

**BAILIFF'S SPEECH AT LAUNCH OF**  
**JERSEY LEGAL INFORMATION BOARD STRATEGY**  
**WEDNESDAY, 10TH NOVEMBER, 1999**

LADIES AND GENTLEMEN MAY I EXTEND A WARM WELCOME TO YOU ALL AT THE LAUNCH OF THE JERSEY LEGAL INFORMATION BOARD'S STRATEGY. THE BOARD WAS FORMERLY CALLED INFORMATION STRATEGY PROJECT BOARD, THEN KNOWN BY THE SLIGHTLY TIMOROUS ACRONYM OF LISP, UPON WHICH LIB IS UNDOUBTEDLY AN IMPROVEMENT. I WILL EXPLAIN THE GENESIS OF LIB IN A MOMENT BUT I SHOULD LIKE TO BEGIN BY PAINTING A PICTURE WITH A BROAD BRUSH. AS WE ALL KNOW THE ISLAND'S LEGAL SYSTEM CAME INTO EXISTENCE NEARLY 800 YEARS AGO IN 1204 WHEN CONTINENTAL NORMANDY WAS LOST TO THE CROWN AND THE CHANNEL ISLANDS WERE CAST ADRIFT. IN ORDER TO RETAIN THE LOYALTY OF OUR ANCESTORS THE ENGLISH KING, JOHN, AND SUBSEQUENTLY HIS SUCCESSORS, GRANTED A NUMBER OF PRIVILEGES OF WHICH UNDOUBTEDLY THE MOST IMPORTANT WAS THE RIGHT TO CONTINUE TO BE GOVERNED BY THE LAWS AND CUSTOMS THEN IN FORCE, THAT IS TO SAY ESSENTIALLY BY THE LAW OF NORMANDY AND BY CERTAIN LOCAL CUSTOMS. IN 1204 THE LAW OF JERSEY WAS BORN AND IT IS THE FOUNDATION STONE OF OUR CONSTITUTIONAL STATUS AND INDEED THE REASON WHY WE HAVE OUR LEGISLATURE, THE STATES OF JERSEY. WITHOUT IT WE WOULD BE A MERE ROCK LIKE THE ISLE OF WIGHT. YOU WILL UNDERSTAND WHY I FEEL SO STRONGLY THAT EVERY JERSEYMAN AND JERSEYWOMAN SHOULD FEEL PASSIONATELY ABOUT THE PRESERVATION OF THE DISTINCT IDENTITY OF JERSEY LAW, AND INDEED ABOUT ITS MODERNISATION AND ADAPTATION TO THE NEEDS OF CONTEMPORARY SOCIETY.

SINCE 1204 OUR LAW HAS BEEN SUBJECT TO A NUMBER OF INFLUENCES, FROM ENGLAND AND FROM FRANCE, AND OF COURSE SUBJECT TO CHANGE. THOSE CHANGES HAVE BEEN BROUGHT ABOUT BY LEGISLATION AND BY DECISIONS OF THE COURTS. SLOWLY WE HAVE BUILT UP A BODY OF STATUTE-LAW AND OF PRECEDENT WHICH, ALTHOUGH NOT EXTENSIVE, IS SUFFICIENT TO CONTAIN THE ANSWERS TO MOST LEGAL PROBLEMS. MUCH OF THAT KNOWLEDGE IS HOWEVER DIFFICULT TO ACCESS. SOME OF IT IS IN FRENCH WHICH, I AM SORRY TO SAY, IS NOT UNDERSTOOD NEARLY AS WELL AS IT SHOULD BY EDUCATED LOCAL PEOPLE. SOME OF IT IS BURIED IN BOOKS OF RECORD WHICH HAVE NOT YET BEEN PUBLISHED. AND OF COURSE SOME OF IT IS WRITTEN IN LANGUAGE, EVEN IF IT IS ENGLISH, WHICH IS NOT ALWAYS EASY TO FOLLOW OR TO UNDERSTAND. THIS STATE OF AFFAIRS WAS COMMENTED UPON ADVERSELY BY THE

JERSEY JUDICIAL AND LEGAL SERVICES REVIEW COMMITTEE IN 1991. THE SUGGESTION WAS MADE THAT AN ENCYCLOPEDIA OF JERSEY LAW SHOULD BE PREPARED SO AS TO ENSURE "THE CONTINUANCE OF JERSEY'S LEGAL HERITAGE NOT AS A MERE MEMORIAL BUT AS A LIVING FORCE". SOME PROGRESS HAS BEEN MADE IN THAT VERY USEFUL WORKS HAVE BEEN PUBLISHED ON THE LAW OF TRUSTS, THE LAW OF PROPERTY, SENTENCING, THE LAW OF BANKRUPTCY AND ON THE ORIGINS AND DEVELOPMENT OF JERSEY LAW. THE PUBLICATION OF THE JERSEY LAW REVIEW HAS ALSO MADE A CONTRIBUTION.

THE ADVENT OF THE INTERNET AND THE WORLD WIDE WEB HAS OPENED DOORS TO THE DISSEMINATION OF KNOWLEDGE AND HAS RAISED PUBLIC EXPECTATIONS OF GOVERNMENT IN A WAY WHICH POSES CONSIDERABLE CHALLENGES TO US ALL. BUT IT IS NOT JUST ABOUT THE DISSEMINATION OF KNOWLEDGE; TECHNOLOGICAL ADVANCES HAVE ALREADY MADE POSSIBLE THE VIRTUALLY PAPERLESS COURT, AND VIDEO-CONFERENCING HAS MADE IT UNNECESSARY FOR WITNESSES OR EVEN COUNSEL TO BE PHYSICALLY PRESENT IN COURT FOR CERTAIN TYPES OF HEARING. HAPPILY WE ARE NOT YET READY TO DISPENSE WITH THE JUDGE. BUT IN SHORT WE FACE FUNDAMENTAL CHALLENGES TO THE WAY IN WHICH LAW WILL BE PRACTISED, AND IN WHICH THE JUDICIAL SYSTEM WILL OPERATE.

IF I MAY BE PERMITTED TO EMPLOY A SURFING METAPHOR WE HAVE A STARK CHOICE; EITHER WE JUMP ON A BOARD AND RIDE ON THE CREST OF THE WAVE, OR WE WILL FIND OURSELVES OVERWHELMED BY THE POWER OF THE WATER AND BOWLED ALONG, GASPING WHILE WE SLOWLY DROWN. THE LATTER COURSE OF ACTION IS UNTHINKABLE AND WE HAVE THEREFORE TO EMBRACE IT WITHIN THE JUDICIAL SYSTEM AND MORE THAN THAT TO THINK ABOUT ISSUES WHICH CONFRONT US ALL AS LAWYERS, JUDGES, AND LEGISLATORS IN RELATION TO THE PRACTISE OF LAW IN OUR COMMUNITY IN THE 21ST CENTURY.

IT WAS IN RESPONSE TO THESE PERCEIVED CHALLENGES THAT IN AUGUST 1998 A SEMINAR WAS HELD AT WHICH REPRESENTATIVES OF THE JUDICIARY AND THE LEGISLATURE, THE LEGAL PROFESSION, AND PUBLIC SERVANTS INVOLVED BOTH IN THE JUDICIAL SYSTEM AND IN INFORMATION TECHNOLOGY WERE PRESENT. THE CONCERN WIDELY EXPRESSED WAS THAT UNLESS THERE WAS SOME CO-ORDINATION OF A NUMBER OF DIFFERENT INITIATIVES, SOME ALREADY BEGUN AND OTHERS IN

CONTEMPLATION, THERE WOULD BE MUCH WASTED EFFORT AND MONEY, AND INDEED CONFUSION. THUS, WITH CONSIDERABLE ENCOURAGEMENT FROM THE PRESIDENTS OF THE ESTABLISHMENT AND FINANCE & ECONOMICS COMMITTEES, THE LEGAL INFORMATION BOARD WAS BORN. I HAVE THE PRIVILEGE OF CHAIRING THE BOARD. THE BOARD INCLUDES THE GREFFIER OF THE STATES WHO HAS RESPONSIBILITY FOR THE PARLIAMENTARY SECRETARIAT AND FOR THE PRODUCTION IN A PHYSICAL SENSE OF LEGISLATION. PETER GRIFFITHS IS THE IS/IT ADVISOR WHO HAS THE DAUNTING TASK OF CO-ORDINATING THE DEVELOPMENT OF THE ISLAND'S IS/IT STRATEGY, OF WHICH A PART IS REPRESENTED BY THE WORK OF THE LEGAL INFORMATION BOARD. ADVOCATE PETER HARRIS IS NOT ONLY A VERY KNOWLEDGEABLE ADVOCATE BUT IS AN EXPERT IN IT MATTERS AS WELL AND REPRESENTS THE LAW SOCIETY OF JERSEY. KATE JEGGO, PROGRAMME MANAGER, IS THE ENGINE OF LIB. JAMES LAMBERT, STRATEGIC CO-ORDINATOR IN THE JUDICIAL GREFFE, BILL MCGREGOR, LAW DRAFTSMAN, AND MICHAEL SMITH, DATA PROTECTION REGISTRAR, HAVE IMPORTANT AND SELF-EVIDENT CONTRIBUTIONS TO MAKE. PROFESSOR RICHARD SUSSKIND WHOM I WILL INTRODUCE MORE FULLY IN A MOMENT IS THE SPECIAL IT ADVISOR TO THE BOARD. LAST BUT BY NO MEANS LEAST IS THE JUDICIAL GREFFIER TO WHOM MUST GO CREDIT FOR HAVING INITIATED THE PROCESS WHICH LED TO THE ESTABLISHMENT OF THE BOARD.

WHAT IS THE VISION OF THE BOARD. THE VISION IS "TO SEE JERSEY'S LEGAL SYSTEM BEING RECOGNISED AS THE GLOBAL BEST FOR A SMALL JURISDICTION; THAT IS AS A WORLD LEADER - BEST SERVING THE PEOPLE AND BUSINESSES OF, AND THOSE WHO INTERACT WITH, THE ISLAND." IN ORDER TO IMPLEMENT THE VISION THE BOARD HAS DEVISED A STRATEGY WITH THE ASSISTANCE OF PROFESSOR SUSSKIND.

THIS STRATEGY HAS THREE PRIMARY AND INTERRELATED ELEMENTS.

- (1) FOLLOWING THE PUBLICATION OF THE EDWARDS' REPORT THERE IS LITTLE DOUBT THAT JERSEY IS ALREADY ACKNOWLEDGED AS A LEADING, IF NOT THE LEADING OFFSHORE FINANCIAL CENTRE. TO REMAIN AT THE CUTTING EDGE REQUIRES EFFORT AND INITIATIVE AT A NUMBER OF DIFFERENT LEVELS - AT THE POLITICAL AND STRATEGIC LEVEL, AT THE LEVEL OF LAW ENFORCEMENT AND INTERNATIONAL CO-OPERATION, AT THE LEVEL OF FINANCIAL SUPERVISION, AND AT THE PROFESSIONAL LEVEL, THAT IS WITH

LAWYERS, ACCOUNTANTS, BANKERS AND OTHER PROFESSIONAL SERVICE PROVIDERS. BUT NONE OF THIS EFFORT AND INITIATIVE WILL PAY DIVIDENDS IF THE JUDICIAL SYSTEM AND THE LEGAL SUPPORT STRUCTURE AROUND THE COURTS IS DILATORY, CUMBERSOME OR INEFFICIENT. IF YOU CANNOT GET JUSTICE EXPEDITIOUSLY AND AT REASONABLE COST, YOU WILL TAKE YOUR BUSINESS ELSEWHERE.

- (2) THE SECOND ELEMENT IS THE PROVISION OF AN INTEGRATED LEGAL SYSTEM. IN SOME JURISDICTIONS, MOST NOTABLY IN AUSTRALIA AND SINGAPORE, THERE IS ALREADY CONSIDERABLE RELIANCE ON IT. AT THE INVITATION OF THE CHIEF JUSTICE I RECENTLY VISITED THE TECHNOLOGY COURT OF SINGAPORE. THIS IS EQUIPPED WITH THE LATEST COMPUTER AIDED TRANSCRIPTION SYSTEM WHICH CAN PRODUCE VIRTUALLY INSTANTANEOUS TRANSCRIPTS OF EVIDENCE OR SUBMISSIONS, VIDEO-CONFERRING EQUIPMENT TO HEAR THE EVIDENCE OF WITNESSES OUTSIDE SINGAPORE, AND OF COURSE TERMINALS FOR COUNSEL AND THE JUDGE SO THAT LEGAL AUTHORITIES CAN BE ACCESSED BY TAPPING IN THE APPROPRIATE PAGE NUMBER ON THE KEY BOARD. EVEN IN THE SUPREME COURT OF SINGAPORE, PAPER HAS VIRTUALLY DISAPPEARED. SKELETON SUBMISSIONS AND LEGAL AUTHORITIES ARE DELIVERED TO THE COURT OFFICE AT THE REQUISITE TIME BEFORE THE HEARING AND SCANNED INTO THE COMPUTER SYSTEM. THE COURT CAN USE MASTER SWITCH TO ENSURE THAT THE DOCUMENT BEING REFERRED TO APPEARS ON THE SCREENS OF THE OTHER COUNSEL AND OF THE JUDGES. AT THE PROCEDURAL LEVEL, LEGAL FIRMS CAN ISSUE SUMMONSES AND APPLY FOR DATES FOR THE HEARING OF THOSE SUMMONSES ENTIRELY ELECTRONICALLY WITHOUT EVER LEAVING THEIR OFFICES. OF COURSE NONE OF THIS NECESSARILY IMPROVES THE QUALITY OF JUSTICE. ONE STILL RELIES UPON THE INTELLECT AND ABILITY OF COUNSEL AND THE WISDOM OF THE JUDGES. BUT IT CERTAINLY SPEEDS UP THE PROCESS. I WAS TOLD THAT VERY FEW CIVIL CASES IN SINGAPORE TAKE LONGER THAN 12 MONTHS FROM BEGINNING TO END. THE AIM IS TO INTEGRATE AS MANY LEGAL PROCESSES AS POSSIBLE INVOLVING THE COURT OFFICES, THE LEGAL PROFESSION AND STATES' DEPARTMENTS.

- (3) THE THIRD ELEMENT OF THE STRATEGY IS TO DEVELOP THE ACCESSIBILITY OF THE LAW AND OF LEGAL PROCESSES TO THE PROFESSIONS AND ULTIMATELY TO THE PUBLIC. THE BOARD IS INDEBTED TO MR. MIKE BISSON FOR HAVING DEVELOPED THE FIRST LEGAL WEBSITE WHICH CONTAINS THE LAWS AND REGULATIONS FROM 1997 TO DATE AND THE UNREPORTED JUDGMENTS FOR THE SAME PERIOD, TOGETHER WITH ALL PRACTICE DIRECTIONS. I EMPHASISE THAT THIS IS VERY MUCH CHALLENGER MARK 1, AND THAT WORK IS ALREADY PROGRESSING ON THE NEXT PHASE. THE AUSTRALIANS ARE PROBABLY THE LEADING JURISDICTION IN THIS FIELD. ON THEIR WEBSITE THEY HAVE AN IMPRESSIVE COLLECTION OF STATUTES AND UNREPORTED JUDGMENTS WITH HYPER-LINKS SO THAT ONE CAN JUMP FROM A JUDGMENT TO THE STATUTORY PROVISION UNDER REFERENCE, AND THEN BACK AGAIN TO THE JUDGMENT. BUT IT DOES NOT CONTAIN THE AUSTRALIAN LAW REPORTS, I UNDERSTAND FOR COMMERCIAL REASONS. OUR AIM IS TO PRODUCE A WEBSITE WHICH CONTAINS ALL THE LEGISLATION ADOPTED BY THE STATES AND THEIR COMMITTEES (AND INDEED ALL RULES OF COURT AND OTHER FORMS OF SUBORDINATE LEGISLATION), ALL RELEVANT ORDERS IN COUNCIL, COURT JUDGMENTS, ALL ANNOTATED AS ONE MIGHT FIND IN HALSBURY'S STATUTES, AND LINKED SO THAT IT IS POSSIBLE EASILY TO JUMP FROM ONE TEXT TO ANOTHER. THE AIM IS TO HAVE THE LEGISLATION ACCESSIBLE NOT ONLY IN ITS ORIGINAL FORM WHEN ENACTED, BUT ALSO IN ITS CURRENT AMENDED FORM. THE BOARD IS CONSIDERING WHETHER IT MIGHT PROVIDE FOR THE LEGISLATION TO BE ACCESSIBLE AT ANY GIVEN DATE SO THAT ONE COULD, FOR EXAMPLE, SEE WHAT THE HOUSING REGULATIONS PROVIDED ON THE 1ST JANUARY 1975. IN TIME I HOPE THAT WE MIGHT SEE TEXT BOOKS, AND THE COMMENTARIES OF BASNAGE AND BÉRAULT ET AL INCLUDED TOO. IF WE CAN DO ALL THIS, WE WILL CREATE A GLOBAL FIRST.

IN ORDER TO DELIVER THIS STRATEGY THE BOARD HAS DEVELOPED, FOR A NUMBER OF REASONS, A PROJECT-BASED APPROACH. EACH OF THE PROJECTS WILL BE CONSONANT WITH THE OVERALL STRATEGY BUT CAN BE TAKEN FORWARD SEPARATELY AND AS QUICKLY AS THE TIME AND RESOURCES DEVOTED TO THAT PROJECT WILL ALLOW. IN MILITARY TERMS WE SHALL BE ADVANCING ON SEVERAL

FRONTS, BUT WITH THE HQ AWARE AT ALL TIMES OF WHERE THE TROOPS ARE AND WHERE THEY ARE GOING. JAMES LAMBERT WILL BE EXPLAINING THE PROJECTS IN MORE DETAIL IN DUE COURSE.

IT IS AN EXCITING TIME. I THINK THAT WE ARE CAPABLE OF LEADING THE WAY, CERTAINLY SO FAR AS SMALL JURISDICTIONS ARE CONCERNED. THE BOARD IS VERY MUCH OPEN TO SUGGESTIONS AND CRITICISM AS TO THE STRATEGY WHICH HAS EVOLVED. SO FAR AS POSSIBLE THE AIM IS TO MOVE BY GENERAL CONSENSUS.

I SHOULD NOW LIKE TO HAND OVER TO PROFESSOR SUSSKIND WHO HAS KEPT US ON TRACK SO FAR. PROFESSOR SUSSKIND IS THE IT ADVISER TO THE LORD CHIEF JUSTICE OF ENGLAND. HE IS A SCOTS LAWYER WITH A DOCTORATE IN COMPUTERS AND LAW FROM OXFORD. HE IS ALSO A FELLOW OF THE ROYAL SOCIETY FOR EDINBURGH AND THE BRITISH COMPUTER SOCIETY; GENERAL EDITOR OF THE INTERNATIONAL JOURNAL OF LAW AND INFORMATION TECHNOLOGY; AND VISITING PROFESSOR TO THE CENTRE FOR LAW, COMPUTERS AND TECHNOLOGY, STRATHCLYDE UNIVERSITY, SCOTLAND. HE IS ALSO THE AUTHOR OF FOUR BOOKS INCLUDING THE FUTURE OF LAW: FACING THE CHALLENGES OF INFORMATION TECHNOLOGY. MANY OF YOU WILL NO DOUBT HAVE READ REGULAR CONTRIBUTIONS TO THE IT DEBATE IN HIS COLUMN IN THE TIMES