

The opener

Sir Geoffrey Vos makes the case for a digital justice system

The Master of the Rolls, Sir Geoffrey Vos, delivered the first hybrid Roebuck Lecture to an in-person and online audience in June.

'Mandating Mediation: The Digital Solution' set out a vision of a future digital justice system in England and Wales in which ADR is an "essential part of the court-based dispute resolution process". Under the term "smart system", there would be a



focus on identifying the real issues that divide the parties, in addition to attempts to resolve the issues at "the earliest possible stage in the dispute".

Sir Geoffrey gave a few reasons why the topic of mandatory mediation has been so controversial. He said

that in Europe there is a "lack of confidence in the neutrals who offer mediation services". In countries like the UK, he implied that delaying court proceedings to allow parties to mediate "might be regarded as a breach of Article 6 of the ECHR", namely, an individual's right to a fair trial. He also said that enforcing mediation could serve to entrench parties' positions.

A digital system could offer a solution to these issues. For example, currently, mediators promote offers and counter-offers and, once these offers are rejected, parties reach a stalemate. In a digital environment, this would not occur as issues are identified by asking questions, rather than through the use of adversarial statements of case.

Parties would of course still be able to obtain judicial resolution if they are unable to settle their dispute within the digital space.

Watch the lecture on [CI Arb's YouTube channel](#)

Book preserves Ireland Branch's history

A project by the CI Arb Ireland Branch that started as an archive initiative has turned into a full, published book celebrating the branch's 40th anniversary.

Vice Chair Peter O'Malley, the book's author, undertook the 21-month project following concerns that records were being lost, especially after a few relocations of the branch. He said: "The primary challenge was sourcing the record material. I initially contacted all the surviving past chairs, where many had destroyed their own personal records believing copies were retained elsewhere."

He eventually made contact with past chair Bill McLaughlin, who was living in the UK and had a considerable archive of records up to 1992, which he passed to Peter. "These records



Peter O'Malley

form the basis of the book supplemented by further research and material from other past chairs," Peter said.

Peter encouraged other branches not to lose sight of their history amid the bustle of day-to-day activity. "All the branch records from this early period have now been boxed and fully catalogued and they are now archived in controlled conditions at the Irish Architectural Archive in Dublin to ensure their continued existence, security and accessibility into the future. Now with the benefit of hindsight, I realise how tenuous the sourcing of records was; they could have all been so easily lost for ever. I do think that branches can and should continue to learn where reference to the past is an important part of this learning and appreciation of heritage," he added.

The Irish Branch of the Chartered Institute of Arbitrators - The early years 1981-1993 by Peter O'Malley is available to order at www.peteromalley.ie

