

Stories from the Trenches

Michael Imperato

Watkins & Gunn

Stories from the Trenches

- Lockdown has spurred us into action and will revolutionise the system as we know it.
- We ought to be open-minded and recognise that the Luddite days of resistance are behind us. Some civil proceedings may be transformed entirely.

Stories from the Trenches

- Unnecessary assembly at court should be confined to history. We will save time, save money and be better for it.
- Is this still a sticking plaster? Or is this the new normal? The answers will depend not on what the technology is capable of – but where we choose to draw the line.

Stories from the Trenches

- *'The main issue I have encountered is the inability of clients to join the hearing, either because they don't have the technical ability or the resources to join.*
- *There have been occasions when I have conducted a video hearing and the client has been on loud speaker on my telephone, just listening.*

Stories from the Trenches

- *This is particularly challenging for vulnerable and/ or low functioning clients who may also need the support of an advocate, because you are unable to check a the clients understanding during the hearing and the clients are not having the support from the advocate directly during the hearing.*
- *I try to address this by the use of pre and post hearing discussions with the client, however, this particular group of clients are being deprived of the direct support that they need, in terms of emotional support and assistance with understanding*

Technology

- Skype for Business – what could possibly go wrong?
- Virtual Etiquette
- Communication Barrier
- Passing of Virtual Notes

'I Will survive'



Stories from the Trenches

- Introduction of Telephone Hearings in Civil Courts 1999
- Saw the Death of the Agent Solicitor
- Used for 'Procedural Skirmishes'
- Lawyers learnt to Adapt
 - To File Written Submissions in advance
 - Try to narrow issues
 - Not to expect papers on Court file to be in front of the Judge
- Will have to do so again

Stories from the Trenches

- The 'new normal' will not be normal
- Some change was overdue
- But the Public Law Lawyer knows that Change in haste is change that usually has flaws
- And the Fault lines are usually in respect of the vulnerable
- The Challenge for Courts, Health, Education and Various sectors of public life is to capture the good but keep the safety nets
- Evaluation is key, feedback, outcomes and needs to be public facing