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FROM GAVEL TO GRID: REIMAGINING CIVIL JUSTICE IN THE DIGITAL ERA

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1. BACKGROUND

Civil justice systems across the world stand at the threshold of an unprecedented and significant transformation in our time. The progressive integration of digital technologies into judicial institutions has accelerated into a structural shift of considerable proportions, reshaping not only the administrative architecture of courts but also the processes through which rights are adjudicated and disputes are resolved. What began as a transition from paper-based dockets to electronic filing portals, from manual administration to digital case management systems, and from in-person hearings to video-conferenced court sessions, has evolved into something far more consequential: the prospect of artificial intelligence (AI) assuming an active role within the judicial process itself[1].

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[1] For more information on the application of AI in civil courts see Salehi, S. S., & Gioia, G. Beyond Wooden Desks: The Impact of Artificial Intelligence on Reshaping the Role of Court Staff. In A. Uzelac,

The emergence of AI marks a significant qualitative shift in the ambitions to integrate technology within civil justice systems. Whereas previous digital advancements in civil justice functioned primarily as instruments of administrative facilitation, AI is positioned as a participant in the judicial process itself. This participatory role manifests through capabilities encompassing outcome prediction, automated drafting of procedural documents, evidence evaluation, and decision-support functions[2]. This transition from technology as a facilitative instrument to technology as a potential actor within adjudication raises questions of a fundamentally different nature, engaging the constitutional foundations of civil procedure, the institutional identity of courts, and the rights of individuals who seek judicial redress.

The integration of AI into civil justice is frequently presented as a structural remedy for a matrix of systemic pressures confronting contemporary judicial institutions[3]. These include court backlogs—caused in significant part by the proliferation of low-value claims arising from malpractices on digital market platforms—as well as escalating judiciary costs and legal representation fees that disproportionately burden self-represented litigants and growing public expectations for more expeditious legal proceedings[4]. In this framing, AI appears as a solution capable of delivering efficiency gains that conventional procedural reform has struggled to achieve.

Despite its promise, efficiency must be weighed against a series of serious legal and ethical concerns that cannot be dismissed[5]. The deployment of AI in civil justice systems carries inherent risks: the undermining of procedural safeguards, the perpetuation of algorithmic bias, and the absence of transparency in automated reasoning each challenge the principle of fairness that lies at the heart of any legitimate judicial process[6]. These are fundamental questions situated at the core of civil justice's institutional integrity, and ad-

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& S. Voet (Eds.), *The Heroes of the Judicial Periphery: Court Experts, Court Clerks, and Other Actors in the Shadows* (1st ed., pp. 358-376). Hart Publishing.

[2] See specially Barysė, D., & Sarel, R. (2023). Algorithms in the court: does it matter which part of the judicial decision-making is automated?. *Artificial Intelligence and Law*, 1 — 30. *https://doi.org/10.1007/s10506—022-09343-6* accessed 16 June 2026.

[3] Liu, H. Y. (2018). The power structure of artificial intelligence. *Law, Innovation and Technology*, *10*(2), 197-229, 14; See also Reiling, A., & McCarthy, J. (2020). Courts and Artificial Intelligence. *International Journal for Court Administration, 11*. *https://doi.org/10.36745/ijca.343* accessed 15 June 2026.

[4] See Giacalone, M., & Salehi, S. (2022). Small claims and the pursuit of (digital) justice: a tiered online dispute resolution perspective. *Revista Ítalo-española de Derecho procesal*, (1), 181-213.

[5] See specially Davies, B. (2025). Ethics in artificial intelligence and alternative dispute resolution: Generating AI/human reviewed ethical guidelines for ADR practitioners and the legal profession. *UMass Law Review*, *20*(2), 149-190; Donoghue, J. (2017). The rise of digital justice: Courtroom technology, public participation and access to justice. *The Modern Law Review*, *80*(6), 995-1025; De La Osa, D. S. U., & Remolina, N. (2024). Artificial intelligence at the bench: Legal and ethical challenges of informing—or misinforming—judicial decision-making through generative AI. *Data & Policy, 6*. *https://doi.org/10.1017/dap.2024.53* accessed 16 June 2026.

[6] Borgesano, F., De Maio, A., Laghi, P., & Musmanno, R. (2025). Artificial intelligence and justice: a systematic literature review and future research perspectives on Justice 5.0. *European Journal of Innovation Management*. *https://doi.org/10.1108/ejim-01-2025-0117* accessed 15 June 2026.

dressing them demands the kind of rigorous, cross-jurisdictional scholarly debate that this Special Issue seeks to provide.

2. THE STATE OF THE FIELD: SCHOLARSHIP AT THE CROSSROADS OF TECHNOLOGY AND CIVIL JUSTICE

Scholarly engagement with the digitalisation of civil justice has grown considerably in the past two decades, evolving from early discussions centred on modernising court infrastructure. Over time, technology-driven reforms shifted toward more complex analyses of the constitutional and institutional implications of digitalisation within civil justice systems[7]. The first generation of scholarship in this field was largely descriptive and comparative in orientation, mapping the adoption of electronic filing systems, digital case management platforms, and online dispute resolution mechanisms across jurisdictions. Although these contributions provided a significant empirical foundation by addressing technology as an accelerator of procedural modernisation, the deeper questions of legitimacy, authority, and rights that technological integration inevitably raises within adjudicative systems remained largely unexamined.

In response, a second wave of scholarship emerged, marked by a critical turn toward the efficiency narrative that had been the dominant driving force behind procedural reform discourse. This literature drew attention to the structural risks inherent in the adoption of digital instruments within civil justice systems: the deepening of digital divides rather than their mitigation, the undermining of procedural guarantees in the pursuit of speed and cost reduction, and the subordination of judicial discretion to algorithms whose reasoning remains opaque and incomprehensible not only to judiciary staff and litigants but also to human oversight bodies[8]. Most significantly, this line of scholarship insisted that questions concerning access to civil justice cannot be reduced to questions of technological access[9]. It emphasised that the digitalisation of civil proceedings must be evaluated against the full range of

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[7] For example see Kramer, X., Hoevenaars, J., & Themeli, E. (2022). Frontiers in civil justice-privatising, digitising and funding justice. In *Frontiers in Civil Justice* (pp. 1-20). Edward Elgar Publishing; Onțanu, E. A., & Tai, E. T. T. (2025). Digital Technology and Procedural Justice: Towards a Geography of Justice. *Tilburg Law Review*. *https://doi.org/10.5334/tilr.422accessed* 1 5 June 2026; Dias, J. P., Henriques, M., Fernando, P., Barros, D., & Teles, M. C. (2025). Digitalising Justice: A Fundamental Rights-based Approach; de la Rosa, F. E., Cortés, P., & Escalona, N. M. (2025). Digitalization and Artificial Intelligence in Courts: Opportunities and Challenges; Nylund, A. (2026). Innovation and Digitalisation. *European Civil Procedure*, 115; Engstrom, D. F. (Ed.). (2023). *Legal tech and the future of civil justice*. Cambridge University Press; Contini, F., & Cordella, A. (2016). Law and technology in civil judicial procedures. *The Oxford handbook of the law and regulation of technology*, 246-268.

[8] See Nieva Fenoll, J. (2022). Inteligencia artificial y proceso judicial: perspectivas tras un alto tecnológico en el camino. *Revista General de Derecho Procesal*, *57*, 1-21.

[9] See specially Sorabji, J. (2025). Principles of civil procedure. In *Comparative Civil Procedure* (pp. 63-90). Edward Elgar Publishing.

procedural values, not merely efficiency, but fairness, participation, equality of arms, and the right to an effective remedy[10].

The emergence of AI as a transformative force within civil justice systems—one with capabilities distinct from its predecessor digital tools—has generated a third, still-developing layer of scholarship, to which this Special Issue seeks to contribute. AI introduces capabilities that raise questions existing procedural frameworks were not designed to answer. The prospect of algorithm-based judicial decision-making—whether semi- or fully automated—challenges foundational doctrines of judicial independence and impartiality. The use of predictive tools and automated case management systems raises concerns about systemic bias. The existing plurality of institutional responses, shaped by divergent procedural frameworks rooted in distinct legal cultures, constitutional traditions, and disparities in governance capacity, confirms that there is no universal model for AI-driven civil justice[11].

Despite the rapid growth of scholarship in this third wave, significant gaps remain. Scholars have concentrated on individual jurisdictions or specific technologies, producing rich but fragmented accounts that have yet to be synthesised into a coherent comparative framework. The relationship between AI governance and core civil procedure principles—including due process, equality of arms, and the right to a fair trial—requires deeper and more sustained investigation. It is equally important to address the question of how professional actors within civil justice systems—including lawyers, notaries, and court administrators—are being repositioned by the deployment of AI. Moreover, perspectives from jurisdictions beyond Europe and North America, including those in Asia and Latin America, remain significantly underrepresented in the existing literature, even though some of the most ambitious digitalisation initiatives are being carried out in those regions. In response to these scholarly needs, the Editorial Committee—whose expertise spans the intersection of civil justice, fundamental rights, and technology—issued a call for papers with the aim of creating a dedicated platform for sustained and critical scholarly engagement, from comparative, doctrinal, and empirical perspectives, on the role of technology and, in particular, the evolving role of AI within civil justice systems.

The call sought original contributions examining legal and ethical perspectives on technology use in civil justice contexts and elicited a remarkable response from scholars and practitioners across Europe, Asia, and Latin America. This geographical breadth reflects the genuinely global dimensions of the challenges this issue addresses. Following a rigorous double-blind peer-review process, seventeen contributions were selected for publication, collectively constituting a substantial and cohesive body of scholarship ad-

[10] Jimenez-Gomez, C. E., Elena, S., & Vargas, P. S. (2025). Revisiting open justice in the digital age. In *Research Handbook on Open Government* (pp. 140-156). Edward Elgar Publishing.

[11] Gioia, G. (2025). Intelligenza artificile e indipendenza della magistratura: un equilibrio tra trasparenza e controllo. *Rivista di diritto processuale*, 1338-1363.

dressing the intersection of technology and civil justice with a depth and range that, to the editors' knowledge, has not previously been assembled within a single volume.

This Special Issue appears under the title *From Gavel to Grid: Reimagining Civil Justice in the Digital Era*, published in the Italian-Spanish Journal of Procedure Law (RIEDP), whose primary objective is to foster rigorous and stimulating discussion on contemporary issues in procedural law across Europe and beyond. The seventeen contributions gathered here represent, as a collective scholarly intervention, a significant step toward answering that question.

3. MAPPING THE CONTRIBUTIONS: A THEMATIC OVERVIEW

The contributions in this Special Issue have been organised into five thematic clusters, each illuminating a distinct dimension of the ongoing transformation of civil justice systems across jurisdictions. Together, they reflect both the promises and the perils of digitalisation and AI integration, offering comparative, doctrinal, empirical, and forward-looking perspectives that collectively advance scholarly understanding of this rapidly evolving field.

3.1. Digitalisation of Court Systems and Procedural Reforms

The contributions gathered under the first theme offer concrete accounts of national and regional reforms in the digitalisation of civil courts and procedural frameworks, grounding theoretical debates in the pragmatic realities of institutional change within civil justice systems.

The contribution by Van Doninck and Van Der Haegen examines Belgium's ambitious initiative to modernise the pronouncement and publication of judgments through the establishment of a Central Register for court decisions. The authors illuminate the Register's dual structure—comprising internal non-pseudonymized and publicly accessible pseudonymized sections—alongside mandatory digital judgment requirements, access rules, and restrictions on data reuse. The contribution critically assesses questions of pseudonymization, privacy protection, workload implications, and limitations on data mining and AI, and engages with the 2025 Constitutional Court ruling that largely upheld the system while reinforcing guarantees of effective publicity. The authors conclude that the Central Register constitutes a paradigm shift in access to case law with far-reaching consequences for legal practice and legal culture, and that the challenges of technological modernisation are not exclusive to any particular democratic tradition but arise wherever judicial institutions seek to harness digital tools.

The contribution by Tabatabai, Shahbazinia, and Parsapour turns to the legal infrastructure and systemic prerequisites for AI integration within Iran's judicial system, assessed from the perspectives of institutional readiness and

regulatory safeguards. The authors demonstrate that Iran has constructed a substantial enabling infrastructure through rule-based automation, with discretionary judicial steps increasingly mediated through interoperable registries and standardised workflows as evidenced in heirs' certification, financial enforcement under the Sayyad check system, and traffic bodily-injury compensation. Notwithstanding these advancements, the contribution highlights those protective mechanisms—particularly regarding transparency, data-subject rights, and effective contestability—lag behind. To address this imbalance, the authors propose the adoption of a Qualified Human-in-the-Loop (Q-HITL) framework, whereby AI outputs remain advisory and acquire legal effect only upon mandatory judicial validation.

The article by Bigi surveys the most recent civil procedure reforms in Italy that have accelerated the digitalisation of civil justice, building upon the digital tools tested during the COVID-19 pandemic. The author focuses on evaluating these technological advancements against the foundational principles of Italian civil procedure, scrutinising in particular whether a measured and sectorial deployment of online courts can enhance access to civil justice without compromising core procedural guarantees.

The contribution by Bratković investigates the reform of enforcement proceedings based on trustworthy documents through the lens of Slovenia's Central Department for Trustworthy Documents (COVL). The author contends that through full digitalisation and procedural redesign, Slovenia has transformed mass enforcement into a highly efficient automated system. The article further argues that this innovation constitutes a model from which other jurisdictions grappling with significant volumes of uncontested pecuniary claims may draw meaningful design principles to facilitate the enforcement of such procedures.

The paper by Nieva-Fenoll argues that modern supreme courts have failed to protect statute law because the creators of legal norms do not coincide with their judicial protectors. Tracing judicial review from the Roman *appellatio* to Caesar to the *ancien régime*, the contribution demonstrates that the current appellate model has exhausted its potential. The author contends that generative AI offers an unprecedented opportunity to overcome this crisis by enabling the legislature to reclaim its historical role as the guardian of its own laws. Ultimately, the paper concludes that this technological shift allows the legislative branch to resolve appeals with exceptional speed and directly supervise judicial compliance, aligning justice with contemporary technological realities.

3.2. AI and the Fundamental Principles of Civil Procedure

The second theme interrogates the constitutional and procedural law dimensions of AI deployment, questioning whether prevailing legal frameworks governing due process, equality of arms, and the right to a fair trial can be effectively adapted to technology-driven innovation, or whether a more

fundamental reconceptualisation of underlying principles is required to safeguard individual rights. The contributions also situate national experiences within broader comparative trends, underscoring the diversity of responses to shared challenges.

The contribution by Papachristou-Dimitras probes the impact of AI on the foundational principles of civil procedure, with particular attention to effective access to justice through the lens of judicial impartiality and due process. The author argues that the integration of AI into civil justice systems represents not merely a technological transition but a fundamentally institutional transformation, one that demands the establishment of robust legal safeguards in which transparency, human oversight, and procedural fairness are systematically guaranteed.

The paper by Scigliano investigates the limits of decision-making automation in civil justice, employing enforcement proceedings as an instructive pragmatic case. Contrary to the assumption that enforcement—by virtue of its formal and technical characteristics—is intrinsically amenable to automation, the author contends that it encompasses critical phases requiring judicial intervention in matters of procedural governance, legality review, and proportionality evaluation. The contribution underscores that while AI may support repetitive and organisational tasks, it encounters inherent limits when confronted with the attributable decision-making core of the judicial function in enforcement procedures.

The contribution by Bastianelli adopts a forward-looking analytical perspective in tracing the digital transformation of civil justice in Italy, from the Telematic Process to the most recent reforms introducing AI into civil courts. The author examines pilot projects deploying digital tools at various stages of civil proceedings and argues that AI currently occupies an experimental rather than a determinative role in judicial decision-making. The article emphasises that while adjudicative authority firmly remains with the judiciary, digitalisation has demonstrably enhanced procedural efficiency.

The contribution by Dal Maso situates the digitalisation of civil justice within a comparative transatlantic dialogue between Europe and Latin America, arguing that such exchange is essential to foster a systemic and cultural analysis capable of enhancing cooperation. The author identifies two distinct models: European systems favour an instrumental approach that digitally enhances existing procedural tools in the pursuit of efficiency, while South American countries such as Brazil, Chile, and Colombia pursue a more transformative model deploying technology to address structural access-to-justice deficits and broaden participatory engagement. Both models, the contribution observes, face digital divide challenges—manifesting as literacy gaps in Europe and infrastructural inequalities in South America—underscoring that poorly governed digitalisation risks reproducing existing inequalities. The article's central lesson is a call not for uniform strategies but for context-sensitive reforms that align technological innovation with procedural values, balancing efficiency with participation and ambition with institutional capacity.

3.3. AI-Driven Decision-Making: Efficiency, Explicability, and Equality

The third theme revolves around the application of AI systems in specific decisional contexts, critically assessing the claims attributed to AI tools and the risks they entail for the fairness, transparency, and accountability of civil justice.

The contribution by Sönmez interrogates the relationship between AI and the question of legitimacy in civil justice by drawing instructive parallels with the Investor-State Dispute Settlement (ISDS) framework. The author contends that current reforms in the digitalisation of civil justice risk reproducing patterns observed in international law, wherein critiques of legitimacy are absorbed into formal procedures and technological redesign rather than catalysing fundamental institutional reform. The paper critically questions the transition towards digital justice premised solely on design-led and neutrality-based approaches, and advocates instead for a human-centred approach to digital justice as a prerequisite for democratically accountable practice.

The contribution by Cavani addresses the tension between efficiency and explicability in the deployment of AI within civil justice systems. The author highlights that as instrumental efficiency is prioritised in AI systems, a corresponding and inevitable decrease in explicability ensues, yielding algorithmic processes and outputs that are opaque to human comprehension. Given that AI ethics demands a high degree of explicability in any judicial AI deployment, this requirement inevitably entails trade-offs with operational efficiency. The contribution navigates this tension by arguing that, within a human-centred AI framework, the use of opacity-driven systems may be justifiable depending on the specific function the system is designed to perform.

The contribution by Nguyen addresses the comparative governance of AI-enabled civil justice across three contrasting jurisdictions—the European Union, China, and Singapore—thereby filling a significant gap in scholarship that has tended to examine AI governance within individual jurisdictions in isolation. Through a qualitative comparative approach drawing on legislative texts, institutional reports, and empirical evaluations, the author identifies three distinct institutional logics: the EU prioritises human-centric procedural safeguards at the potential cost of adoption speed; China pursues an efficiency-first model of judicial modernisation that embeds AI deeply into court infrastructure while narrowing opportunities for procedural contestation; and Singapore occupies an intermediate position, pursuing pragmatic, governance-driven innovation grounded in professional responsibility and incremental adoption. The article concludes that there is no one-size-fits-all model, and that AI redistributes procedural risk across participation, accountability, and efficiency in institutionally path-dependent ways.

The contribution by Pailt and Giacalone examines whether digitalisation and AI can improve access to justice in labour law disputes without under-

mining fundamental rights and the rule of law. Combining EU legal analysis with qualitative interviews and focus groups conducted in six Member States, the authors demonstrate that such tools can reduce burdens and information gaps only where reliable infrastructure, coherent governance, specific training, and meaningful human oversight are in place. The contribution's central argument is that human oversight is fundamentally a question of institutional capacity in practice: oversight is rendered ineffective where legal professionals lack training, time, institutional support, and sufficient understanding of how AI systems operate. The authors conclude that AI implementation in justice must be accompanied by integrated infrastructure, role-specific training, transparent governance, and mechanisms ensuring that human professionals retain effective control over system outputs, and that the so-called fourth wave of access to justice cannot be realised through technology alone.

3.4. Online Dispute Resolution and the Future of Court-Based Justice

The fourth theme examines online dispute resolution and remote proceedings as alternatives to and extensions of traditional court-based adjudication that technology has rendered possible, raising foundational questions about evidentiary integrity, legitimacy, and the future architecture of justice.

The contribution by Kyriakides, Manolova, and Zacharopoulos critically examines decentralised justice—as exemplified by the Kleros platform—as a complementary model to judicial AI that combines partial automation with transparent, human-centred decision-making. While not presented as a substitute for courts, the authors argue that decentralised systems illuminate how transparency, proportionality, and visible human oversight can mitigate the risks of opacity, bias, and legitimacy loss inherent in digitally enabled justice. The contribution ultimately frames the central question not as whether justice should be digital, but as which model of digital justice ought to be constructed, urging policymakers to move beyond compliance-based regulation toward institutional design choices that embed transparency, human oversight, and proportionality from the outset.

The contribution by Jürgensen delves into a comparative analysis of how the common law tradition of the United States and the civil law system of Germany regulate and evaluate video-based witness examinations in civil proceedings, examining Rule 43(a) FRCP and Sections 284(2) and (3) ZPO respectively. The author identifies critical differences in legal prerequisites and judicial practice, while demonstrating that technical adoption in both systems remains constrained by a shared scepticism toward the evidentiary value of digital testimony. The contribution reveals that, notwithstanding Germany's 2024 legislative reform signalling a shift toward normalising video technology, judicial practice in both systems remains deeply rooted in their respective procedural philosophies, and that both legal cultures continue to grapple with

the "digital distance" that complicates a judge's ability to gauge sincerity and protect against external interference. The article concludes that the successful integration of video examinations depends less on technical logistics and more on overcoming deep-seated judicial and scholarly scepticism.

3.5. AI Tools for Legal Practitioners and the Transformation of Legal Work

The fifth and final theme shifts attention from courts to practitioners, examining how AI is transforming the work of lawyers, notaries, and other legal professionals who participate in civil justice systems, and raising broader questions about professional identity, drafting standards, and the structural prerequisites of effective legal representation in a digital age.

The contribution by Shengelia and Leonidze analyses the potential and challenges of integrating AI into the Latin-based notary system, surveying the innovative applications already adopted by several European notary chambers—including chatbots for client communication, automated drafting tools, data-verification systems, videoconferencing platforms, and electronic notarial acts—and assessing the position of Georgia, which remains in the early stages of technological adaptation. Through a doctrinal and comparative methodology, the authors examine legislative frameworks, professional guidelines, and existing technological infrastructures in European notary systems, complemented by practical assessments of institutional capacity and public trust. The contribution argues that the modernisation of the notarial profession is inseparable from technological development and is vital for maintaining the relevance, accessibility, and credibility of notarial services in the digital age, while firmly maintaining that notaries should guide AI rather than be supplanted by it.

The contribution by Vita reflects on how the advent of AI compels a fundamental reconsideration of the Italian principles of clarity and conciseness in legal drafting. The author argues that if algorithms can synthesise complex reasoning, the traditional linear structure of procedural documents may lose relevance, opening the way to thematic layouts, interconnected points, and dynamic formats. The spread of generative AI, the contribution contends, demands that lawyers write not merely less but better, structuring procedural documents as clear informational architectures that guide judicial decision-making. The author further argues that poorly drafted and repetitive filings not only burden judges but actively degrade AI processing of legal materials, meaning that clarity and conciseness have become structural prerequisites for effective justice in an algorithmic era rather than merely formal virtues.

The contribution by Donnarumma examines the principle of self-sufficiency in appeals to the Italian Court of Cassation—historically characterised by interpretative uncertainty and fluctuating case law that has fostered

increasingly lengthy and redundant pleadings—and investigates the potential of assisted drafting tools, interactive templates, and emerging AI-based systems to enhance the clarity and concision of cassation appeals. The author advances the central thesis that the crisis of self-sufficiency stems not from an interpretative deficit but from a structural one, and that only a guided drafting model, potentially supported by intelligent technological tools, can restore the principle to its functional limits and recover its original normative rationale—thereby reconciling the demands of procedural efficiency with the effective protection of individual legal positions.

4. CONCLUDING REMARKS BY EDITORIAL COMMITTEE

Taken together, the seventeen contributions assembled in this Special Issue—covering five thematic clusters and drawing on a wide range of national jurisdictions, methodological approaches, and disciplinary perspectives—offer a comprehensive portrait of civil justice at a pivotal moment of transformation by digitalisation in particular AI. They reveal a field in which the promise of efficiency, accessibility, and modernisation coexists with profound and unresolved tensions concerning transparency, legitimacy, human oversight, and the preservation of fundamental procedural rights. Whether examining the architecture of national digital court registers, the constitutional implications of algorithmic decision-making, the governance of AI across distinct legal cultures, the future of online dispute resolution, or the transformation of legal professional practice, each contribution in this Special Issue affirms that the digitalisation of civil justice is neither a purely technical enterprise nor an inevitable trajectory, but a fundamentally normative and institutional undertaking. The editors of the present Special Issue trust that the scholarship gathered here will serve not only to advance and stimulate academic debates in the field but also to inform the policy choices and institutional reforms that will shape the future of civil justice in an increasingly digital world. The conversation opened by these contributions is far from concluded; it is, in many respects, only just the beginning.

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