality of democracy, justice systems, and e-justice. He is a researcher at the IRSIG-CNR (Research Institute on Judicial Systems—National Research Council), of Italy, participating on a set of international projects such as “Building Interoperability for European Civil Proceedings Online,” e-CODEX, and Towards Cyberjustice, and publishing the results of his research in peer-reviewed books and articles the results of his research. His main scientific interests are e-justice, quality of democracy, quality of justice systems, access to justice, and deliberative democracy.

Sherry McLennan joined the Legal Services Society of British Columbia as a staff lawyer in 2000, following a career in private practice in both BC and Saskatchewan. While at LSS, she has worked in a number of capacities that saw her implement the family duty counsel program and later manage intake, offices, and local agents. Since becoming director in 2009, Sherry has overseen the integration of information and referral services in the application process, and the expansion of public legal education and information services to include community partners and enhanced Aboriginal services. Sherry is the Chair of the BC Public Legal Education & Information Working Group and sits on the advisory committees of two national access to justice projects: the National Self-Represented Litigant Project and the Evolving Legal Services Project.

Pierre Noreau is Full Professor at the Centre de recherche en droit public de l’Université de Montréal, where he has been teaching and conducting research since 1998. He is trained in political science and law, and works particularly in the area of law and sociology. His empirical work deals notably with the judicial system, alternative dispute resolution, access to justice, the political mobilization of law, and ethnocultural diversity and law from the perspectives of legal pluralism and the institutionalization of social relations. His more recent work deals with family mediation, communal justice, the implementation of law by actors of the penal system, law, and cultural communities, and the conditions of interdisciplinary research in law. In addition to his training in law, Pierre Noreau holds a doctorate from the Paris Institute of Political Studies (Sciences Po).
**Dr. Graham J. Reynolds** teaches and researches in the areas of copyright law, intellectual-property law, property law, and intellectual property and human rights. Prior to joining the Allard School of Law in 2013, Graham was an Assistant Professor at the Schulich School of Law at Dalhousie University, where he was the Co-Editor in Chief of the *Canadian Journal of Law and Technology* and a member of Dalhousie University’s Law and Technology Institute. The recipient of an award for excellence in teaching, Graham has completed graduate studies at the University of Oxford, where he studied on a Rhodes Scholarship, a Pierre Elliott Trudeau Scholarship, and a Social Sciences and Humanities Research Council of Canada Doctoral Award. He has also served as the judicial law clerk to the Honourable Chief Justice Lance Finch of the British Columbia Court of Appeal. Graham’s doctoral work focused on the intersection of freedom of expression and copyright in Canada.

**Meredith Rossner’s** research interests focus on the intersection of social interaction and judicial processes. This has led to a number of research projects on the emotional and ritual elements of the justice process, with a particular focus on the role of lay people. She has conducted research on the emotional dynamics of restorative-justice conferences, the dynamics and democratic potential of jury deliberation, and how design and technology impact justice proceedings.

Prior to joining the Faculty of Law at the University of Ottawa as an Assistant Professor, **Amy Salyzyn** received her LLM from Yale Law School and her JD from the University of Toronto Law School. Amy has also served as a judicial law clerk at the Court of Appeal for Ontario and has practiced at a Toronto litigation boutique. Her litigation practice included a wide variety of civil and commercial litigation matters including breach of contract, tort, professional negligence, securities litigation, and employment law, as well as administrative law matters. In fall 2011, she was a Visiting Researcher at Osgoode Hall Law School.

In addition to legal ethics, Amy’s research focuses on gender and the law, law and technology, and civil-justice reform. In 2013, Amy was the Research Director for a project on ethical infrastructure in Canadian law firms that was undertaken by the Canadian Bar Association Ethics and Professional Responsibility Committee. She was also awarded the 2013-14 OBA Foundation Chief Justice of
Ontario Fellowship in Legal Ethics and Professionalism (Fellowship in Studies) to study the ethical implications of lawyers’ pre-litigation demand letters.

**David Tait** is the Leader of the Justice Research Group. He is a scholar in criminology and sociology with a background in social statistics, guardianship and mental health, sentencing, jury research, and urban sociology. Prior to taking up his position at Western Sydney University, David was Associate Professor/Senior Lecturer at the Law School of the University of Canberra from January 2005 until May 2009.

Professor Tait is currently Co-ordinator of the Court of the Future Network. He has a special interest in justice processes, particularly how justice is performed and experienced in different cultural and national settings. This has led to research on juries, mental health and guardianship tribunals, restorative-justice conferences, court safety, and remote witness communications. In this he collaborates with a range of academic fields, including law, psychology, forensic science, architecture, media studies, and management. He is currently leading large cross-disciplinary teams in three ARC Linkage grants and one ARC Discovery grant.

**Nicolas W. Vermeys**, LLD (Université de Montréal), LLM (Université de Montréal), CISSP, is a professor at the Université de Montréal’s Faculté de droit (Faculty of Law), a researcher at the Centre de recherche en droit public (Public Law Research Centre, or CRDP), the codirector of the maîtrise en commerce électronique (an e-commerce master’s program offered by the Université de Montréal in collaboration with HEC Montréal) and the associate director of the Cyberjustice Laboratory. He also serves as a legal adviser for the law firm of Legault Joly Thiffault. Mr. Vermeys is a certified information system security professional (CISSP) as recognized by the International Information System Security Certification Consortium (or ISC), and is the author of numerous publications relating to the impact of technology on the law, including *Actes illicites sur Internet: Qui et comment poursuivre?* (Yvon Blais, 2011), *Responsabilité civile et sécurité informationnelle* (Yvon Blais, 2010), and *Virus informatiques: Responsables et responsabilité* (Thémis, 2006). He also sits as a member of the boards of SOQUIJ, Éducaloi, and the Canadian Center for Court
Technology, and serves as a member of the scientific panel of different law journals, including *Lex Electronica*, for which he served as editor-in-chief from 2001 to 2003. Mr. Vermeys’ research focuses on legal issues pertaining to information security, developments in the field of cyberjustice, and other questions relating to the impact of technological innovations on the law. He is often invited to speak on these topics by the media, and regularly gives lectures for judges, lawyers, professional orders, and government organizations in Canada and abroad.
Law, Technology and Media

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How can we leverage digitization to improve access to justice without compromising the fundamental principles of our legal system? eAccess to Justice describes the challenges that come with the integration of information and communication technologies into our courtrooms, and explores lessons learned from digitization projects in Canada and abroad. With contributions by leading experts in the field, the work is divided into three parts. Part I focuses on ways in which digitization projects can affect fundamental justice principles and emphasizes the complicated relationship between privacy and transparency in making court records and decisions available online. Part II, in turn, examines the implementation of digitization technologies in the justice system with a focus on four different technologies (e-filing, videoconferencing, tablets for presentation, and review of evidence by jurors). Finally, Part III explores the complex web of values, norms, and practices that support our systems of justice, the reasons for the well-established resistance to change, and the avenues and prospects of eAccess in the future.

eAccess to Justice is a must-read work that provides a unique and valuable framework for thinking about the implications of digitization and the legal system.

Karim Benyekhlef is Professor of Law at the University of Montreal. He is also the Director of the Cyberjustice Laboratory, which he founded in 2010. His recent publications include Vers un droit global (2016) and Une possible histoire de la norme. Les normativités emergentes de la mondialisation (2015).

Jane Bailey is Full Professor at the University of Ottawa Faculty of Law (Common Law Section). Her research is focused on issues at the intersection of law, technology, and equality. Her recent publications include eGirls, eCitizens, co-edited with Valerie Steeves (2015).

Jacquelyn Burkell is Assistant Dean of Research and Associate Professor in the Faculty of Information and Media Studies at the University of Western Ontario. Her research focuses on the empirical study of the interaction between people and technology. Her recent publications include Remembering Me: Big Data, Individual Identity, and the Psychological Necessity of Forgetting (2016).

Fabien Gélinas is Professor of Law at McGill University, where his research focuses on legal theory, international arbitration and civil procedure. He co-founded the Montreal Cyberjustice Laboratory, and now heads the Private Justice and the Rule of Law Research Group. His recent books include Foundations of Civil Justice (2015).