

**Long-Term Insights Briefing 2025:  
The Future Operation of the Courts and  
Justice Services**

**Submissions by  
The Law Association of New Zealand**



07 November 2025

LTIB: The future operation of the courts and justice services  
The LTIB Team  
Ministry of Justice

By email: [LTIB@justice.govt.nz](mailto:LTIB@justice.govt.nz)

Tēnā koutou,

**Re: The Law Association of New Zealand – Long-Term Insights Briefing 2025: The future operation of the courts and justice services**

The Law Association of New Zealand (TLANZ) is an independent membership organisation for the New Zealand legal profession with more than 8,850 members across the country. As part of fulfilling its representative function, TLANZ maintains expert law committees that support legal review and policy advocacy on important issues.

TLANZ welcomes the opportunity to contribute to the Ministry of Justice's Long-Term Insights Briefing 2025: The future operation of the courts and justice services, and encourages initiatives to modernise the courts and justice services to support the Ministry's long-term vision of a fair, efficient, and accessible justice system for all New Zealanders.

This submission is in response to the Ministry's briefing paper 'The Future Operation of the Courts and Justice Services – draft long-term insights briefing for public consultation' (October 2025), and has been structured to address the three consultation questions therein. TLANZ's submissions are informed by input from four of its specialist law committees, which are comprised of experienced law practitioners working within and alongside the courts and justice system on a regular basis.

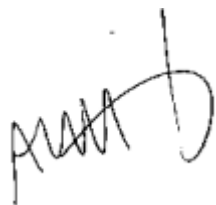
TLANZ thanks the Ministry of Justice for the opportunity to engage with this important consultation.

We are available to discuss our submissions, if required. Should clarification be needed regarding any matters raised, please contact Dan Conway, Head of Legal, at: [daniel.conway@tlanz.nz](mailto:daniel.conway@tlanz.nz)

## ACKNOWLEDGMENTS

TLANZ acknowledges the valuable contributions to its submission by the following Law Committees: [Criminal Law](#), [Technology & Law](#), [Family Law](#) and [Employment Law](#)

Ngā mihi



Tony Herring  
President, The Law Association of New Zealand



*The views represented in this submission are not necessarily representative of the views of all TLANZ members but are those of individual TLANZ members or TLANZ committees who have responded*

**Submissions on behalf of TLANZ by the:**

- **Family Law Committee**
- **Criminal Law Committee**
- **Technology and Law Committee**
- **Employment Law Committee**

**A. Given our focus on the future operation of the courts and justice services, do you think that we are looking at the right things in this briefing? Is anything important missing?**

**1. Family Law Committee**

- 1.1. The Family Law Committee agrees that the Ministry has identified the correct high-level priorities for ensuring that Aotearoa New Zealand's court system remains effective, fair, and accessible. The focus on complexity, access barriers, and demographic change accurately reflects the lived experience of family law practitioners and clients.
- 1.2. The committee particularly welcome the inclusion of access to justice, timely resolution, and resilience as system outcomes. Family law proceedings often involve vulnerable parties, including children, survivors of family violence, and self-represented litigants. These groups are most affected when court processes are delayed, fragmented, or inconsistent.
- 1.3. However, the Committee considers that the Long-Term Insights Briefing could go further in explicitly recognising the distinctive character of the Family Court as a therapeutic jurisdiction. Any digital transformation or structural reform must preserve the Court's ability to provide human-centred, trauma-informed justice, rather than treating family disputes as administrative matters.

***Is anything important missing?***

- 1.4. The Committee identifies three areas where the Briefing could be strengthened:

**(a) Trauma-informed and culturally responsive design.**

The Family Court must remain a place where participants especially children and victim-survivors feel safe, heard, and respected. Court design, scheduling, and communication methods should reflect trauma-informed principles and Te Ao Mārama values. This is particularly vital in digital environments such as *Te Au Rēka*, where the absence of human interaction can amplify feelings of alienation or intimidation.

**(b) Procedural fairness and accessibility in digital systems.**

The transition to *Te Au Rēka* offers significant potential to modernise processes, but the Family Law Committee emphasises that digital accessibility cannot come at the expense of procedural rights.

Key safeguards should include:

- **Written consent** for electronic service to prevent disputes and ensure procedural fairness;
- **Parallel non-digital filing options** for self-represented parties or those without reliable digital access;
- **Clear exemptions and contingency planning** for technical failures or urgent filings; and
- **Audit tracking and document authentication** to preserve evidential integrity and confidentiality.

**(c) Security and information management.**

Given the sensitivity of Family Court material, digital platforms must have strong access controls, data encryption, and strict protocols for psychological and medical reports. Access logs and retention periods should be reviewable and extendable for appeals or follow-up proceedings.

**2. Technology and Law Committee**

- 2.1. The Technology and Law Committee agrees that the Ministry's Briefing identifies the right strategic themes for the future of Aotearoa New Zealand's justice system namely access, affordability, complexity, and resilience. These reflect the lived experience of practitioners and court users who are already navigating an evolving digital environment.
- 2.2. The Committee supports the Ministry's recognition of technological advancement as both an opportunity and a challenge. However, it considers that the LTIB should take a more forward-looking approach by setting out a coherent digital-justice vision one that clearly articulates how technology, ethics, privacy, and inclusion will be integrated to strengthen human-centred justice. This vision should define not only what technological change is possible, but the type of justice experience the Ministry intends to create: accessible, transparent, and equitable across all jurisdictions.
- 2.3. The Committee draws particular attention to the rapid emergence of Agentic AI systems, which are capable of reasoning, planning, and adapting autonomously (Biswas & Talukdar, 2025). These systems represent a new class of decision-support tools that, while powerful, also pose significant risks to transparency, explainability, and judicial accountability if left unregulated. Any integration of those systems into the justice system must therefore be guided by robust ethical principles and clear human-in-the-loop oversight.
- 2.4. Ultimately, the Committee supports the LTIB's overall direction but emphasises that digital reform must be grounded in Te Ao Mārama values of dignity, inclusion, and respect. Technology should serve as an enabler of justice enhancing fairness, participation, and efficiency while preserving human judgment as the foundation of decision-making.

***Is anything important missing?***

2.5. Yes. The Committee considers that several key dimensions require greater emphasis to ensure the *Long-Term Insights Briefing (LTIB)* captures the realities of a digitally transforming justice system.

**(a) Digital Literacy and Inclusion**

While the Briefing acknowledges the risk of digital exclusion, it does not sufficiently address the dual challenge of infrastructure and capability. Equitable access depends not only on the availability of technology but also on people’s ability to use it effectively. Many court users including self-represented litigants, rural communities, and older persons lack the digital confidence to engage with online platforms.

The Committee recommends that the Ministry adopt a long-term digital literacy and onboarding strategy. This should include guided navigation support, hybrid access points, and human-in-the-loop systems such as trained navigators and AI-assisted help tools. Without these, the justice system risks reproducing systemic barriers rather than removing them<sup>1</sup>.

**(b) Ethical and Legal Governance of Artificial Intelligence**

The Ministry should expressly reference the Public Service Artificial Intelligence Framework (2024) as the baseline for responsible AI development in the justice sector. AI can enhance accessibility, efficiency, and consistency, but only if governed by strong ethical, legal, and procedural safeguards.

Emerging research underscores the dangers of “epistemic reliance,” where human decision-makers defer too readily to AI outputs, particularly in high-stakes contexts (Haselager et al., 2024; Dlugatch, Georgieva, & Kerasidou, 2024). To counter this, the justice system should institutionalise reflective and contestable processes so-called “reflection machines” that preserve human critical engagement<sup>2</sup>.

At the same time, international experience shows how “AI hallucinations” have led to fabricated case citations being submitted in court filings (Charlotin, 2025). Such examples highlight the urgency of maintaining human oversight and clear accountability. AI should remain an assistive tool that supports, but never replaces, judicial reasoning or legal advice.

**(c) Decision-Support Systems for Judges and Lawyers**

The Committee supports innovation that augments human judgment but cautions against any drift toward automated adjudication. Agentic AI systems capable of autonomous reasoning and planning introduce new complexity and risk<sup>3</sup>. They should be used only within decision-support parameters, such as case triage, document organisation, and plain-language translation.

Legal professionals remain bound by duties of competence, supervision, and independence under section 4 of the *Lawyers and Conveyancers Act 2006* (*New*

---

<sup>1</sup> New Zealand Law Society, 2020; Toy-Cronin, 2022.

<sup>2</sup> Haselager et al., 2024

<sup>3</sup> Biswas & Talukdar, 2025.

*Zealand*). These duties require that all AI-assisted outputs are verified, explainable, and ethically sound. Judicial decision-making must continue to rest with humans who are accountable, transparent, and capable of providing reasoned explanations for their conclusions.

#### **(d) System Interoperability, Privacy, and Security**

A sustainable digital-justice ecosystem depends on interoperability between courts, tribunals, and justice agencies, supported by consistent privacy and data-protection standards. The Committee recommends that the *Te Au Rēka* platform and any related systems adopt a privacy-by-design architecture with encrypted storage, access controls, and transparent audit logs. This is critical to preserving the integrity of sensitive court information, particularly in family, criminal, and health-related jurisdictions.

These safeguards should align with both the *Privacy Act 2020* and the *Courts of New Zealand Guidelines for Use of Generative Artificial Intelligence in Courts and Tribunals*<sup>4</sup>, ensuring that technology strengthens, rather than undermines, public confidence in judicial independence.

#### **(e) Professional Capability and Public Confidence**

In our submission Digital transformation requires investment not only in infrastructure but also in human capability. Judges, lawyers, and registry staff must receive ongoing training in digital literacy, AI ethics, and data governance. This will allow them to identify and challenge algorithmic bias and maintain fair process.

Public confidence will also depend on transparency and co-design. The Ministry should engage Māori, Pacific, and disability communities in developing AI-enabled tools to ensure that Te Ao Māori values and principles of natural justice are embedded from the outset. This inclusive approach will mitigate automation bias and ensure the justice system remains grounded in Aotearoa New Zealand's social and cultural realities.

- 2.6. AI has transformative potential to improve accessibility, efficiency, and consistency within the justice system. However, it must always operate under human control and within a framework of transparency, explainability, and accountability. The Committee supports a more ambitious yet principled approach anchored in ethical governance, privacy-by-design, and professional responsibility to ensure that technology enhances justice rather than eroding its foundations.

### **3. Criminal Law Committee**

- 3.1. The Committee supports the Ministry's effort to take a long-term, system-wide view of the courts and justice services. The Briefing identifies many of the right issues including delay, affordability, technological change, and the sustainability of the judicial and legal workforce.

---

<sup>4</sup> Nga Kōti P Aotearoa, 2025

- 3.2. However, for the courts to remain credible, trusted, and accessible over the next two decades, several *foundational elements* must be brought to the centre of this conversation. At present, they are either missing or treated too lightly.

***Is anything important missing?***

- 3.3. Several key areas require greater emphasis or development to ensure the courts and justice services are resilient, equitable, and responsive over time:

**(a) A sustainable Access-to-Justice Funding Framework**

Without a long-term funding model, all other reforms will be built on unstable ground. The system currently relies on ad hoc allocations and outdated legal-aid settings that no longer reflect the real cost of representation or the demand for early resolution.

The Ministry should commit to a structured, evidence-based funding model that:

- Integrates legal aid, tribunals, and community dispute resolution into a single funding framework.
- Uses predictable, indexed funding linked to access and outcome data.
- Includes consistent fee-waiver powers and improved enforcement of tribunal awards.

**(b) A Courts Data & Insights Platform**

The justice system cannot be improved if it cannot be measured. TLANZ strongly recommends a national data and analytics framework with transparent, regular reporting on timeliness, adjournments, self-representation, accessibility, and outcome equity.

This should be built into Te Au Reka and designed to serve both public accountability and internal improvement.

**(c) Equity and Accessibility as Explicit Goals**

Fairness cannot be assumed; it must be evidenced. The Briefing notes that disabled, Māori, and Pacific court users continue to face poorer outcomes. Equity must be written into the performance framework for every reform and supported by design standards for accessibility, tikanga, and cultural safety.

**(d) Joined-up Justice System**

The courts cannot operate in isolation. Persistent delay stems from upstream failings – late disclosure, inconsistent expert reporting, and fragmented case management across Police, Corrections, and Oranga Tamariki. These interfaces require a shared operating model and joint accountability.

**(e) Evidence and Forensic Capacity**

The courts are struggling to manage the scale and complexity of digital evidence. A national forensic and transcription strategy is needed to ensure reliability, reduce cost, and prepare for AI-generated or manipulated media.

**(f) Public Legal Education and Trust Building**

Trust in the justice system has eroded. The Committee recommends a standing public education and outreach programme involving schools, communities, and online platforms to build understanding of the courts, rights, and responsibilities.

**(g) Courts Estate and Safety Strategy**

In our submissions, the Ministry is urged to commit to a 20-year property and safety plan for the courts. Priorities should include disability access, victim and witness safety, climate resilience, and mobile or remote court facilities for regional accessibility.

**B. Do you agree that these six strategic choices are the most important ones for us to be thinking about?**

**4. Employment Law Committee**

**(a) Whether we should find ways to address unmet legal need**

The Employment Law Committee agrees that improving access to justice is a core priority but notes that, within the employment law jurisdiction, this goal is currently undermined by the growing prevalence of unregulated employment advocates.

While the involvement of non-lawyer representatives was originally intended to enhance accessibility, the absence of consistent regulation or professional standards has produced the opposite effect. Members report that poorly supervised advocacy has led to increased cost, delay, procedural inefficiency, and emotional strain for both employers and employees engaged in litigation before the Employment Court.

This issue has now become a significant access-to-justice concern one that directly affects the timeliness, quality, and fairness of outcomes in employment disputes. The Committee recommends that the Ministry, when considering how to address unmet legal need, expand its focus beyond technological reform to include the regulation and accreditation of employment advocates.

Such reform would ensure that all representatives appearing in employment jurisdictions are subject to appropriate ethical, training, and accountability standards, similar to those applying to the legal profession. This would strengthen public confidence in the dispute-resolution process, reduce inefficiency, and align the system with the LTIB's broader objective of a fair, affordable, and trustworthy justice framework for all participants.

**5. Family Law Committee**

5.1. The Family Law Committee generally agrees with the six strategic choices but offers the following observations from a family-law perspective.

**(a) Whether we should find ways to address unmet legal need**

**(b) Whether we should undertake structural reform of the court system**

The Committee does not favour large-scale structural reform of the Family Court but strongly supports process simplification and integration. The Family Court is already a specialist jurisdiction; its challenge lies not in structure but in resource constraints, procedural inconsistency, and outdated communication channels.

Structural reform should focus on:

- Aligning case management tools between the Family Court and related jurisdictions (e.g., Oranga Tamariki and the District Court);
- Ensuring that *Te Au Rēka* connects seamlessly with external agencies; and
- Maintaining judicial discretion and flexibility to accommodate complex family dynamics.

**(c) Whether we should substantially increase assistance with navigation in the courts**

Yes. Navigation assistance is essential for ensuring fairness and consistency in family proceedings. Many participants experience the Family Court as confusing and alienating, particularly where legal representation is absent.

The Committee supports expanding the Kaiārahi model and recommends that navigation roles be embedded within *Te Au Rēka* to provide procedural guidance, plain-language explanations, and access to translated information. However, navigators must be carefully trained to avoid giving legal advice and to recognise when vulnerable users require referral to professional support or legal counsel.

**(d) Whether we should consider more ambitious use of AI**

AI has potential to assist with administrative efficiency but must never substitute for judicial reasoning. Family law matters involve deep factual nuance, human emotion, and cultural context. Any AI-assisted system must therefore be confined to process support, such as:

- identifying incomplete filings;
- scheduling and task management; and
- generating standard procedural notices.

There must also be protocols to prevent unauthorised disclosure of sensitive material through automated systems.

**(e) Whether there should be greater use of remote participation**

Yes, provided it remains discretionary and sensitive to case type. Remote participation is valuable for procedural or short appearances but may be unsuitable

for hearings involving credibility assessments, vulnerable witnesses, or high conflict between parties.

The Committee supports:

- Judicial discretion to determine suitability of remote appearance;
- Hybrid models allowing mixed in-person and online participation;
- Secure technology with dedicated support for users unfamiliar with digital platforms; and
- Continued availability of in-person hearings where safety, wellbeing, or comprehension require it.

**(f) Whether we should more actively shape the future workforce for the court system**

Yes. The future family-law workforce must be both digitally competent and trauma-informed. The Ministry should invest in training judges, registry staff, and lawyers in:

- Digital systems literacy and privacy obligations;
- Cultural responsiveness and Te Ao Mārama values; and
- Effective communication with self-represented and vulnerable parties.

## **6. Technology and Law Committee**

6.1. The Technology and Law Committee agrees that the six strategic choices identified in the *Long-Term Insights Briefing (LTIB)* reflect the key policy and operational challenges facing Aotearoa New Zealand's justice system. However, the Committee considers that each strategic choice must be developed with explicit attention to the technological, ethical, and human dimensions of justice delivery.

6.2. The Committee supports a principled but pragmatic approach one that embraces digital innovation to improve efficiency and access while embedding safeguards to protect fairness, transparency, and judicial integrity.

**(a) Whether we should find ways to address unmet legal need**

The Committee agrees that improving access to justice must remain the first priority. Technology can play a constructive role when integrated thoughtfully into service design. AI-assisted triage, guided self-help portals, and online navigation systems can improve procedural efficiency and help self-represented litigants understand their options<sup>5</sup>.

However, such tools should never substitute for legal advice or diminish the role of human support. They should provide structured legal information under the supervision of qualified practitioners. The Committee recommends piloting "AI-

---

<sup>5</sup> Toy-Cronin, 2022.

supported community law hubs” that combine technological efficiency with professional oversight and cultural responsiveness.

**(b) Whether we should undertake structural reform of the court system**

Structural reform should focus on integration and coherence, not institutional proliferation. Fragmented digital systems across jurisdictions currently create duplication and confusion. The Committee recommends developing a unified, user-centred digital interface built on the *Te Au Rēka* platform to connect courts, tribunals, and registry services in a seamless, privacy-compliant way.

The emphasis should be on interoperability, user experience, and consistent data standards rather than wholesale structural overhaul. Technology-enabled reform should enhance transparency and accountability, not replace constitutional checks and balances.

**(c) Whether we should substantially increase assistance with navigation in the courts**

Navigation support is essential to ensure procedural fairness in a digitised justice environment. The Committee strongly supports expanding the *Kaiārahi* model and incorporating digital navigation tools with multilingual, plain-language interfaces and AI-assisted chat systems for basic procedural guidance.

To maintain trust and fairness, all automated systems must include clear disclaimers distinguishing legal information from legal advice and provide a direct escalation path to human support. Navigation services should be designed inclusively, reflecting the diverse needs of Māori, Pacific, disabled, and rural communities.

**(d) Whether we should consider more ambitious use of AI**

The Committee supports the Ministry of Justice exploring more ambitious applications of artificial intelligence (AI), provided that implementation occurs within robust ethical, legal, and technical frameworks that preserve judicial integrity and public trust. The Ministry should expressly anchor its approach in the Public Service Artificial Intelligence Framework (2024), a principles-based standard for responsible and transparent AI use across the public sector.

Briefly, Agentic AI is a type of artificial intelligence capable of making autonomous, multi-step reasoning and independent actions. What is currently observable with OpenAI’s ChatGPT-5 with its capability to create a multi-step “thought process” and web search visible to the user is a basic type of Agentic AI.

More complex systems can be created that allow for completely autonomous actions involving multiple AI tools, based on a predefined trigger event initiated by the user. The issues with Agentic AI technologies are explainability and transparency. Due to the nature of the technology being described often as a “black box”, outcomes from actions or decisions completed by Agentic AI lack the same transparency as human reasoning. Therefore, limitations and safeguards on Agentic AI should ensure that appropriate human-in-the-loop and decision support systems are developed to

manage the risk of these explainability and transparency issues.<sup>6</sup> These limitations and safeguards should be clear and developed through rigorous testing to ensure fitness for purpose. The top priority for the Ministry should be to consider for testing and use of these technologies for case management and triage. It would be appropriate to allow a process for human intervention, notwithstanding how robust the system ends up being.

All decisions impacting humans (rather than process) should have human oversight. Yet, research demonstrates that human-in-the-loop still require decision support systems, as human attentiveness is inconsistent.<sup>7</sup> This is where decision support systems can be of assistance.

For the Ministry to adopt a more ambitious use of artificial intelligence beyond existing business-as-usual initiatives and pilot tooling, it should first establish robust, principled criteria for the development and deployment of decision-support systems. These criteria should ensure that every technological advancement reflects the Kaupapa the values and principles of Aotearoa New Zealand as a liberal democracy grounded in diversity, fairness, and the heritage of Te Ao Māori. Such a framework would not only safeguard juridical integrity and ethical transparency but also ensure that innovation strengthens, rather than displaces, the human and cultural foundations of justice.

Further, they should be reasonably transparent in their development, with frequent consultation with the legal community and public.<sup>8</sup> It would not be reasonable to expect judicial decision-making to replace legal reasoning with AI systems. However, with decision support systems, judicial legal reasoning can be augmented in such a way that fair and accessible justice can be obtained with sufficient efficiency. Assisting in the preparation of applications and defences, so that the merits of a matter can be more easily decided by the human judiciary or out of court agency, is just one example.

Controls (guardrails) should be sufficiently robust to deal with the current known risks and limitations of AI technology. Most of these are already well understood and the principles-based *Public Service Artificial Intelligence Framework* does provide a suitable level of control regarding AI use. However, more ambitious use of AI both in and out of the courts requires additional controls for self-represented litigants and to maintain digital literacy for both the judiciary and the legal profession. This may require additional pre-court stage gates for self-represented litigants to support them in the process of preparing their matters for legal proceedings, to reduce the delays and costs associated with AI hallucinations and vexatious claims.

---

<sup>6</sup> Anjanava Biswas and Wrick Talukdar. *Building Agentic AI Systems : Create Intelligent, Autonomous AI Agents That Can Reason, Plan, and Adapt*, (2025) Packt Publishing Limited, 190-3.

<sup>7</sup> Pim Haselager, et al. "Reflection machines: Supporting effective human oversight over medical decision support systems." (2024) 33 *Cambridge Quarterly of Healthcare Ethics* 380, 381.

<sup>8</sup> Rachel Dlugatch, Antoniya Georgieva, and Angeliki Kerasidou, "AI-driven decision support systems and epistemic reliance: a qualitative study on obstetricians' and midwives' perspectives on integrating AI-driven CTG into clinical decision making." (2024) 25 *BMC Medical Ethics* 1, 6-7.

Professional responsibility remains a key global issue for court systems grappling with the time pressures placed on litigation lawyers.<sup>9</sup> Support systems including digital and AI training, as well as clear judicial guidelines grounded in the foundational professional obligations<sup>10</sup> that govern lawyer use of AI with the courts will need to be developed.

The hardline remains at decision making. The justice system made possible through the judiciary, the courts, and the legal profession relies on the mutual understanding with the governed populace of Aotearoa New Zealand that decisions are transparently made through human reasoning. This underpins the long-term need for fair and equitable access to justice. Machine-based decisions with a lack of transparency, no human accountability, and without human reasoning is neither fair nor equitable access to justice, no matter how efficient it will be.

**(e) Whether there should be greater use of remote participation**

The Ministry must determine how to use remote participation more effectively to improve timely access to justice and provide services at a lower cost for users. This flexibility is crucial for building a court system that can withstand increasing case complexity, system shocks like a pandemic, and ongoing geographic and financial access barriers.

One major benefit of allowing remote participation is its positive impact on cost reduction and improved case management. For many court procedures, particularly steps that do not need evidentiary scrutiny, costs often arise from the need for participants to travel to and wait at the court facility.

By broadly allowing remote appearances for simple procedural matters, such as case management conferences, pre-trial call-overs, initial appearances, and short uncontested interlocutory applications, the system provides immediate financial relief for users. Legal counsel can better manage their schedules and spend less billable time on travel and waiting, which lowers legal costs for clients. For self-represented litigants and witnesses, this flexibility alleviates the burden of losing a day's wages or incurring substantial travel expenses for a brief administrative hearing. This adjustment supports the strategic goal of making justice services more affordable and speeds up case progression by ensuring routine steps are completed quickly, clearing the way for more significant hearings.

The strategy for remote participation should relate to the type of hearing. Remote access consistently improves timeliness in procedural, documentary, or low-complexity cases, where judicial evaluation is focused on compliance rather than in-person assessments of demeanour and complex and persuasive legal argument.

This approach aligns well with efforts for civil procedure changes aimed at creating a streamlined and faster pre-trial process. A key example is the soon-to-be implemented Judicial Issues Conference (JIC) in the High Court. The JIC aims to be a single, early, decisive event to narrow legal issues and set a strict timetable. To be

---

<sup>9</sup> See Damien Charlotin, "AI Hallucination Cases" [AI Hallucination Cases Database – Damien Charlotin](#) [accessed on 30 October 2025], a global tracker of made up case citations that are reflected in published court decisions.

<sup>10</sup> *Lawyers and Conveyancers Act 2006*, s 4.

most effective in saving time and cost, remote participation should be allowed by default. Allowing the JIC to proceed remotely ensures that the time and resource savings achieved by procedural reforms are not lost due to travel logistics for all parties, including senior counsel and Judges. This approach aligns with the new “overriding objective” in the High Court Rules as of 2026.

The operational success of the Disputes Tribunal provides a clear model. The tribunal emphasises speedy, low-cost, and effective access to justice. Its proven success with remote operations highlights that, for certain legal issues, this method is the best standard for achieving timely access. In the Coroners Court, permitting remote participation for taking evidence from experts or distant witnesses speeds up fact gathering, allowing the court to deliver findings more rapidly.

While improving efficiency is important, it should not undermine the integrity of the judicial process. The operational risks increase significantly in high-stakes, adversarial, or sensitive hearings. Some limitations and risks of remote appearances include:

- Remote technology can negatively affect how a participant is perceived. The lack of in-person non-verbal cues (like eye contact) can make participants especially witnesses and children be perceived as less accurate, believable, consistent, and confident. Judges have reported instances where a credibility assessment made during a video hearing was changed after a subsequent in-person hearing.<sup>11</sup>
- Studies indicate that parties in remote hearings are less likely to seek legal advice and representation and may not fully appreciate the seriousness of proceedings, leading to a perception that the process is less legitimate.<sup>12</sup>
- Remote proceedings make it difficult for legal representatives to communicate privately and effectively with their clients during a hearing, impacting the client's ability to participate fully.
- Data suggests remote appearances can negatively impact the outcomes of critical hearings. Studies have shown that defendants in remote criminal bail hearings faced substantially higher bond amounts compared to in-person counterparts.<sup>13</sup>

---

<sup>11</sup> Bannon, A., & Adelstein, J. (2020). *The Impact of Video Proceedings on Fairness and Access to Justice in Court*. Brennan Center for Justice at NYU Law. Specifically noting that “in three out of six surveyed immigration courts, judges identified instances where they had changed credibility assessments made during a video hearing after holding an in-person hearing”.

<sup>12</sup> Ingrid V. Eagly, *Remote Adjudication in Immigration*, 109 Nw. U. L. Rev. 933 (2015) at p. 938: “When compared to similarly situated detained televideo respondents, detained in-person respondents were a remarkable 90% more likely to apply for relief, 35% more likely to obtain counsel, and 6% more likely to apply only for voluntary departure”.

<sup>13</sup> Shari Seidman Diamond et al., “Efficiency and Cost: The Impact of Videoconferenced Hearings on Bail Decisions,” *Journal of Criminal Law and Criminology* 100, no. 3 (2010): 869–901. In particular, this study found that the introduction of the video procedure coincided with a sharp increase in the average bond amount set for cases subject to the Closed-Circuit Television Procedure (CCTP) but that there was no statistically significant change in bond amounts for those cases that continued to have live, in-person bail hearings, suggesting the video-link was the causal factor. Compare this to New South Wales Bureau of Crime Statistics and Research (BOCSAR), *Estimating the Impact of Audio-Visual Link on Being Granted Bail*, Crime and Justice Bulletin No. 235 (Sydney: BOCSAR, 2021), which found no evidence that appearing via Audio-Visual Link (AVL) caused defendants to be less likely to be granted bail in New South Wales.

- The transition to remote hearings exacerbates existing inequities due to limited access to reliable internet, a suitable device, or a private/quiet environment at home, disproportionately affecting low-income, rural, and indigenous communities.

The operational strategy must limit or heavily control remote participation in particular areas, with some examples being:

- **Substantive Criminal Jury Trials:** In cases where a person's liberty is at stake, the formality and seriousness of the physical courtroom are essential. A Judge and jury's ability to evaluate witness credibility and demeanour is fundamental and is potentially compromised by remote technology. Keeping the physical courtroom setting for substantive evidence and verdict phases is key to maintaining the credibility of the process.
- **Substantive Family Court Hearings:** These complicated cases often include vulnerable participants, such as victim-survivors, and significant power imbalances. The physical court environment provides essential support services, security, and a controlled setting that helps reduce the risk of litigation abuse and ensures the safety and cultural appropriateness of the process.

In these cases, the operational focus should be on resourcing the physical environment strategically to ensure safety, dignity, and integrity.

If the Ministry decides to rationalise and reshape its physical property footprint, a minimum set of technical and space standards is necessary. This will ensure that the broad allowance of remote participation does not create a digital divide or compromise security and fairness.

The remaining physical infrastructure could serve as strategic access points to support the hybrid model:

- A network of technologically capable audio-visual booths is necessary in key regional and urban locations. These booths are not courtrooms, but secure connection points that offer a private and interference-free environment for vulnerable witnesses and self-represented litigants to participate remotely without intimidation or privacy risks.
- All remote access points and physical courts must connect fully with the new digital case management system, *Te Au Rēka*. This requirement ensures smooth management of electronic files and scheduling, enhancing overall case flow and preventing technology from becoming a new access barrier.
- New or repurposed physical hubs must meet increased safety requirements, including secure waiting areas for victim-survivors and dedicated support spaces for navigation assistance. This approach ensures the physical setup aligns with the goal of creating a system that is safe and accessible for participants with diverse and complex needs.

- Designated physical spaces (e.g., community hubs or remote court centres) must be maintained or created to provide access to the necessary high-quality technology and internet for citizens who lack a suitable home environment or the required digital resources.
- Platforms must provide equal access to adaptive technologies (like screen-readers) to ensure accessibility for all court users, especially those with disabilities, thereby addressing the potentially discriminatory impact of video links.

The future success of the courts relies on strategically allowing remote participation to drive efficiency and reduce costs. This is particularly true for procedural mechanisms like the Judicial Issues Conference. This targeted approach frees up physical resources while preserving the integrity, safety, and credibility of the judicial process in the most complex and sensitive adversarial hearings.

**(f) Whether we should more actively shape the future workforce for the court system**

Access to justice remains as critical today as it has been over the past century. Technological advancements are not only advantageous but essential to maintain meaningful engagement between the public and the courts. Despite these improvements, recent years have seen growing disenchantment with the court system, driven by mistrust, confusion regarding processes, and escalating costs.<sup>14</sup> While technology has addressed some of these challenges, and AI has begun to broaden access, embracing these innovations requires a thoughtful and measured approach due to inherent risks.

To date there has been a lot of work done in structural reforms to include technology into the mix and assist lawyers and the lay litigant with greater access and efficiency to the courts. Tools have been implemented that have reduced costs in administrative functions from practitioners, and has seen greater access to users in Family and disputes.<sup>15</sup> AI has already been used in our legal system, and commentary provides that it has assisted the lay litigant to provide a more cohesive argument.<sup>16</sup> However, AI is not without its issues. New Zealand has already seen cases where AI has manipulated arguments and provided false citations.<sup>17</sup> Therefore, AI must continue to be used carefully as a tool for guidance rather than a replacement for good legal advice and argument. The Ministry's suggestion of a more ambitious approach to the implementation of AI should be considered with great care, and it is the position of the Committee that this should continue in the same cautious approach already outlined in the current guidance.<sup>18</sup>

---

<sup>14</sup> New Zealand Law Society, *Access to Justice* (2020) at 4-5; Bridgette Toy-Cronin, *A Portal to the Future? Optimising Legal Technology to Close the Justice Gap* (2022) at 5-6.

<sup>15</sup> Refer to the Te Au Reka initiative and implementation.

<sup>16</sup> *Ale (as executor of estate of Ale) v Easthope* [2025] NZHC 3037, at [59].

<sup>17</sup> *LMN v STC* [2025] NZEmpC 46 at [8]; *Cunningham v HealthAlliance NZ Ltd* [2025] NZEmpC 191; *Wikeley v Kea Investments Ltd & Ors* [2024] NZCA 609; *Kipping v Electrical Workers Registration Board* [2025] NZCA 416, at [14].

<sup>18</sup> Nga Koti P Aptearoa, *Courts of New Zealand Guidelines for use of generative artificial intelligence in Courts and Tribunals*, <<https://www.courtsofnz.govt.nz/going-to-court/practice-directions/practice-guidelines/all-benches/guidelines-for-use-of-generative-artificial-intelligence-in-courts-and-tribunals>>

In addition, the implementation of any technology system is not without its difficulties; education and ease of use should be at the forefront of any design and policy approach. The Ministry's discussion of an overhaul of the justice system is not without some merit, and that the focus should be on providing greater clarity on navigation of Court processes and using technology to simplify the process. AI can provide benefits in this area through helpful assistance and guidance on registrar processes, filing, and submission guidance without falling into the area of legal advice, and freeing up registrars to undertake judicial requests.

Care needs to be taken to implement the technology securely, with ease of use following clear procedural guidelines, increase remote participation to reduce costs to all parties, and incorporate AI as a guidance tool, not a replacement for proper advice.

## **7. Criminal Law Committee**

7.1. The Committee supports all six strategic choices identified in the Briefing. Together, they outline a coherent roadmap for a modern, accessible, and technology-enabled court system.

7.2. However, two further strategic choices are essential to give these reforms structure and accountability.

### **(a) Whether we should find ways to address unmet legal need**

Yes – this must remain the central goal. Access to affordable legal help is the foundation of justice. Reforms should focus on bridging the gap between the Disputes Tribunal and the District Court, ensuring that affordability does not determine access to rights.

### **(b) Whether we should undertake structural reform of the court system**

Yes. Simplifying jurisdictions and unifying tribunals will reduce duplication and complexity. A first-principles legislative review should consider a single Courts and Tribunals Act.

### **(c) Whether we should substantially increase assistance with navigation in the courts**

Yes. The Committee strongly supports the expansion of in-person navigators (modelled on Kaiārahi) and the development of well-designed, multilingual digital tools to guide users through every stage of the court process.

### **(d) Whether we should consider more ambitious use of AI**

Yes, but only under a clear ethical and legal governance framework. AI can enhance efficiency in back-office functions, disclosure management, and navigation tools, but it must never compromise transparency, fairness, or judicial independence. Human oversight and auditability must remain mandatory.

### **(e) Whether there should be greater use of remote participation**

Yes, with balance. Remote participation should be expanded for procedural or short hearings but not at the expense of open justice, credibility, or participation quality.

**(f) Whether we should more actively shape the future workforce for the court system**

Yes. The system's sustainability depends on investing in people stabilising legal aid providers, developing regional pipelines for lawyers and judges, and embedding digital and trauma-informed skills across the profession.

**(g) Additional Strategic Choices Proposed**

- **Courts Data & Insights Platform:**

Establish a national data and analytics system for consistent measurement, transparency, and continuous improvement.

- **Access-to-Justice Funding Framework:**

Build a fair, evidence-based, and durable funding model for legal aid, tribunals, community resolution services, and navigation support.

**C. If you don't agree, what do you think are the most important things we should focus on, over the next 20 years?**

**8. Technology and Law Committee**

8.1. The Technology and Law Committee agrees with the six strategic choices outlined in the *Long-Term Insights Briefing* but emphasises that their long-term success will depend on how effectively two cross-cutting priorities are embedded across all areas of reform.

**(a) Ethical Innovation and Human Accountability**

Every technological reform within the justice system must be grounded in the principles of transparency, accountability, and human oversight. Artificial intelligence and automated systems must operate under clearly identifiable human control at every stage of design, deployment, and review.

As Haselager et al. (2024) and Dlugatch et al. (2024) demonstrate, effective oversight is not achieved through passive supervision but through structured reflection and deliberate human engagement with system outputs. This means ensuring that judges, lawyers, and administrators remain the ultimate arbiters of decisions, capable of explaining and defending the reasoning that underpins them.

Embedding these safeguards will preserve the integrity of judicial reasoning, uphold public confidence, and ensure that efficiency gains do not come at the cost of fairness or due process.

**(b) Digital Inclusion and Procedural Fairness**

Sustainable digital transformation depends on inclusivity, capability, and trust. Equitable access to justice requires not only technological innovation but also the digital literacy, affordability, and infrastructure necessary for all participants to engage meaningfully with the courts.

Digital systems must be designed to accommodate cultural and linguistic diversity, accessibility needs, and varying levels of technological confidence. A fair system is one that balances digital efficiency with human empathy and cultural responsiveness, ensuring that no individual or community is excluded from justice because of digital barriers.

The Committee therefore urges the Ministry to prioritise long-term investment in digital inclusion initiatives, user-centred design, and community co-development of new justice technologies.

8.2. The measure of success for a future-ready justice system will not be how quickly it digitises, but how faithfully it maintains public confidence in human-centred justice within a technologically advanced framework. Technology should expand participation, not replace judgment; it should make justice more accessible, not more abstract.

## 9. Criminal Law Committee

9.1. The following priorities should guide reform and investment over the next two decades:

- **Affordability and early resolution:** Strengthen legal aid, develop low-cost civil resolution pathways, reinforce mediation and tribunals, and improve enforcement of tribunal decisions.
- **Right-sized system:** Simplify jurisdictional boundaries and modernise tribunals to ensure clear, accessible routes for resolving disputes.
- **Data and disclosure foundations:** Establish standard national timeframes, digital evidence protocols, and transcription services, supported by public dashboards.
- **Timeliness and accountability:** Set and publish timeliness standards (including plea readiness and adjournment reasons) and address systemic causes of delay.
- **Equity and safety by design:** Embed accessibility and cultural safety standards in all new infrastructure and procedures, including mobile court capacity.
- **Navigation at scale:** Expand court navigator roles and create a multilingual digital navigation platform aligned with human services.
- **Responsible AI:** Implement AI cautiously, with strong safeguards, human oversight, and iterative evaluation before scaling.
- **Workforce sustainability:** Invest in legal aid remuneration, mentoring for early-career lawyers, and mandatory upskilling in digital evidence and courtroom practice.

## 10. Family Law Committee

10.1. The Family Law Committee agrees with the six strategic choices but emphasises that the Ministry's long-term vision must remain people-centred. The justice system of the future should prioritise:

- Safety and wellbeing of all participants, particularly children and survivors of family violence;
- Trauma-informed digital design, ensuring that technology enhances rather than diminishes empathy and understanding; and
- Sustained investment in the Family Court, including judicial resourcing, counselling services, and digital infrastructure that reduces—not shifts—workload pressures.

**Summary:**

TLANZ welcomes the Briefing's direction and agrees the priorities are broadly correct. In our submission enduring reform, hinges on three key enablers:

- Sustainable access-to-justice funding: A durable, evidence-based model spanning legal aid, tribunals, and community resolution, with clear accountability.
- Human-centred digital transformation: Ethical, privacy-by-design systems (including *Te Au Rēka* and any AI use) that uphold *Te Ao Mārama* values and preserve human judgment.
- Transparent data and cultural safety: A courts data and insights platform to track timeliness, access, and equity, co-designed with Māori, Pacific, disability, and rural communities.

Success over the next 20 years should be judged not by the pace of digitisation, but by how well the courts maintain fairness, transparency, and public trust.

END