

Cour de cassation (France) : changes introduced in civil case management by digitalization

Despite the specific nature of its office which is limited to the assessment of questions of law, the French “Cour de cassation” (the Court) does not have the power to select cases which justify a special examination on its part.

The Court has to examine each year about 20.000 civil cases and 8.000 appeals in penal matters.

In this context, it is better understood that dematerialization of procedures is a necessity for rationalizing the handling of files submitted to the Court.

The digital technology has been used for appeal to the Court for almost ten years and these procedures are totally dematerialized.

That change has obviously improved the efficiency of the Court and simplified the administrative tasks of the Registrar.

The digital technology has also beneficial consequences for the judges’ intellectual work.

In order to better understand the procedure used by the Court, it should be recalled that decisions are rendered on the basis of a report prepared by one of the judges who is a member of the competent chamber.

The report contains an analysis of the legal data of the case.

From now on, the judges generally do not have to work at the library of the Court and use books to prepare their legal research.

They have a “virtual office” which gives them access to all decisions already rendered by the Court, connected with the reports of the previous judges who have worked on similar legal topics.

They do not anymore have to look for these reports in the paper files of the previous cases and these new working methods represent an appreciable saving of time.

Reporters can, partially or totally, use these works without having to start again the legal research and they merely can add what is necessary for their own case.

The “virtual office” allows also judges to have access to dematerialized legal watchdogs programs, which contain the main academic’s comments of the Court judgments.

They finally have access to the websites of private legal publishers to which the judges can connect by means of a keyword, on subscriptions financing provided by the Court.

For the drafting of decisions, the computer system proposes standard phrases that can be used for the simplest cases.

By these ways and thanks to better working methods (about two of three decisions are rendered by a panel of three judges, whereas the full chamber is, according to the chambers, from 10 to 20 judges), the Court has succeeded in reducing the duration of procedures.

Thanks to the simplification of tasks and the speed with which the information is processed, the Court is now able to render civil judgments in just over a year, including the legal time of six months left to the parties to produce their statements.

However, the most important challenge is to come : the French Parliament adopted last October 2016 a new law aiming at releasing all judicial decisions, including those rendered, not only by the Court, but also by courts of appeal and tribunals.

That means that millions of judgments should be released online !

The goal seems to be to strengthen the knowledge and the predictability of the jurisdictions' case law.

We do not currently know by what means this plan can be implemented.

We also wonder what legal certainty will result from putting online millions of judgments.

One of the most important problems is also the protection of the privacy of the parties to the proceedings.

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