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TECHNOLOGY, VALUES, AND THE JUSTICE SYSTEM: INTRODUCTION*

Gerry Alexander†

On my own behalf and that of my colleagues on the Washington State Supreme Court, I welcome all of you to this conference, which is devoted to the important subject of “Technology, Values, and the Justice System.” We are honored by your presence at this event at which we will together explore developments in information technologies, the use of such technologies in the justice system, and the broader societal ramifications of such use.

In pondering what to say to you in my welcoming remarks, I was struck by the fact that this conference is one of firsts. Let me explain. This is the first major conference to be held at the new home of the University of Washington School of Law, William H. Gates Hall, a building appropriately named for a distinguished lawyer and citizen who was instrumental in the creation of our state’s Access to Justice Board in 1994. I am aware also that this is the first major conference ever dedicated entirely to the subject of technology, values, and the justice system. Finally, this conference will lead to a first ever symposium edition of the *Washington Law Review* devoted to technology and consisting of scholarly writings engendered by this conference.

Another hallmark of this conference is that it is one of collaboration and diversity. On the collaboration side, it is co-hosted by the University of Washington School of Law, the Washington Law Review, and the Access to Justice Technology Bill of Rights Committee of this state’s Access to Justice Board. Co-sponsors are the Information School of the University of Washington and the Shidler Center for Law, Commerce, and Technology. Insofar as diversity is concerned, we have representatives here from all of the aforementioned organizations as well as a large number of other persons who bring a wide variety of perspectives to this event. The program presenters are also diverse. Although we will hear from lawyers and judges, we will also benefit

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from the views of technologists, ethicists, librarians, philosophers, and historians as well as other individuals who operate at the more practical level of service delivery.

This conference will focus on the fact that whether we like it or not the new information and communication technologies, including the Internet, have begun to enter the justice system, will continue to do so, and will in many ways affect the system in the future. We in the judiciary and other legal fields have come to recognize that the current and future use of such technologies pose significant challenges and opportunities as we continue our quest to guarantee full and equal access to the justice system. Technology can provide increased pathways for access to justice, but it can also perpetuate existing barriers and exclusions and indeed create new barriers. The Washington State justice system is dedicated to ensuring that in the use of such technologies—and elsewhere—barriers to accessing the justice system are avoided, eliminated, or minimized, and that pathways to the justice system are created or maximized.

But if we just let the technology happen and do not act in advance to assure the values of access, inclusion, equality, and quality into the technology and its use, what we desire will not happen, and past deficiencies may persist and worsen. We will not allow that. That is why the Supreme Court's creation, the Access to Justice Board, fostered the initiative that has brought us here today.

The mission of what has been called the Access to Justice Technology Bill of Rights initiative is to create a body of fundamental principles to ensure that current and future technology both increases opportunities, prevents new barriers, and eliminates or reduces existing barriers to access to and effective use of the justice system, thereby improving the quality of justice for all persons in Washington State. Its further mission is to begin the process of making sure that those principles are made concrete in the daily lives of the people in this state—bringing ideas to reality, principles to practice.

In this process over the last two years, the Access to Justice Technology Bill of Rights initiative has enlisted hundreds of people from all over the state—and many from other parts of the nation—bringing together an amazing diversity of background and thought to inform the process and the products. It was the stimulus for this conference and the symposium. This is the final major public event of the initiative as the products will now evolve from a special project to integrated permanent parts of the justice system, perpetuating the values for which the project and all of us stand.

But this conference is not about ending a discussion and drawing firm conclusions as to what to do. It is rather the beginning of further discussions among many, a stimulus to address the essential issues carefully and proactively, and an effort to find over time what we in the justice system seek and, at our best, find—balanced solutions. These are solutions that balance the fundamental values that we possess as Americans and Washingtonians—such as those set forth in our federal and state constitutions. Often that job is by no means easy. Sometimes some of those fundamental values collide with each other, especially in new circumstances where there are new conditions or when, as now, new and potentially powerful tools are available for use. In these new circumstances, we must not simply do business as usual, but must think and imagine and plan and work at how best to find and apply those balanced solutions in the real lives that we are entrusted to serve.

So these are the challenges and opportunities that we face at this conference. We know the program you are about to witness is an outstanding one, and we trust you will benefit from your attendance and will capitalize on what can only be described as an unprecedented opportunity for an exchange of ideas, theories, and opinions.

