

# EMBRACE THE CHALLENGE

The virus will turbo-charge the legal industry's transformation and make it necessary for lawyers and judges who have never used technology to perform essential functions through it

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**C** OVID-19 has had an unparalleled impact on everyday life, globally. Governments have issued instructions to self-isolate, entire industries and countries are in lockdown and new information is disseminated on a daily basis. The pandemic has had a colossal impact on markets, businesses and working life. While the scourge of Covid-19 will pass, when and at what cost is the moot question. And what are the new challenges and lessons the legal fraternity can learn from it?

## AN EXPERIMENT IN APPROACH TO LAW

The coronavirus will turbo-charge the legal industry's transformation. It will propel law into the digital age and reshape its landscape. The entire legal ecosystem will be affected—consumers, providers, academics and the judicial system. Digital transformation has been a C-Suite priority for years, but the legal industry has hardly taken notice of it and is unprepared. Coronavirus will change that. It will produce a swift, comprehensive, top-to-bottom re-imagining of the legal sector.

The most notable impact Covid-19 has had on a vast majority of workers is the impetus to work from home. No doubt, remote working has its own benefits for the three key stakeholders con-

## ALL ABOUT MINDSET

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cerned—law firms, lawyers and clients. For law firms, working remotely has been shown to boost productivity, helped attract top talent and offered more options for clients to interact with them beyond the brick and mortar walls of their offices.

For lawyers, flexible working policies have helped balance commitments at home, eliminated lengthy commutes and given a greater degree of control as to when and how they want to do their work. Lastly, remote working has helped clients access sources of legal knowledge without having to travel to offices.

The use of cloud-based platforms for the distribution of files and information underpins benefits to these three stakeholders by allowing employees to work on matters from wherever they are based, at any time.

The most important thing law is learning from this pandemic is the need to have alternative means and methods for doing jobs.

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ciously clung to traditional ways of doing things. Even after the global financial crisis, law firms adjusted at the margins—furloughs, reduced rack rates and internal cost-cutting measures. This time, things will be different; the changes will be broad, deep and enduring.

The pandemic has made it necessary for lawyers and judges who have never used technology such as video-conferencing to conduct essential functions through them. Even after the pandemic passes, these changes will stay. And the legal profession should take advantage of the technological advances that are available to us.

One is using secure forms of video communication. Lawyers need to know how to securely access documents and enable quick, efficient communication with staff and clients. It has also become apparent that the siloed work of a lawyer needs to be expanded into the practical aspects of practising law.

For example, new lawyers need to be taught how to mail certified letters, how to call the clerk for scheduling, when and where to send important documents,

how to send a fax (with or without a fax machine) and other seemingly "trivial" administrative tasks that are actually the backbone of the legal practice.

## BIG LAW FIRMS

At a wider level, there is a recognition that businesses don't need an office full of people or to be in a posh locality. Covid-19 exposes the vulnerability of congested workplaces and commuters and it may prove a pivotal point in considering whether law firms should look to move away from lavish-looking offices and focus on a more virtual office environment.

This could see a major change in how big law firms operate and work in the long run. With more people working from home, the need to commute to the workplace is proving non-essential.

The government should also consider this carefully when planning future infrastructure. By encouraging more regional hubs and virtual offices, it will take huge pressure off the transport system, spread more wealth into other regions and crucially make it more difficult for viruses like Covid-19 to spread.

## COURTS WILL GO DIGITAL

The justice system is at a virtual standstill at a time when it is most needed. This is the moment when courts around the world can be redesigned to be faster, more accessible, creative, scalable and efficient. A crippled justice system imperils our already flawed democracy.

There are encouraging signs that judicial modernisation will occur. Courts are going digital and assisting judges, lawyers, officials and litigants.

## SUPREME COURT APPROACH

The Covid-19 crisis has pushed the Supreme Court to fast-track administrative reforms, a move that could speed up disposal of cases, digitisation of records and switching to paperless courts. On May 26, 2020, the apex court's computer cell developed a software called SCI-Interact, to make all its 17 benches →



paperless.

At an online seminar held recently to unveil the e-courts module, Chief Justice SA Bobde acknowledged that the pandemic gave impetus to the changes brought in during the lockdown period. These reforms will streamline access to the justice delivery system and make it affordable for litigants.

#### VIDEO-CONFERENCE HEARINGS

A day before the lockdown was announced on March 24, the top court switched to digital hearing of “urgent matters”. This restricted manner of working allowed social-distancing norms and reduced the footfalls in courts.

The Supreme Court adopted a new technology and opened itself to public scrutiny with video-conference hearings. Judges who rarely use the public address system during court proceedings have held online courts from residences, with lawyers addressing them from their offices, and, in some instances, their homes.

On May 2, 10 benches of the Supreme Court heard matters via video-conferencing, with 1,594 advocates joining. These hearings are being conducted through the Vidyo app under the management of the Supreme Court e-committee headed by Justice DY Chandrachud.

**On May 2, 10 benches of the SC heard matters via video-conferencing. These hearings are being conducted through the Vidyo app (above) under the management of the SC e-committee.**

Initially, the Court began with two benches and gradually increased to ten. The number of cases before each bench has also increased. The Court further invoked its discretionary jurisdiction to permit all High Courts and trial courts to hold virtual hearings, subject to their own guidelines.

Ruchi Kohli, additional advocate general for Haryana in the Supreme Court, told *India Legal*: “Digital hearings are a positive change, though they cannot replace the old system. Future hearings should be a judicious combination of physical courtroom proceedings and virtual courts.” She added: “The new system has given an identity to Advocates-on-Record (AOR), who were only allowed to file cases and remained under the shadow of the senior counsel during hearings.”

#### E-FILING OF CASES

The Supreme Court’s e-committee has revised the existing e-filing system to design an interactive platform for law-

yers and litigants to file cases on a 24×7 basis. Earlier, cases were filed at designated counters in the Court between 10 am and 5 pm on weekdays and before noon on Saturdays. The new facility incorporates online court fee payment, use of digital signatures and a digitised scrutiny mechanism to identify defects and objections in the petitions. All documents will be uploaded on the filing portal with signatures of the person filing it. A step-by-step guide is available to explain how digital signatures can be generated and used for filing. This e-sign facility is free of cost, especially for litigants and lawyers who do not possess a digital signature token or cannot afford to purchase it.

Online payments can be made through the Stock Holding Corporation of India. They can be paid by debit card, credit card, UPI or net banking through Atom Bank. Litigants who want to appear in person can register on the portal using paperless “Know Your Customer” mode by giving Aadhaar details.

Senior Supreme Court advocate Aishwarya Bhati said it was a positive move. “E-filing has been in the offing for almost two decades. You do not need two decades to toy with an idea. The pandemic has thrown challenges at us, and the institution has used this opportunity to integrate technology and use it as a force multiplier,” she told *India Legal*.

The contours of the post-corona legal world are taking shape. There are challenges and opportunities. Those who upskill and adopt a learning-for-life mindset will find opportunities. Others who stand pat, hoping that things will soon return to the before-corona world, will be redundant. Covid-19 will produce a thinning of the herd and a new legal industry. Embrace the challenge. ■

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