



México Evalúa

GUIDE TO GOOD PRACTICE

on the Use of New Technologies
for the Administration of Justice

November 25, 2020

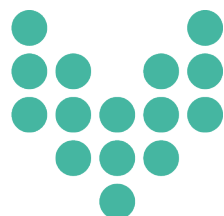


TRANSPARENCIA

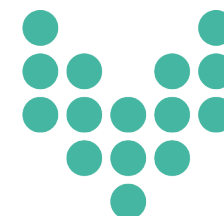


Why this guide?

Digitalization of justice is desirable because:



In the **pandemic** context, it allow us to **scale up services** offered by judicial powers

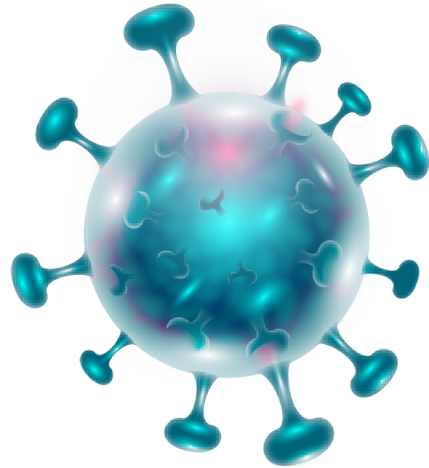


Beyond the ongoing crisis, it **improves justice administration efficiency** and **broadens access to justice**



Why this guide?

If




Then





Why this guide?

Technological development in the administration of justice faces **many challenges**:



**Lack of
knowledge of
some judicial
powers**



**Existing legal
framework**

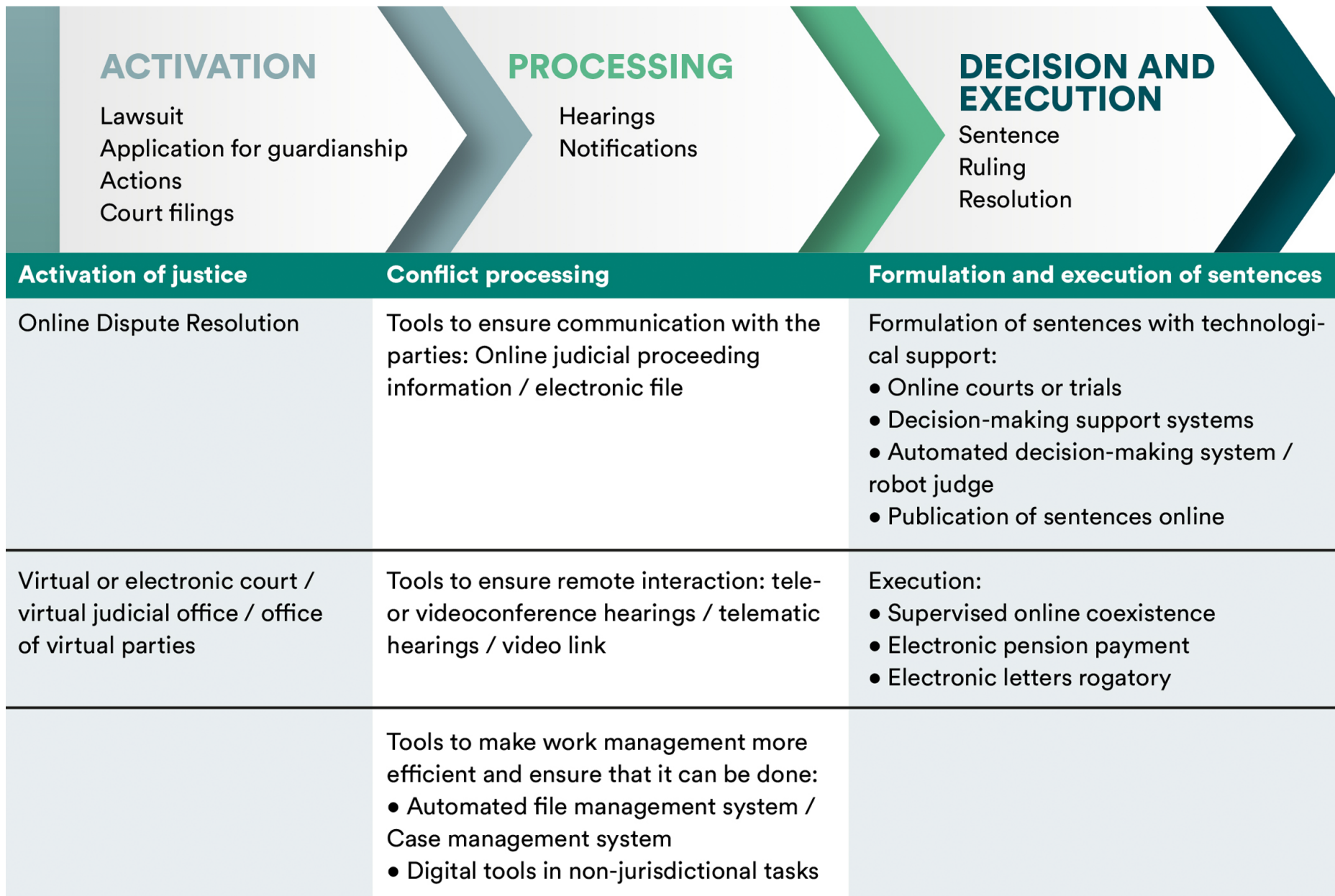


Methodology

- Analysis of national and international **literature**
- Review of judicial powers' **websites** in Mexico (32 state powers and the federal) and other countries
- **In-depth interviews** with judicial powers' representatives in Mexico and other countries
- 3 **webinars** organized in June with judicial powers' representatives, lawyers and scholars



Different technological tools for different procedural moments

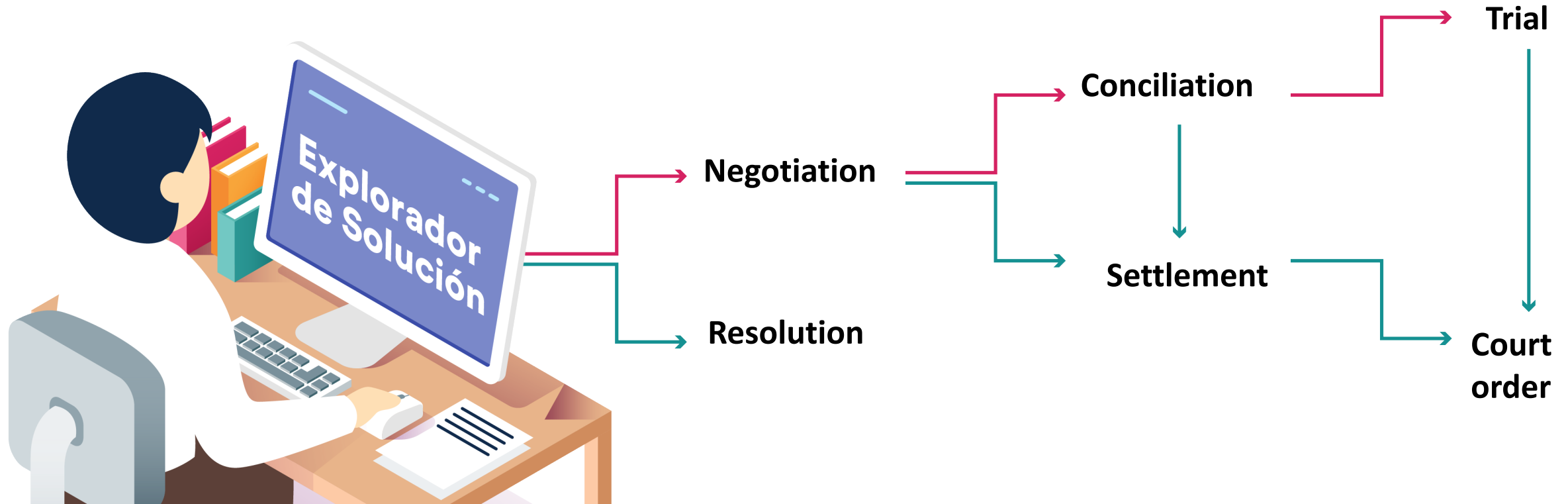




Activation of Justice: Online dispute resolution

Civil Resolution Tribunal

British Columbia Judicial Power, Canada





Activation of justice:

Digital presentation of lawsuits

Virtual Judicial
Office
Chile

Electronic Tribunal
Mexico

Virtual Tribunal
Nuevo León, Mexico



Activation of justice:

Digital presentation of lawsuits

 Not all the options require substantial investments, but... they do need creativity

Creation of email accounts, fax numbers and mailing addresses to receive motions and complaints Argentina, British Columbia, Canada Querétaro, Mexico

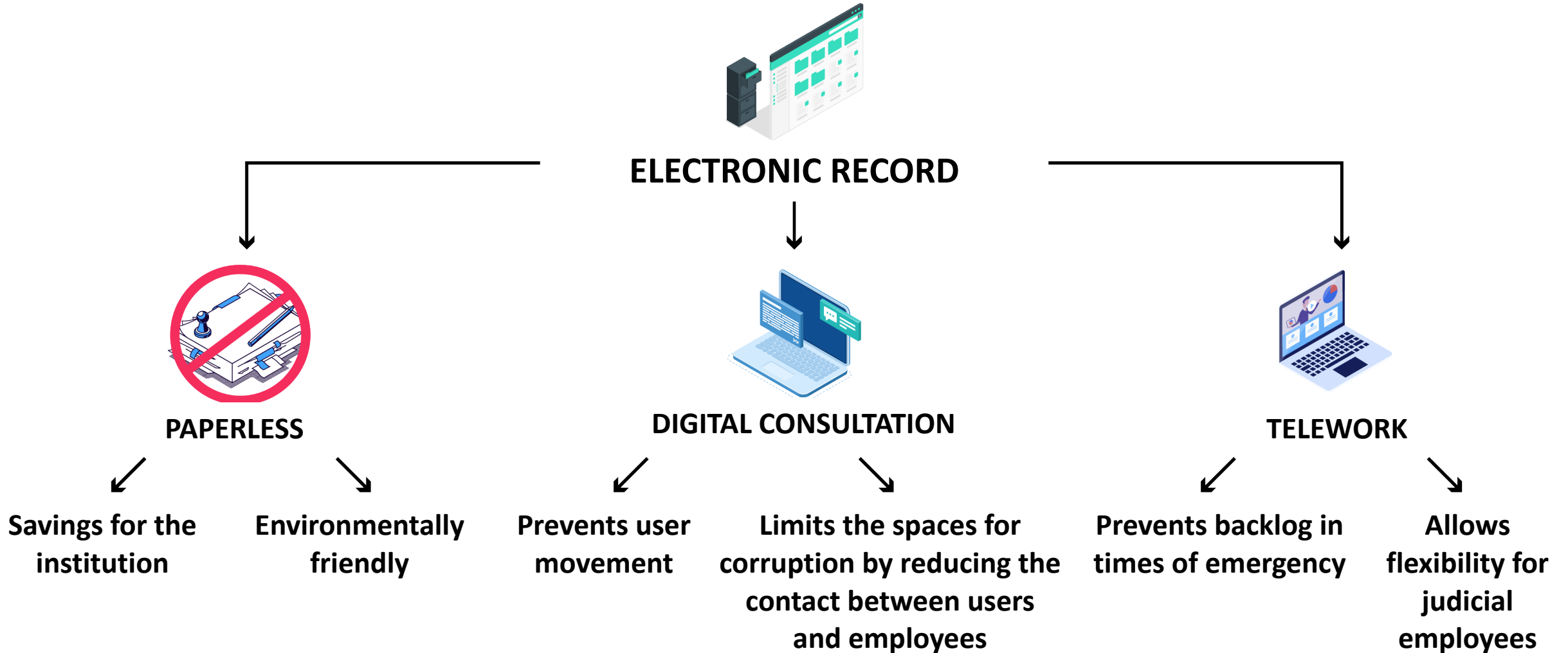
Pre-registration of lawsuits and an appointment system to deposit them. Tamaulipas, Mexico





Digital handling of disputes

Tools to ensure communication with the parties





Digital handling of disputes

Tools to ensure remote interaction

• Protocols for conducting hearings by technological means

Costa Rica (civil matters)

Coahuila, México (criminal matters)

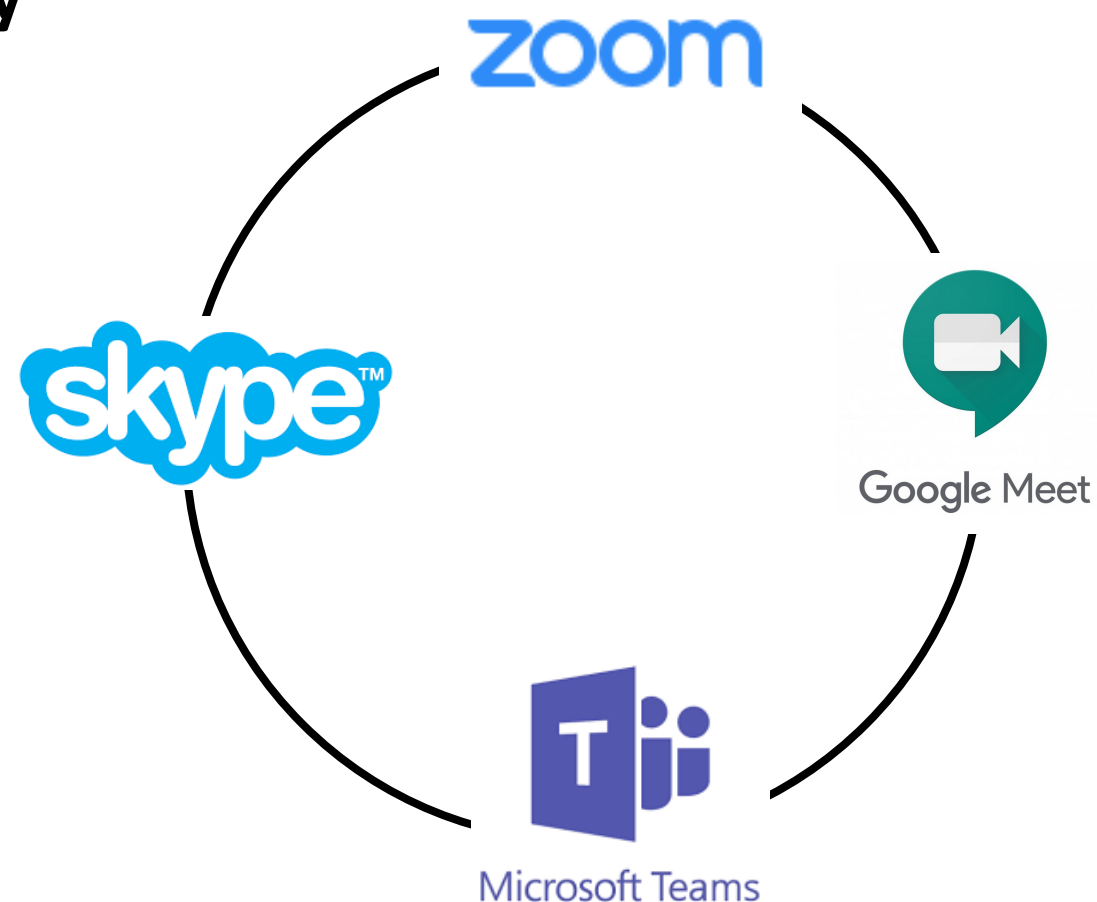
• Feasibility hearing

Chile

• Publicity of remote hearings

Coahuila, Mexico

Nuevo León, Mexico





Digital handling of disputes

Tools to make telework management more efficient

**Interconnected
management systems**
Querétaro, México



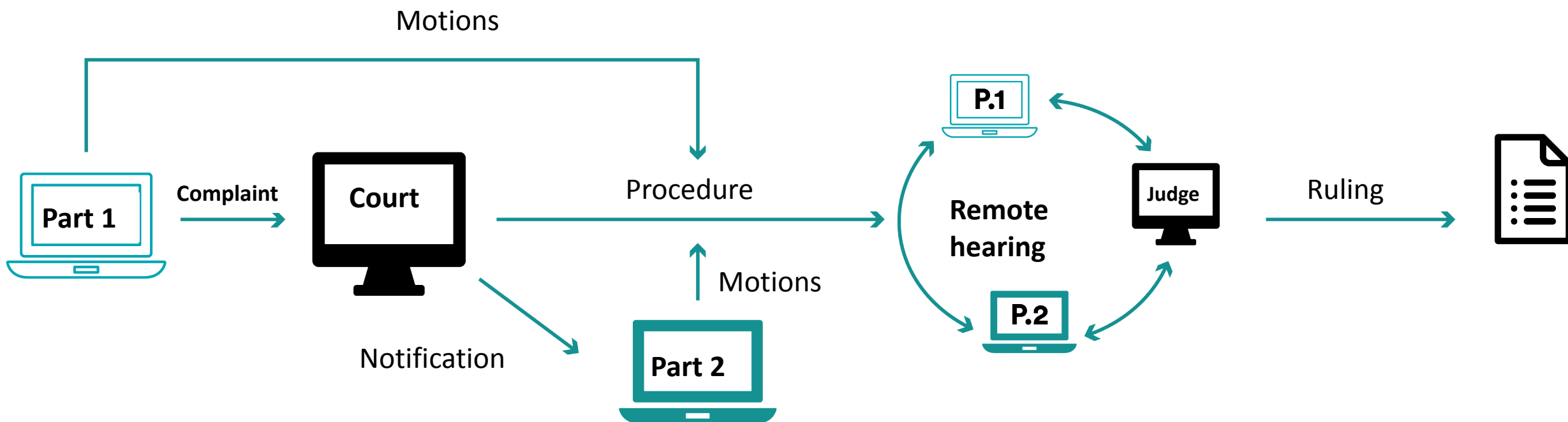
**Integral System of
Coordination of Court
Clerks**
Querétaro, México

**Georeferencing of
notifications**
Chile



Formulation and enforcement of court rulings with technological support:

Technology supporting formulation of judgments



Online courts

Estado de México, Mexico

Online trials

Federation, Mexico



Formulation and enforcement of court rulings with technological support:

Enforcement of rulings with the support of technology

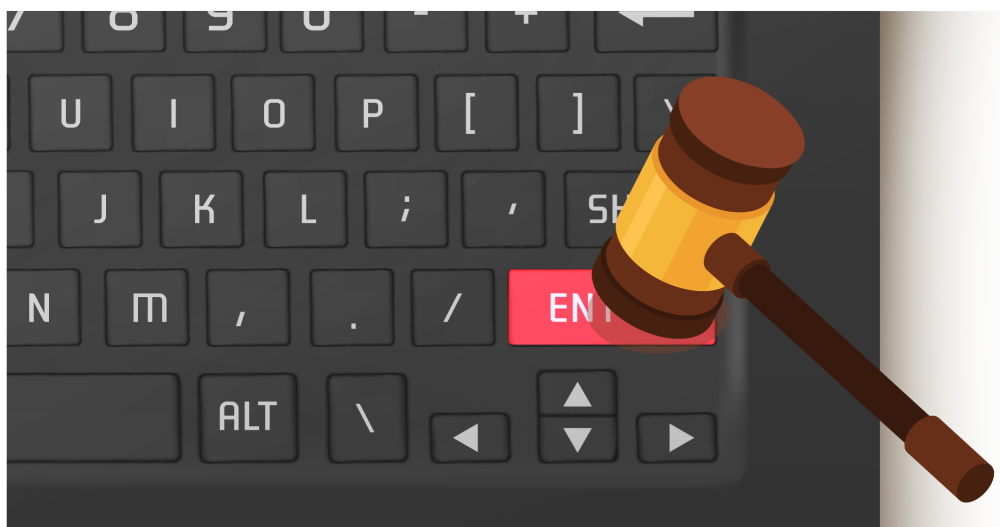
**Electronic letters rogatory to communicate
court decisions and injunctions**

Estado de México, Mexico

Nuevo León, Mexico

**Electronic bank
transfers to receive
and pay pensions**

Quintana Roo,
Mexico





Recommendations for the legal framework

- Guaranteeing **due process** and **transparency** to every actor involved in trials that rely on new technologies
- Promote the **use of digital tools** by Judicial Powers but...
 - Without **closing the traditional channels** of access to justice
 - Without **preventing the use of existing solutions**
- Foster **digital development in Mexico**



Recommendations for the legal framework and the practice of the judicial powers

- Consider **limits** to the use of new technologies:
 - Need for **flexibility**
 - Need for **transparency and publicity**
 - Need for **deeper analysis of processes** that are carried out remotely
- **Efficiency**, without **dehumanizing**



Recommendations for the legal framework and the practice of the judicial powers

- Explore **technological applications little developed so far** in Mexico:
 - Some **simple, non-contentious** procedures can be conducted **entirely online**
 - Developing **platforms to help users represent themselves and prevent, when possible, the judicialization of their conflicts** can expand access to justice



Recommendations for judicial powers



Planning

Propose **clear rules** through the adoption of **protocols** for the use of digital tools



Inform and train users

Take advantage of **the context** to **overcome** internal and external **resistance**





Recommendation for litigants



**Trust and
train**



Push for the
creation of a
**universal digital
signature**



**Demand to
judicial
powers** that
do not have
digital tools
to **develop
them**



Get involved with
the development
of these tools



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