

Second Study Commission

Civil Law and Procedure

65th Annual Reunion of the IAJ - Tel Aviv, Israel

Questionnaire 2022

VIRTUAL TRIALS IN CIVIL PROCEEDINGS

The Second Study Commission will focus on how our jurisdictions used, and will use, virtual trials and hearings before, during and after the Pandemic. We have limited the questionnaire to six questions, and we expect to receive short and concise answers. The questions are as follows:

1. Did your jurisdiction offer complete or partial virtual civil trials or hearings before the Pandemic? If yes, please describe what was offered and how often the offer was exercised.

Answer: No, it did not.

2. Did your jurisdiction offer civil or hearings during the Pandemic? If yes, was there a change in how, what and when it was offered? Were protocols published? Also, if yes, when were the virtual trials/hearings offered and what was the uptake?

Answer: According to an amendment to the Icelandic Civil and Criminal Law Acts, Iceland introduced the possibility for judges to hold virtual hearings and trials in both criminal and civil cases. These amendments are in force until the end of 2023. As to the frequency of virtual trials and hearings, there is no official data available. However, virtual hearings were quite common during the pandemic, with judges presiding over the case in open court and counsel dialing in through Microsoft Teams or similar programs. On the other hand, there are no confirmed reports of full trials taking place virtually.

It should be noted that although the pandemic had a big impact on the operation of the Icelandic judicial system, the courts never stopped their operations during the pandemic and a total lockdown was not implemented by the Government.

3. Presuming that civil virtual trials were offered, was there any improvements made in the technology/software that the government provided? How were documents and exhibits managed?

Answer: The Judicial Administration and the courts made updates regarding technology and software.

4. What does the future hold in your jurisdiction with respect to the continuation of virtual

trials? What are the issues and or benefits that have arisen?

Answer: Further reforms and amendments to legislation regarding further digitalization of judicial proceedings are currently under review in the Ministry of Justice. The public aim is to make the procedure as digitalized as possible so cases can be handled virtually without documents on paper, including the possibility that hearings can be done virtually on a permanent basis.

5. Has or is being done in your jurisdiction to help ameliorate some of the concerns that have arisen with virtual trials?

Answer: It is part of the work mentioned under question 4 to address concerns in that area.

6. How did the digitally excluded people in your jurisdictions have access to justice and specifically to virtual trials during the Pandemic?

Answer: As stated earlier, no total lockdown was implemented in Iceland. However, if parties were not able to appear before the courts either virtually or in person, the case at hand was postponed until a later date in order to safeguard everyone's access to the courts.