Lord Thomas of Cwmgiedd is visiting New Zealand in the latter half of 2019 as the New Zealand Law Foundation’s 2019 Distinguished Visiting Fellow.

Lord Thomas read law at Trinity Hall, Cambridge and the University of Chicago Law School and was called to the bar by Gray’s Inn. He practiced at the Commercial Bar in London from 1972 to 1996, becoming a QC in 1984. He was appointed to the High Court of England and Wales in 1996.

He was successively a Presiding Judge in Wales, Judge in Charge of the Commercial Court, the Senior Presiding Judge for England and Wales, a Lord Justice of Appeal, President of the Queen’s Bench Division and Lord Chief Justice of England and Wales (2013 - 2017). He was a founder of the European Network of Councils for the Judiciary and its President from 2008-2010.

He is currently Chairman of the Commission on Justice in Wales, Chairman of the London Financial Markets Law Committee and President of the Qatar International Court and Dispute Resolution Centre. He also sits in the House of Lords.

He has returned to Essex Court Chambers where he practices as an arbitrator. He is Chancellor of the Aberystwyth University and is an honorary fellow of several universities. He is a founder member of the European Law Institute and is currently a member of its Executive Committee.

When Lord Thomas tours New Zealand in 2019 (9 Sept to 12 Oct) he will spend time at all law schools delivering staff seminars and public lectures at each main centre he visits. These will focus on the effect of the digital (or fourth industrial) revolution on the law, legal practice and the courts and legal education.
These are the topics Lord Thomas has put forward to speak on:

1. **The effect of the digital revolution on the law**

   The new technology has seen some adaptation of substantive law; most well-known is the legislation on data protection and privacy (the GDPR). But there is much more that needs doing such as – developing a legal basis for the operation of the data economy where data is traded, the allocation of duties and responsibilities in relation to online intermediary platforms, provision for access to fiduciary assets and consideration of the effect of blockchain and smart contracts. Is this to be done nationally or globally? What is the effect on other fields of law such as conflicts of law?

2. **The effect of the digital revolution on the courts and the legal profession**

   The new technology is already having an effect on legal practice and the courts. This may only be in its infancy and there is a need to consider the longer term impact. The issues are very wide ranging. For example, what scope will AI provide for drafting documents? Can legal advice be delivered more effectively to those without the means to see lawyers face to face? What are the advantages and pitfalls of online courts? Can procedure be unified and simplified? How is open justice and public confidence to be maintained if more court hearings are online? What are the implications of making available vast amounts of court data and documentation filed in court publicly available online?

3. **The effect of the digital revolution on legal education**

   It is recognised by many who think about what is necessary for practice of the law in the coming decade that students must be taught the skills necessary not only for them to deal with the way business and day to day life is rapidly adopting digital technology and but also the way such technology is changing the practice of law. There needs to be a debate on education and the wider role of law schools. For example, does legal education need to be re-thought? If so, should this be tinkering at the edges or something more radical? Should there be established institutes whose specialism will be the integration of law, technology and AI? Does there need to be more focus on ethics? What needs to be done to help the present legal profession to adapt? How will this be financed?

4. **Creating transnational law for the digital age**

   It is easy to find agreement that the digital revolution needs uniform legal regimes for commerce and trade. It is suggested that these will emerge, as in the past, by business practice, standard form agreements and legislation. In addition, bodies will put forward proposals for uniform principles. But is it that easy? There are very different approaches to matters such as the role of the rule of law, the role of the state, the importance of privacy, the use of case law, and the proliferation of alternative dispute resolution, many with their own case law. How are these difficulties to be overcome?
5. The digital revolution, the rule of law and the relevance of the judiciary to society

Lawyers and others interested in civil liberties and the constitution understand the importance of the rule of law, but many do not, particularly when access to justice can be so expensive and difficult. The digital revolution has provided many new techniques – surveillance and facial recognition, information obtained through the collection of data, provision of news to tailored audiences. These can be used to provide means through which the state can ensure the more effective application of control, described by some as “rule by law”. These techniques can also be used to increase the power, dominance and wealth of large private corporations. How then is the ordinary citizen to be protected? Should more be done to provide the ordinary citizen with the means to enforce and benefit from the rule of law? Does the digital revolution provide the means to enhance the position of the ordinary citizen and control the exercise of state and corporate power? What can the judges do to assist the individual? Or is this best left to the executive, the legislature, regulators and ombudsmen?

6. Lessons from the Brexit process

This would have little to do with the digital age, but could be an attempt to look at (1) How to negotiate (or how not to) (2) the legislative process and scrutiny of vast bodies of new legislation (3) the capacity and capability of the executive and the legislature and (4) the retention of EU law in the UK and the choices of legal regime for the future and (5) the position of the judiciary. I would not express a view on the merits of Brexit.

For more information see Lord Thomas’s profile