

**TECHNOLOGY  
IN COURTS AND TRIBUNALS IN VICTORIA**

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## **PURPOSE**

The purpose of this paper is to provide an overview of the strategy and principles underlying the technological development within courts and tribunals and to briefly describe the current developments in each.

## **BACKGROUND**

In the mid 1980's the drive by the Courts and the then Attorney-General's Department to improve court services through the use of technology, was steered by a multi-jurisdictional and departmental committee. This initiative led to the development for the high volume Magistrates' Court of the mainframe system COURTLINK that has served that court well, assisting it to become one of the most efficient courts in Australia. The most recent development of Courtlink was in 1994 through implementation of an Electronic Data Interchange facility for the filing and issue of civil processes.

In 1987 a further step was taken with a Casflow Management consultancy that led to the development of the case management system (CCCFM) to manage part of the civil list of the County Court. At the same time a case management system (COCASSIS) was introduced for the commercial list in the Supreme Court. The rate of the adoption of technology by tribunals had been uneven and dependent upon the age, size and specialised nature of each tribunal.

By 1995 it was evident that a more strategic and unified approach to the use of technology was necessary if the Courts, Tribunals and the Department of Justice were to maximise the technology in the delivery of services to the community.

## **COURTS AND TRIBUNALS TECHNOLOGY STRATEGY REVIEW 1995**

### **INTRODUCTION**

In 1995 the Courts, Tribunals and Registries Division of the Department commissioned a strategic review of technology for the Courts and Tribunals. The purposes of the review were to:

- foster a more strategic and unified approach to the use of technology amongst courts and tribunals; and
- identify opportunities for the reform of processes and use of technology in the delivery of their services.

The review included the Supreme Court, the County Court, the Magistrates' Court (including the Children's Court and the Coroner's Court) and the Boards and Tribunals within the Justice Portfolio. Extensive participation by judicial and administrative representatives of the courts and tribunals along with the legal profession was a feature of the review. This helped fashion a realistic perspective of options for future service delivery based on the principles of business process re-engineering and the more effective use of technology.

The review also considered the requirements for security, confidentiality and integrity of court and tribunal processes and records and their particular importance given the role of

the courts and tribunals in society. The public must be confident of being treated fairly and expect the impartial dispensation of justice when brought before a court or tribunal.

The present impetus for the increasing and co-operative use of technology in the areas of electronic document lodgment, case management, production of orders, videoconferencing, remote recording of proceedings and electronic service delivery can be referenced back to the review.

### ***Vision for the Future***

The review developed a vision for Courts and Tribunals for the year 2000 and beyond where technology is applied to assist in providing expeditious, affordable, consistent and responsive dispensation of justice.

### ***Major Drivers for Change***

The major drivers for change identified in the review were:

- Improvement in service, including improvement in the time required to process cases and the related costs to the parties involved;
- Better decision support mechanisms, allowing quicker and simpler access to case, precedent and statute information to be utilised for supporting decisions, and the use of case progress measurement to better analyse, pro-actively manage and efficiently resource court and tribunal activities; and
- Maximisation of the effectiveness of courts and tribunals in the activities required to provide a judicial service to the Victorian public through the streamlining of processes and the use of technology to automate routine operations and augment those which are not.

### ***Business Operating Principles***

The review recommended the following business operating principles to guide the development and application of technology by courts and tribunals in their management of cases:

- Administrative work would be performed in an environment which promoted the application of staff experience to exceptional or non-routine cases, while managing the more routine matters with better use of technology;
- Business systems would be:
  - \* as uniform as practicable given the different type of work of each court or tribunal,
  - \* shared to the maximum extent possible, and
  - \* flexible enough to handle a range of accepted judicial models;
- Only essential information would be collected at critical points in the litigation cycle;
- Data would be captured once at the source, through activities devolved to court users where possible;
- Routine administrative tasks would be automated wherever possible;
- On-line systems would allow direct access to information by staff, judiciary, court users and the public with appropriate authority, security and privacy constraints;

- Work would be allocated and tracked electronically;
- Systems developed for judicial use would be portable;
- Interfaces would be developed with other agencies to allow data transmission electronically; and
- Systems would include a broad range of reporting functions, for both research and management activity.

### ***Business Applications***

In order for the courts and tribunals to operate in the manner described above a number of business system applications were recommended:

- Electronic Data Exchange;
- Records Management;
- Workflow Management;
- Resource Management;
- Interface to other Agencies;
- Research Capability;
- Computer Integrated Courtroom;
- Remote Hearing Facilities;
- Court Reporting;
- Fee and Fine Collection;
- Administrative Support;
- Archiving;
- Public Access Network; and
- Management Reporting.

### ***Major Groupings of Activities***

Four natural groupings of activities within courts and tribunals during the litigation process were identified within which the described business applications could be utilised:

#### **Case Initiation**

The activities required to receive information in relation to originating a case, ensuring the item meets with required standards, acknowledging receipt, and collecting appropriate fees. *Relevant business applications include electronic data exchange, interface to other agencies, public access network, fee collection and records management.*

#### **Workflow Management**

The activities required by a court or tribunal to facilitate the progressing of a case from initiation to readiness for hearing. This would include management of the stages of a case through interlocutory steps if required, ensuring conformance to rules and directions of the court, issue of relevant notification to parties involved, management of alternative dispute resolution activities, and scheduling of the resources for a hearing. *Relevant business applications include electronic data exchange, public access network, records*

*management, resource management, workflow management, interface to other agencies, and administrative support.*

### **Hearing Management**

The activities related to judicial preparation for hearings, the conduct of the hearing with required support resources such as court reporting, jury and remote hearing arrangements, and the determination and delivery of judgement within the court or tribunal. *Relevant business applications include records management, workflow management, resource management, research capability, computer integrated courtroom, remote hearing facilities, court reporting, videoconferencing, and administrative support.*

### **Post Final Judgement Management**

The activities required preparing and disseminating orders to relevant parties, enforcement-related discovery and payment applications, and ongoing monitoring and reporting requirements. *Relevant business applications include electronic data exchange, records management, interface to other agencies, fines collection, archiving and management reporting.*

## ***Recommended Strategies for Courts and Tribunals***

### **Case Management - Recommended Strategy**

The review recommended the development of a single case management system (initiation, workflow, and post final judgement) that could be applied across all courts and tribunals customised to meet their individual requirements. The review further recommended that the viability and user acceptance of the concept of a single case management system should be established through the implementation of a pilot project in the Children's Court.

The Children's Court was recommended because of its immediate need for a case management system and the mixture of criminal and family (civil) jurisdictions within that court. The pilot would provide "the proof of concept" necessary before large scale funding could be justifiably committed to the implementation of the solution across all courts and tribunals.

### **Case Management - Adopted Strategy**

While accepting that there were advantages to be derived from uniformity of systems the individual courts and tribunals held strongly to the view that the differences in their jurisdictions and practices meant that a single case management system was both undesirable and unrealistic for their efficient operation.

A revised strategy was developed whereby it was agreed that a case management system would be developed and piloted in the Children's Court and that each court and tribunal would examine the system's suitability for use as the basis for its future case management system.

## **Hearing Management - Recommended and Adopted Strategy**

The review also recommended that hearing management initiatives such as videoconferencing, remote recording of cases, remote witness facilities and electronic courtrooms should proceed in the courts and tribunals in parallel with the pilot system in the Children's Court to produce immediate improvements in processes and service delivery. This recommendation was adopted.

## **CURRENT DEVELOPMENTS**

### ***Government***

The use of technology to assist the delivery of services by Courts and Tribunals is consistent with the policies and standards of the Government. Strategies for the development of new systems are prepared with due regard to "Whole of Government" initiatives such as Victoria 21, VGEMS, Law Today and the "maxi" network.

The Department is developing a strategic plan for the introduction of Electronic Service Delivery. Courts and tribunals as a part of this project are involved in the identification of current court and tribunal processes that might utilise this technology to improve service delivery.

### ***The Department of Justice***

New systems for Courts and Tribunals are being developed within the information technology policy and standards of the Department of Justice. Developments within the Courts and Tribunals are therefore fully compatible with the information technology infrastructure of the Department and in particular the connection to local and wide area networks.

### ***Project Pathfinder***

Project Pathfinder is a Department of Justice initiative that aims to identify significant and sustainable performance improvements in cost, quality and cycle-time across the criminal justice system through the implementation of redesigned administrative processes and procedures. Initiatives within courts and tribunals systems including the JURISLINK project are being developed with due regard to the principles of Project Pathfinder and the related Data Improvement Project.

### ***Magistrates' Court***

The Magistrates' Court currently operates the COURTLINK mainframe case management system for both civil (including Crimes Family Violence) and criminal cases. The system was enhanced in 1994 through the implementation of an Electronic Data Interchange facility. The court and the Department are awaiting the outcome of the Children's Court pilot before determining the suitability of JURISLINK as the replacement for COURTLINK. This will occur in 1999.

### ***Children's Court Pilot Project of the Magistrates' Court***

The Children's Court as part of the Magistrates' Court is piloting a case management system (JURISLINK) that is being developed based upon re-engineered business

processes. The JURISLINK system is based upon the South Australian Courts system. Customised family division and criminal division applications are contracted for implementation in April 1998 and January 1999 respectively. It is envisaged that a facility will be provided within the new system for the electronic lodgment of documents in 1999.

### ***PERIN Court***

In 1984 the Attorney-General's Department established a Task Force to review alternatives to full summary proceedings in the Magistrates' Court. The result was the creation of the PERIN system of the Magistrates' Court which introduced a process of enforcing the penalties prescribed under the infringement notice system. Approximately 380,000 cases are currently dealt with by the Court each year. Prior to the introduction of the system, there were 148,000 cases heard each year by 9 Magistrates and 37 support staff.

A fully integrated fines enforcement system is to be developed in 1998/99 as part of the Traffic Camera Office/Enforcement Management Unit Outsourcing Project.

### ***Coroners Court***

The State Coroner's Office uses a case management system based on an Ingres database that is accessed by Sun workstations, X-terminal and personal computers. The system and database was developed in conjunction with the Victorian Institute of Forensic Medicine and much case data is shared by the two organisations.

### ***National Coroners Information System***

The State Coroner and Institute are involved in the development of a National Coroners Information System in conjunction with the Australian Coroners Society and Monash University. The consortium plans to develop a coded, secure system widely accessible by appropriate parties. A pilot should be operational in the ACT by June 1998.

### ***County Court***

In 1997 the County Court conducted a review of its administrative structure and processes. The review included a re-engineering of its processes and the development of a functional specification for a new case management system. The review recommended the automation of case management processes including the introduction of electronic systems for:

- Document Lodgment
- Collection And Banking Of Payments
- Provision And Collection Of Information

The court is conducting a gap analysis on the JURISLINK system to ascertain the degree

of fit of that system to the functional specification of the review. The gap analysis report is to be completed during March 1998 and the court and Department will decide the future direction for the County Court's case management system.

### **Supreme Court**

The Supreme Court operates a number of caseload management systems including mainframe applications to purpose-built PC based workflow support systems. The Supreme Court is to follow a similar course to the County Court with an administrative review to commence in March 1998. The review will encompass the role, processes, staffing and workloads of the court.

### **Electronic Courtroom**

Following its successful use of information technology in the Estate Mortgage civil trial the Supreme Court is investigating the provision of the necessary infrastructure within its William Street building to support a high technology courtroom for use in major civil cases. The fully computer integrated courtroom will utilise some or all of the following technologies:

- In-court audio and video systems;
- Electronic presentation of evidence;
- Electronic management of case information such as exhibits;
- Remote witness recording; and
- Electronic transcript

The court is also in the process of installing the necessary infrastructure to support in-court videoconferencing services.

### **Supreme Court Library**

The library catalogue is available on the local area network to the Supreme and County courts. The extension of this service to the profession through the Internet is being considered. The library publishes summaries of unreported judgements on the Internet within 14 days of judgement. The full text is available through commercial providers. Agreement has been reached with AUSTLII to provide the full the text of unreported cases through the Internet. The library offers searches of external databases such as LEXIS/NEXIS and Quicklaw. Options for library management software to replace the present Titan library catalogue program are being investigated.

### **Boards and Tribunals**

Boards and Tribunals operate a variety of case management systems the most common in use being the Tribunal Management System (TMS).

### **Re-engineering Project**

The proposed Victorian Civil and Administrative Tribunal will re-engineer the present individual processes and systems of its constituent tribunals in 1998. The tribunal will then select the case management system that best fits its needs from among three

existing systems: the Domestic Buildings Tribunal System, the Tribunal Management System (TMS) of the Residential Tenancies Tribunal and the JURISLINK System.

### **Residential Tenancies Tribunal**

An electronic service delivery facility is being developed for the Residential Tenancies Tribunal as an extension to TMS to allow clients to lodge applications over the Internet.

### **Criminal Trial Listing Directorate**

CTLD utilises a minicomputer based listing system for the scheduling of all criminal matters in the Supreme and County Courts and appeals from the Magistrates Court to the County Court. This system is scheduled for replacement during 1998.

## **Cross Jurisdictional Hearings Management Initiatives**

### **Video Linking**

#### ***Vision for the Future***

The vision for video linking in the courts and tribunals is the development of an integrated audio/visual system including videoconferencing capabilities. The purpose being to provide greater access to justice at a cheaper cost for litigants.

#### ***Current Situation***

The Magistrates' court utilises a closed circuit video system to enable a protected witness to give evidence from a location in the court building. A point to point macro link exists between the Melbourne Magistrates' Court and the Melbourne Remand Centre. A pilot program in 1997 at Melbourne Magistrates' Court, Melbourne County Court, Mildura and Moe Magistrates' Courts demonstrated the following strengths:

<i>Remands</i>	Prisoners can remain at gaol and therefore eliminate or reduce transport costs, security risks and minimise disruption to prisoners.
<i>Pre Hearing Conference Interlocutory Proceedings</i>	Solicitors and their clients can interact with the court from any location and have access to the judiciary for arraignments, directions hearings and other interlocutory steps on a daily basis without the costs associated with the judge and litigants having to travel.
<i>Remote/Protected Witnesses</i>	Protected witnesses can give evidence quickly, securely and cost effectively from any location worldwide.
<i>Witnesses</i>	Expert and other witnesses can give evidence

quickly, accurately, securely and cost effectively from any location worldwide.

*Remote appearance by Counsel (DPP, VLA, etc.)* There are instances where lawyers can adequately fulfill their duties remote from the court, increase accessibility and raise productivity utilising videoconference technology.

The pilot programs identified the following weaknesses:

*The Personal Contact* Videoconferencing will not replace all personal appearances in the courtroom. Its use is a matter for the discretion of the judge, magistrate or tribunal member adjudicating the case.

*Technical Breakdown* Like any technology, computers can malfunction and will require appropriate support.

### **Legislation**

The *Evidence (AudioVisual and Audio Linking) Act* came into operation in December 1997. It enables the judiciary to direct that people appear by audio or audiovisual link from any place within or outside Victoria or outside Australia.

### **Current Roll-Out of Equipment**

>From January 1998 to October 1998 videoconferencing facilities will be installed at the Melbourne County Court (22 criminal courtrooms and 4 civil courtrooms), Melbourne Magistrates' Court (4 courtrooms), Supreme Court, Boards and Tribunals, Children's Court and the Coroner's Court, as well as nine country courts. Videoconferencing equipment has also been installed at the Police Forensic Science Laboratories and three private prisons.

### **Remote Recording**

#### ***Vision for the Future***

To provide an integrated audiovisual system which enables courts to be recorded for the purpose of producing a transcript without the need to have a recorder operator in the courtroom.

#### ***Current Situation***

Video and audio equipment is installed in courts 5, 7, 9 and 21 at the County Court and remotely at Victorian Government Reporting Service at 167 Queen Street where transcription takes place. System monitoring, diagnostic support and control of the system is provided by VGRS.

Audio equipment is installed at Geelong, Bendigo, Ballarat and Morwell circuit courts. Semi-permanent links enable these courts to be recorded locally; sound transmitted via the links to VGRS offices in Melbourne. Transcript is prepared by VGRS or contractor

staff and the completed transcript is transmitted electronically back to the court then printed and distributed to the judge and litigants within the same timeframes as they could expect delivery when sitting in Melbourne.

The pilot programs have demonstrated the following strengths:

<i>Recorder Operator in Court</i>	Video recording equipment removes the need to have a recorder operator in court. One recorder operator can monitor two courts remotely.
<i>Remote Diagnostics</i>	Technical staff have the ability to electronically fault find, diagnose and remedy technical problems remotely.
<i>Staff Flexibility</i>	The technology gives VGRS much more flexibility in the use of its staff by bringing all transcription back to a central location, which enables downtime to be minimised.
<i>Service Equity</i>	The technology enables the judiciary and litigants in circuit locations to receive equivalent service levels enjoyed in the C.B.D.

The pilot programs identified the following weaknesses:

<i>Personal Contact</i>	It is more difficult to obtain supporting information required for transcript production such as spellings, etc. VGRS requires appropriate support and cooperation from the court end users.
<i>Technical Breakdown</i>	Computers and telephone networks can malfunction and require appropriate support.

### ***Current Roll Out of Equipment***

>From January 1998 to May 1998 video recording facilities will be installed at twenty-two criminal courts and at Melbourne County Court. Training of Tipstaves and Recorder Operators will take place from March onwards with commissioning in each courtroom following the individual training. The software that will provide the switching between recording, videoconferencing, P.A. system and closed circuit protected witness system will be controlled in court by the tipstaff.

### **Emerging Technologies**

#### ***Voice Recognition Software***

VGRS has piloted voice recognition packages and the Supreme Court has also "road tested" the technology. Whilst an exciting breakthrough, the technology is not yet stable

enough nor does it enable an experienced user to complete transcription tasks with sufficient speed to replace existing work practices at present. VGRS will continue the ongoing testing of this software.

### ***Digital Recording***

A number of systems are available. VGRS have investigated several. At present the systems have not proved cost effective to justify extensive implementation.

### **Internet Services**

Courts and tribunals have established a number of information services upon the Internet. The Domestic Building Tribunal operates its own web site. The Supreme, County and Magistrates' Court provide information on the operation of the court; practice notes and includes searchable court list facilities. The Supreme Court publishes unreported judgements (catchwords) and Court of Appeal Judgement summaries. The County Court service includes the facility to e-mail court lists to subscribers via Internet e-mail.

## CONCLUSION

The current and prospective utilisation of technology in the delivery of services by courts and tribunals in Victoria is, as for any other State, an amalgam unique to its legal system generally and its court system in particular. Adherence to the doctrines of judicial independence and separation of powers has produced an environment where courts and tribunals have substantial responsibility for the timing and direction of technological reform of their systems, which they exercise in partnership with the Department of Justice. This blend of independence and co-operation has produced a shared vision for the use of technology in the delivery of court and tribunal services over the next three years and beyond.

At all times the processes and records of the Courts and Tribunals must be secure from unauthorised access or alteration especially where systems interact across the criminal justice system and utilise Wide Area Networks and potentially the Internet as a means of service delivery. The incorporation of extensive precautions and strict adherence to security protocols are therefore a fundamental part of the development of technological solutions within courts and tribunals.

The challenge for the Courts, Tribunals and the Department for the foreseeable future is to continue their strategic and unified approach to the deployment of technology. Current initiatives in case management systems, videoconferencing and court reporting services and other “in court” technologies are consistent with this approach. Success will be measured by the delivery of effective services at a realistic cost through an efficient, comprehensive and responsive justice system.