"Nulli vendemus, nulli negabimus, aut differemus, rectum aut justiciam"
We will not sell, or deny, or delay right or justice to anyone.[1]

William Beveridge in his eponymous 1942 Report identified five "giant evils," arguing that a "*revolutionary moment in the world's history is a time for revolutions, not for patching.*" Attlee's Labour government responded to Beveridge's 'call for revolution' by founding the Welfare State; this July marking 70 years since the Legal Aid and Advice Act received Royal Assent. However, the world-wide financial crisis of 2007, 10 years of austerity programmes and the much-criticised Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) have all paved the way for the return of Beveridge's evils.

At LASPOs announcement, Ken Clarke proudly claimed, "*Access to justice is a hallmark of a civilised society,*"[2] yet LASPO disproportionately affects children and vulnerable adults, migrants, and those with *"additional vulnerabilities."*[3] Within the pages of the LASPO Post-Implementation Review (PIR) three troubling issues emerge: (i) those requiring Legal aid often cannot access it; (ii) Exceptional Case Funding (ECF) is broken; and (iii) where people are able to obtain Legal aid or ECF, they are unable to find anyone willing to take on their case; inadequate Legal aid fees and swingeing cuts to the 'third sector' have resulted in 'advice deserts.'

The PIR's action plan recognises the need to "*give people the tools to resolve their problems well before…they…require a court visit and a lawyer.*"[4] This essay aims to focus on how technology can be harnessed to help meet this goal; creating effective 'signposting' and using artificial intelligence (AI) triage to create a publicly funded 'legal advice and information platform;' how existing technology could be co-opted to begin to fill the 'advice deserts;' and how a UK digital society would be transformative in terms of access to justice.

The action plan references 'embracing technology solutions' as a vehicle for further savings. However, 'technology' isn't a 'silver bullet;' financial exclusion, vulnerability and 'digital exclusion' often go hand in hand.[5] 20% of disabled adults in the UK have never used the

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[1] Magna Carta 1215, Clause 40

[2] HC Deb (15 November 2010) Vol 518, Col. 659

[3] Amnesty International. *Amnesty International Report 2016/17*.Available at: https://www.amnesty.org/download/Documents/POL1048002017ENGLISH.PDF [Accessed 28 April 2019]

[4] Ministry of Justice, Legal Support: The Way Ahead (February 2019) Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777036/legal-support-the-way-ahead.pdf [Accessed 28 April 2019]

[5] Cabinet Office and Government Digital Service, Government Transformation Strategy (February 2017) available at: https://www.gov.uk/government/publications/government-transformation-strategy-2017-to-2020/government-transformation-strategy [Accessed 28 April 2019]

internet, 18% of adult benefit claimants have low or no digital skills, 21% of UK adults lack the basic digital skills to complete online forms – 4.3 Million with zero Basic Digital Skills.[6] It is essential also to recognise that digital capability is not legal capability. Users heading online find themselves lost in cyberspace; struggling to frame legal questions to return a suitable result – inadequate Search Engine Optimisation leaves them directed to foreign websites or being provided dated or irrelevant advice.

The first feature of an 'advice and information platform' must therefore be ubiquity, the second is accessibility. The Gov.uk platform meets this first goal, however, falls somewhat short at the second. There is no better illustration of the cultural differences between the UK and Canada, than to open Gov.uk and Canada's Justice Education Society (JES) website side by side. Gov.uk's low-bandwidth design is thorough and detailed. However, its bland, linear structure leaves visitors facing 'click-fatigue' and uninviting walls of text. JES provides a friendly, welcoming user-experience; with bite-sized videos and factsheets supported by the 'AskJes' legal advice interface providing text, phone and video chat to visitors.

This is not simply a question of style over substance. The key to creating 'oases' in 'advice deserts' lies in 'smart triage;' using AI 'bots' to assess users' needs, providing guidance and support, signposting towards accurate and relevant legal advice. Legal bots such as Convey Law's 'Conveybot', have shown it is possible to use natural-language processing to combine an accurate knowledge base, and provide relevant legal education multi-media using Facebook Messenger. Adherence to Government as a Platform (GaaP) methodology would allow components to be built separately and incorporated subject to viability and customer needs.

David Gauke's action plan recognises the importance of 'early legal advice'; a bot similar to Eesti Oigusbüroo's 'Robot Layer' could assess eligibility for funding and signpost users towards alternative dispute resolution (ADR) services, McKenzie Friend networks and relevant third sector support services. The ADR Apps Rechtwijzer and Siaro have shown that document creation, and binding agreement brokerage can be automated to the satisfaction of both the courts and the users.

The financial uncertainty surrounding Brexit suggests yet further cuts; repurposing existing lawbots and giving Gov.uk a 'face-lift' is commendable but is akin to bailing water out of a sinking ship. For a legal aid revolution worthy of Beveridge and Lord Rushcliffe's committee we need to look to Tallinn in the months following the 'Singing Revolution.' With no

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[6] Lloyds Bank, UK Consumer Digital Index 2018 (May 2018) Available at: https://www.lloydsbank.com/ assets/media/pdfs/banking_with_us/whats-happening/LB-Consumer-Digital-Index-2018-Report.pdf [Accessed 28 April 2019]

telecommunications infrastructure, and a desire to build a modern society, Estonia's Prime Minister Mart Laar was offered Finland's dilapidated 1970s analogue telephone network for free. He politely declined, opting instead to build a bespoke digital network.

That 'leap into the dark' birthed e-Estonia. 28 years on, almost every aspect of Estonian life is digitised – identification, banking, and most interactions with the government including law enforcement, citizenship, voting and health records. Public Key Infrastructure (PKI) and digital signature system (Dig-ID) allow for the electronic signature, sharing and storage of encrypted documents.

A UK digital society would be paradigm shifting and rewrite the 'social contract' for a digital age. Transparency and mutual accountability, the social foundations of e-Estonia have transformed the relationship of mutual trust between citizens and a State once plagued by corruption and organised crime. Given the criticism surrounding the Home Office's 'hostile environment policy,' and post-Brexit 'settled status and rights' checks at the provision of public services mutual trust may prove a refreshing change. Universal Digital Identity would allow citizens to facilely confirm their eligibility negating the need for the 'otherness' of residence cards and permits.

Encrypted immutable document storage would particularly benefit the homeless, migrant communities, the intestate and those working in the 'gig-economy.' The digital sharing and storage of government documents coupled with software like 'Cam Scanner' would allow the capture and Optical Character Read (OCR) conversion of documents using nothing more than a mobile phone camera. Auto populating 'smart forms' could significantly reduce the load on the overtaxed third sector allowing them to utilize their time for advice rather than form-filling.

The 'heatmap' of advice desertification and digital illiteracy glows brightest in rural and isolated communities. The PIR points to remote video advice as a solution, seemingly unaware of the quality or reliability of rural broadband. A GaaP distributed integration layer like Estonia's 'X-Road' could provide an alternative approach and present near science-fiction levels of automation. Freedom of Information bots could actualize the lofty goals of GDPR Recital 59; 'data scraping' government files and stored documents, extracting their content. The adoption of a 'SummarizeBot' methodology could create client case briefs for prospective legal aid firms – integration of a service like 'Elixxirr' could assess the likely success of a case before embarking upon it. Neatly bundled and scored cases hosted on a platform like 'TaskRabbit' could bring the "mountain to Muhammad," perhaps facilitate the survival of the most agile legal aid firms and assisting the third sector resource based on demand; targeting local communities' specific needs.

Tearing down and rebuilding the digital architecture of the UK government will require significantly more than Mart Laar's 'leap of faith.' The highly publicised failures of the early adopters Rechtwijzer, Nadia and Siaro may leave the risk averse unwilling to invest political, or actual capital in their pursuit. It is therefore essential to recognise that societal infrastructure projects need to be evaluated differently in terms of costs; For example, the Good Things Foundation reframes the conversation, promoting digital inclusion as an investment opportunity; "100% digital inclusion by 2028 would generate £21.9B of benefits, returning £15 of benefits for each £1 spent."[7]

No conversation about emerging technology and justice would be complete without a nod to Jevons Paradox. Governments have a tendency to assume that efficiencies lower the consumption rate of resources, however, the opposite is almost always true. One need look no further than the 'Internet of Things craze,' homes filled with everything from 'smart toasters' to 'smart condoms' as Silicon Valley grasps for niche use cases. An AI Lawyer in every citizen's pocket, automatically submitting judicial review claims would place unimaginable burdens upon the court. But, perhaps, burden is what is needed right now, as Supreme Court Justice Brandeis noted; *"Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants."*[8]

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[7] Good Things Foundation. 2019. Bridging the Digital Divide. Available at: https://www.goodthingsfoundation.org/bridging-the-digital-divide [Accessed 28 April 2019]

[8] Brandeis, L.D. (1914) Other people's money: and how the bankers use it. New York, Fredrick A.Stokes Co.