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Virtual Hearing Platform: The Use of Technology to Ensure Access to Justice

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ABSTRACT

The legal scenario across the globe has witnessed a revolutionary change. With the parties moving to the court to get justice, to the alternative dispute resolution techniques such as arbitration, mediation, negotiation and conciliation being adopted, the 21st-century tech-oriented era demands digitization of the legal field also. This proposition gives birth to the concept of ‘Online Dispute Resolution’ more popularly has been known as the ‘Virtual Hearing Platform.’ Online Dispute Resolution is the process of resolving disputes among the disputing parties using e-techniques. Bygone are the days when disputes mandated the parties to move to the court to secure justice. This technique is popularly used in the corporate field to resolve multi-billion dollar deals and disputes among the disputing parties. The modern day court does not only witness civil and criminal matters, but also a great deal of corporate and commercial cases too. With transnational business taking place globally across the world, it becomes nearly impossible for the business houses to even have their disputes via inperson. This mode of access to justice is very popular in foreign countries as compared to India. The present paper seeks to analyze the use of the Online Dispute Resolution Mechanism as a tool to gain access to justice.

Keywords: *Online Dispute Resolution, Justice, Disputes, e-courts, legal, Virtual Hearing Platforms*

I. INTRODUCTION

As a response to the outbreak of Covid-19 and the condition precedent that justice system should not be halted at any cost, Virtual Hearing Room (*hereinafter referred as ‘VHR’*) has emerged as a reaction to the physical courtroom hearing. It’s not new for the use of technology in the field of law as Online Dispute Resolution is emerging as a new genre of law to deal with the cases. However, this Covid-19 has ensured the use of technology in the field of law to maintain the continuity of “Access to Justice ” to all classes of people in the society. A Virtual Hearing Platform can be defined as a field of technology law where the disputing parties, their counsels as well as the Judges hear the claims of the disputed parties, the counsels argue virtually and every stage of courtroom procedure is done virtually, be it submission of evidence, recording

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of statement to the judgment and the decree with the flexibility that any one of the stakeholders are not required to visit the court premises to submit their point. The distinguishing advantage of VHR is that everyone can access justice from the comfort of their home.

II. WHAT IS ACCESS TO JUSTICE?

At its most essential level, the expression "access to justice" signifies the capacity that an individual has in accessing the laws. This incorporates, and isn't restricted to, the capacity to bear the cost of a lawyer and document a claim. There is simply a lawful right to a lawyer in the event that an individual faces a crook allegation. There is no right to a lawyer for civil cases. However, regardless of whether an individual is accused of wrongdoing and picks to utilize a government counsel, there are still obstructions that could keep them from getting a quality defense, no matter what their charge and whether they would like to enter a particular supplication or even acknowledge a request understanding. Despite the fact that it is an established right to be addressed by a lawyer, there are many states that require impoverished litigants to pay to get to a public prosecutor. While the charge might be founded on a sliding scale and it might appear to be ostensible to pursue, this makes access to justice a distant dream for some people.

In civil law there is no sacred right to a lawyer. The members of the bar guide to have access to justice. Nonetheless, many don't have the assets, enough workers, or enough workers to help each individual who searches them out. Also, obviously, there is the court framework itself. There is the expense of documenting, contesting, or potentially protecting a claim. There is likewise the question of getting a fair outcome. All claims are unique, obviously. For common matters, it is quite often preferable to settle over to go to court (not lawful counsel, using any and all means... simply sound judgment). Case is costly. Regardless of whether a possibility expense is involved, a claim can undoubtedly cost an individual at least Rs.10000. The more confused the claim, the costlier it becomes. When somebody will court, there is by and large no assurance that they will come by the result they look for.

Talking about "when somebody will court," how much time it takes to get into the court is one more issue that malades access to justice. This is definitely not another issue that began with the pandemic. Courts were supported well before closing down and halting jury preliminaries. For those new to the idea of access to justice, many adjudicators urge the defendants to initially profit themselves of more affordable (and frequently less tedious) choices like mediation, negotiation and conciliation. For both civil and criminal matters, the time it takes to get can be negative. Proof can break down or vanish. Witnesses can move away, die, or (in common

matters) conclude they never again wish to take part. This halts the access to justice.

III. HOW TECHNOLOGY ENSURES ACCESS TO JUSTICE?

There is no question that innovation has an impact in further developing access to justice, both in the common and criminal regulation frameworks. Once more, be that as it may, we actually have quite far to go as a country and as a general set of laws. That doesn't imply that we don't have what is by and large remembered to be the best overall set of laws in the world. We do, in any case, actually have a lot of opportunity to get better with regards to access to justice for everybody, particularly minorities and anybody without the monetary means to get to the general set of laws. Innovation helps cut legitimate costs. For the vast majority of civil cases, there could be as of now not a need to enlist a lawyer. There are lawyers for contracts, divorces, insolvencies, leases, removals, and for all intents and purposes all the other things.

Giving free internet based assets such as legitimate guide sites, bar affiliation sites, and numerous lawful center sites give free web-based assets to normal civil matters. This incorporates, and may not be restricted to, separate guardianship of grown-ups or kids, expulsion, inhabitant freedoms, aggressive behavior at home data, insolvency, and data about wills.

The more secure form of access to justice is the usage of the internet to meet out justice. This point isn't just about the pandemic. Coronavirus is a simple highlight. A few courts have carried out virtual hearings and trials. Additionally, the capacity to e-record archives, where accessible, keeps both lawyers and gatherings more secure by possibly restricting their openness to the infection. Most law offices keep on presenting basically the choice of online conferences as well as online gatherings. Furthermore, in circumstances where a danger to somebody's security might exist, for example, following or aggressive behavior at home, online open doors could supplier more secure access to justice. As per a concentrate by Harvard, innovation gives "significant admittance to data and the courtroom." With the quantity of openness programs accessible, innovation may, for some, give better access to justice. Innovation has further developed access to lawyers as well as, in certain states, authorized legitimate experts.

Further developed access to raising support would be incognizant. Saving any private sentiments, the capacity to raise support the cash it might take to enlist a confidential lawyer rather than depending on a public safeguard or recruiting a family regulation lawyer as opposed to showing up pro se can have a significant effect in an individual's future.

IV. TARGET AUDIENCE FOR VIRTUAL HEARING ROOMS

There are several stakeholders engaged in a VHR. They are the persons who are actually concerned with the usage of the platform to ensure access to justice is meted out to the persons at large. The stakeholders who are usually connected with the use are:

- a. **The Buyer:** He is the person who actually buys the product. He is largely impacted by the amount spent by him in buying the product. He is the person who actually engages in talk with the ODR/VHR platform and books a hearing room to resolve their disputes.

The following persons can be identified as the buyers of the product:

BUYERS	NEED FOR THEIR PURCHASE
The Plaintiff/Claimant	To resolve his dispute without moving in the court premises to get justice making it time and cost effective.
The Defendant	To save time and money to the large extent coupled with less necessity of travel and with the firm belief that justice shall be delivered within a reasonable period of time and it shall not be stretched for a longer duration (usually it takes a decade to get a civil case disposed off from the courts of law)
The Judges/Arbitrators	They are the persons who are not the direct buyers of the product but they are the indirect buyers of the product. They suggest a particular platform that can be opted by the parties to get their dispute resolved. Their suggestion is taken with utmost consideration as the deciding personnels must be comfortable with the operation of the VHRs for the smooth conduct of the proceedings.
Independent Counsels/Arbitrators	They are the persons who are not attached with any legal organization. They are the personas who present the case of their client (Plaintiff/Defendant) before the Presiding officer or Arbitrator in VHRs. Their need to buy the product is to make it time and cost effective.
The Law Firms	They are the business organizations who act as a buyer of the platform when their clients opt to resolve the dispute or when they

	feel it necessary in certain circumstances to save time, cost and energy of the stakeholders concerned in the dispute.
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- b. **The User:** The users are those persons who actually avail the service of the platform. They are not restricted only to the stakeholders, but in the wider sense it includes personas who are not even the stakeholders in a particular dispute.

A list of table showing up the users of the platform will make us get a more crystal clear picture of the same:

The Users	The Need of the Users
The Claimant	<ul style="list-style-type: none"> a. He is the one who files the case and seeks to get his dispute resolved in an easy and a transparent manner. b. He requires several flexibilities in time. c. To cut down his cost for the courtroom procedure. d. To present his version of the case before the arbitrator.
The Respondent	<ul style="list-style-type: none"> a. He is the one against whom the claimant files the case. b. He uses it to defend the claim put forth by the claimant. c. He also used to put forth a version of the case before the arbitrator. d. To cut down costs as well as not to revolve round the court.
The Counsels/The Law Firms	<ul style="list-style-type: none"> a. They use it to represent their client's standing. b. To cut down their costs in matters of travel, paper works and accessories. c. To also reduce a part of their administrative work.
The Arbitrators	They are the Judges/Presiding officers of the arbitration proceedings. They use the platform to hear the parties' grievances and ensure that the award is passed following the principles of law and natural justice.
The Case Managers	They are the non-stake holders who use the platform during an ODR hearing. They provide administrative assistance during the hearing to the parties and the arbitrators and also act as a communicator among

	them.
The Transcribers	They are the personas who are directly not engaged in a VHR, rather they are given the access to live streaming so that they can cross-check the transcription which is done automatically. In case, if any of the portions of the hearing is missing, he/she can move back/ forth and get the relevant portion corrected.
The Technical Team of the Organization	Usually the stakeholders who opt for ODR are more or less convenient with the technology but cases might arise where some of them might not be tech-savvy. In that case, the technical team assists the parties. It resolves the technical glitches faced by the stakeholders when the live proceeding is going on.

c. **The Decider:** He is the person who decides whether the platform should be used or not.

The Decider can be the following persons:

The Decider	Their Need
Independent Counsels	To resolve the dispute, cutting down his cost of travel, paper work and other accessories along with the flexibility of dates for appearance. They also decide to use it for their client's benefit as it saves their costs also.
Law Firms	Along with cost and time effectiveness, several counsels of the team can join the proceeding and represent their client's interest in the utmost beneficial manner.
Parties	Parties, be it the claimant or the respondent, who are aware of the ODR process highly solicit its usage because it becomes convenient for them to represent their version of the case within his comfort zone along with flexibility in hearing of the matter also.

d. **The Influencer:** They are the persons who actually recommend the usage of the platform to the public at large. He is a person who has the power to affect the purchasing decisions of the users using his position, authority or knowledge with his/her audience. Basically the following persons can be recognized as the Influencers:

i. The Judges of the Supreme Court and the High Court acting as an arbitrator in the platform.

- ii. The Senior Advocates who have acted as an arbitrator/Judge in a hearing conducted on the platform
 - iii. Recommendation of the parties
 - iv. Social Media Pages
- e. **The Payer:** They are the persons who actually pay for the services availed by them from the platform. Following persons can be identified as payers:
- i. The Parties
 - ii. The Law Firms/Counsels, if they hire the service to represent the clients.

However, it is always the parties who ultimately pay for the services available. The only difference is that if they approach independently to their desired platform, they need to pay the amount directly, whereas if they appoint a Counsel or engage a Law Firm to represent their matter, they pay the amount to the Advocates/ law Firms and consequently the Counsels/Firm pays the amount to the platform in which the services were availed.

HOW VIRTUAL HEARING PLATFORMS CAN MEET THE NEEDS OF EACH OF THE PERSONAS VIS-À-VIS THE ACCESS TO JUSTICE

The Virtual Hearing Platforms can meet the needs of each of the personas in following manner:

- i. **The Buyer:** VHPs are time and cost effective and are committed to disbursing the cases expeditiously which all the stakeholders demand be it the plaintiff, the respondent, the arbitrators or the law firms. The buyer(s) does not want to spend more time in the legal proceedings and VHPs are committed to resolve the cases within a short period of time effectively with no lacunas.
- ii. **The User:** VHPs are transparent platforms with no latent policies which helps the claimant and the respondent to heavily rely on it. The users always look for transparency as a key factor in the entire proceeding as it helps to keep a faith that no one party is getting privilege over the other. Moreover, the VHPs provide flexibility of timings as far as the proceedings are conducted. The hearings for the cases are kept according to the availability and the flexibility of timings of the respondents, claimants and the arbitrators. There is provision for e-filing of the statement of claims and defenses which cuts down the cost to a huge extent. VHPs provides administrative support to the counsels by providing them with Case Managers who are almost ready at his/her toes to bring all the stakeholders to the platform on the given date and timing. VHPs uses a tech oriented transcription system which allows the counsels to receive the proceedings in written format within a short period of time.

iii. The Deciders: VHPs are flexible tech-oriented platform which is time and cost effective and this draws the attention of the deciders to use this platform repeatedly along with customized services for the deciders (who happens to be the client of the VHPs- plaintiff, respondent, arbitrator, independent counsels or the law firms.)

iv. The Influencers: VHPs engage experienced persons as arbitrators including the retired Judges of the Hon'ble Supreme Court and the High Courts which helps them to brand their product in the market. The stellar hi-tech features and unmatched facilities at VHPs satisfy the arbitrators to recommend the usage of VHPs platform for the resolution of the disputes.

v. The Payers: The payers are the rational consumers who have adequately fair knowledge of the market and pay only for those which meet their demands. VHPs wide range of flexibilities and hi-tech oriented platform in resolving the disputes online indeed helps the payers to amicably resolve the issue within a short period of time and in a cost-effective method.

LEADING VIRTUAL HEARING PLATFORMS: PAVING THE WAY FOR ACCESS TO JUSTICE.

Some of the leading Virtual Hearing Platforms are Immediation, Web Nyay, RDO, Legaller, Clio, TylerTech, Sparq etc. These platforms have emerged as the

1. Immediation: They have a barrister-designed technology understanding the courtroom procedure. It is built-in documentation which helps in integrated settlements of the disputes. They seek to achieve amicable results by engaging world-class experts and legally trained teams. They help to deliver 1-1 premium service to the clients. It is a tool built by the lawyers and is validated by the Justice Department which gives an added advantage to them for the clients to rely on. The prices for using the platform ranges from Rs. 7500 (approx) for half day to Rs. 10500 (approx) for full day. Their potential clients include Google, Microsoft, Commonwealth Courts of Australia, SBC, Slaughter and May, La Trobe University etc.

2. Web Nyay: It is one such platform that resolves both commercial Disputes and other cases. The high usage of artificial intelligence to answer legal questions and ensure disputes are resolved amicably and expeditiously. It works with experienced professionals that help grow business directly as they include even Queen's Counsel. It has a clean interface, transparent system, controlled, private and secure hearing room. Some of the potential clients include Confederation of Indian Industry, Corporate Law Adviser, Vidhi Online.

3. Resolve Disputes Online (RDO): They resolve every sort of dispute in a cost and time effective method. This helps the parties in statistical reporting and KPI which gives an added advantage over other platforms. It uses end to end encrypted communication and helps the

parties to rely on the privacy and control setting so that they can use the platform repeatedly. They have the unique feature of settlement and judgment builder which draws more experts in the field as it helps see the precedents and judgments at one go. They have also inducted foreign partners to ensure that world-class services are met out to the clients.

4. Legaller: They resolve disputes with end-to-end encryption which gives clients more preference. They also have free usage to all the clients for lifetime which gives an added edge to Legaller as compared to the other platforms. Coupled with unmatched support, be it from the perspective of technology, legal or business which draws more clients than other platforms? Their paid packages are fairly reasonable which cuts down the cost of the clients which is why they prefer it.

5. CLIO: The USP of this platform is that it integrates legal practices with management solutions which help the clients to rely heavily on this platform. It automatically creates time based client invoicing which reduces the task of the counsels, firms and the clients to run after all these administrative tasks for appropriation of fees for the hearings.

6. Tylertech: As a multifaceted platform, it resolves disputes in every verticals of law including providing Virtual hearing Rooms which makes it a one-stop shop for the clients and the attorneys. The user group meetings are free, which allows the clients to test the product and its usage facility before actually paying for it which is indeed a smart move for them to survive in the business. It deals with immense subjects of law and disputes resolution to act as one-stop shop for the stakeholders.

7. Sparq: It is a hybrid experience of no physical interface and providing end-to-end encryption. This is also user friendly and cost-effective so that it meets the demand of all the stakeholders. Applying a unique blend of production and technical skills, they provide innovative and workable solutions that enable the clients to proceed with trials at a sustainable level. The key clients are Clifford Chance, Allen & Overy, Stewarts, and The World Bank etc.

V. SWOT ANALYSIS OF VIRTUAL HEARING PLATFORMS

SWOT analysis indeed means the positive and negative elements of a business. While Strength and opportunities are positive factors, threat and weaknesses are negative factors. On the other hand, the internal factors are strengths and weaknesses, the external factors are Opportunities and Threats.

The SWOT analysis of Online Dispute Resolution methods is as follows:

A. INTERNAL FACTORS

STRENGTH
<ul style="list-style-type: none"> • Employees with a high level of knowledge and capability. • Good foundation and basic for teamwork and delegation of responsibilities. • Strong leadership of top management. • Attractive maintenance department of new employees. • Flexibility of timings which meets the requirement to bring everyone under the same roof.
WEAKNESS
<ul style="list-style-type: none"> • Technology needs to be more advanced as sometimes the arbitrator says, “Next time we shall switch to other platforms as there are frequent problems. • Too much focus on “daily activities and priorities.”

B. EXTERNAL FACTORS

OPPORTUNITIES
<ul style="list-style-type: none"> • Continuous personal development. • Advanced technology. • Long term friendly relations with the clients and other stakeholders. • Flexible workplace and empathetic to the employees. • Standardized platform.
THREATS
<ul style="list-style-type: none"> • Higher dependency on the members of the organization. • Technological constraints. • Too much flexibility in timings.

VI. CONCLUSION

The use of technology in the legal field has immense potential to ensure that justice is given to the people at large. People have the access to justice. Technology enables people to have more

tools to access justice, by allowing access to dispute resolution or reporting mechanisms from their computers or mobile phones. Some of these advances include virtual criminal filings or receiving advice from legal specialists without travel costs. Technology can help institutions solving legal problems to have more efficient processes, preventing bottlenecks and making decisions faster. For example, electronic filing and digital systems can help courts reduce backlog. It helps people have greater access to relevant information to solve their problems. More information helps people know about their rights, thus ensuring greater access to justice.
