

Lithuania

Vytautas Nekrošius

1. *To which extent are LegalTech means used in your country: in courts, arbitrations, law firms?*

LITEKO and ESP (electronic service portal which is a component of LITEKO system) are electronic systems of the court. Both natural and legal persons, where relevant, may use the services of those systems by obtaining access through E-Government Gateway. LITEKO system is managed and maintained by the National Courts Administration. Electronic signature is not required to log into E-Government Gateway. One may log in through e-banking or by means of mobile signature. In other words, the current system ensures quite an easy access to the system.

The LR Law on Commercial Arbitration provides for a fragmented regulation of the use of electronic means in the process of arbitration; basically, the competence to decide on the use of electronic means is handed over to the arbitral institutions themselves. As for the legislative governance, Article 10(1)(3) may be singled out as it provides for that an arbitration agreement may be concluded by using electronic communications terminals provided that the integrity and authenticity of information so transmitted is ensured and the content of the transmission is made available for later access; Article 34(1) stipulates that an arbitral tribunal shall decide on the form of arbitral proceedings, unless agreed by the parties. Arbitral proceedings may be conducted in the form of oral hearings or a written or any other procedure. Where it comes to the activities of arbitral institutions, it may be stated that the main Lithuanian arbitral institution, Vilnius Court of Commercial Arbitration, uses ARBIS (arbitration information system) as the principal platform which is employed to ensure the existence of an electronic arbitration case. It must be noted that Article 31(1) of the Arbitration Rules of the VCCA establishes the general rule that all disputes falling within the scope of these Arbitration Rules shall be administered and dealt with through the Vilnius Court of Commercial Arbitration Information System (ARBIS).

2. *Are Blockchain and DLT technologies used in courts or other public institutions?*

Blockchain technologies are not used in Lithuanian public institutions.

3. *Electronic communication with courts. Regulatory framework, delivery and submission of documents. Is electronic signature required? How does communication with the persons other than natural persons take place? Online hearings. How are arbitral awards adopted and pronounced?*

The use of information technologies in court proceedings and existence of electronic cases are established in Article 371 of the LR Law on Courts. Paragraph 1 of this Article provides for that electronic data related to court proceedings shall be handled, included in accounting and stored by means of information and electronic technologies following the procedure established by the Judicial Council and approved by the Office of the Chief Archivist of Lithuania. The cases concerning the issuance of the court order as well as other cases established by the Judicial Council and information related to the court proceedings may be handled by electronic means only. In the event of an electronic case, the written information received and sent by courts shall be digitalised following the procedure laid down in paragraph 6 of this Article, whereas the written documents shall be handled, stored and destroyed as per procedure established by the Judicial Council and approved by the Office of the Chief Archivist of Lithuania. Paragraph 3 of the same Article provides for that the parties to the proceedings shall be entitled to submit all procedural documents and information related to the court proceedings in an electronic form by electronic means following the procedure established by the Minister of Justice. The persons submitting the procedural documents by electronic means shall sign them using advanced electronic signatures or shall confirm their identity by other means (through e-banking systems, etc.), or shall log into the court information system. The requirements for authentication and ways of authentication shall be established by the Minister of Justice. Finally, paragraph 4 therein provides for that in the cases established by law, the courts shall notify the parties to the proceedings of procedural actions or procedural decisions by electronic means following the procedure established by the Minister of Justice.

The format of electronic cases is considerably common in civil and administrative procedures but this option is basically abandoned in criminal procedures.

Several amendments to the Code of Civil Procedure (CCP) contributed significantly to the spread of information technologies in the civil procedure. First of all, it is the provision of Article 80(7) of the CCP which establishes that where a person submits a procedural document to the court by electronic means, stamp duty of 75 % shall be paid. This provision, without doubts, encouraged the applicants and their counsels to make use of the option of submitting procedural documents by electronic means and thus initiate the conduct of the electronic case in specific proceedings, which leads to the submission of all other procedural documents and notification of the time and venue of court hearings by electronic means as well. Another important provision is stipulated in Article 175(9) of the CCP which establishes quite an exhaustive list of entities which are, in all cases, submitted procedural documents in an electronic form. The mandatory entities subject to electronic submission are lawyers, paralegals, bailiffs, assistant bailiffs, notaries, public and municipal enterprises, institutions and organisations, financial institutions, insurance and audit firms, judicial experts and insolvency administrators. The Law also provides for that the court shall deliver procedural documents to other persons by electronic means, where such persons desired to receive them by electronic means under the procedure laid down in the Code and have provided the contact details required. The procedure and form of delivery of procedural documents by electronic means shall be established by the Minister of Justice.

As for the use of information technologies during court hearings, Article 175(2) of the CCP must be emphasised as it establishes the ability to use information and electronic communications technologies (video conferences, teleconferences, etc.) to ensure the participation of the parties to the proceedings at the court hearing and enable the witness's interrogation at his location. It is also worth mentioning that Lithuanian courts, in the face of pandemic, are actively using TEAMS and ZOOM platforms. Paragraph 2 of the same Article provides for that information and electronic communications technologies (video conferences, teleconferences, etc.) may be employed to take evidence.

In terms of the use of information and electronic means in the Lithuanian civil and administrative procedures it is very important to note that LITEKO system publishes information on the time and venue of court hearings, deliveries of procedural documents are made public and anonymised decisions and rulings of the courts of all instances are uploaded.

Future plans

On the subject of the perspective, it must be noted that the State is currently financing the essential upgrade of LITEKO system as the capacities of the existing system are clearly insufficient for considerably developed abilities to use information and electronic technologies in the proceedings.