

# Contemporary international and national experience in integrating technology in courts

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# CV

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# 1986 – 2018 judge, senior judge

2018 – Teaching and advice

2013-2018 Quality and Innovation program  
KEI

2012 – Knowledge systems, Innovation  
Program

2011 – Council of Europe CCJE Opinion 14

2009 – PhD in Technology for judicial reform

Senior judicial reform expert World Bank

Information Manager NL judiciary

Senior judge

Judge



# 1998 – 2003 NL judiciary information manager

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# 2004-2007 senior judicial reform expert, World Bank

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Benin, Africa, World Bank project

# 2007 – 2009 PhD

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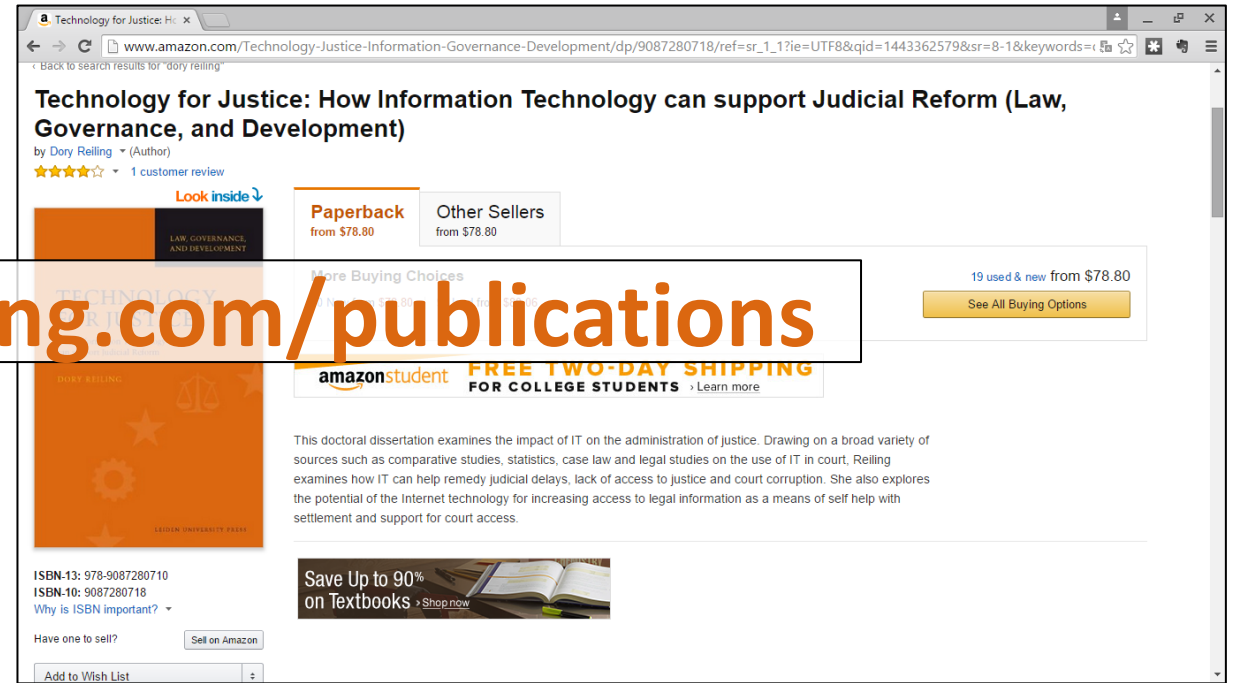
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# What do we talk about when we say IT?

- **Back office**
  - Registration database
  - Document production
  - Research
- **Courtroom technology**
  - Digital case file
  - Hearing recording
  - Videoconferencing
- **E-filing**
  - Interface
  - Platform
- **Public information**

# Some findings

- Disposition time, access to justice and corruption are related issues
- Long disposition times
  - discourage access to justice and
  - foster some types of corruption
- Access to justice is more than access to courts
- It is primarily access to information
- Information technology can reduce corruption
  - But that depends on the political context



# Opportunities

- Improving **impartiality and integrity**
- **Interaction** with outside world
- Improving **court processes**
  - Case management,
  - Court management
- Improving **access to justice**
  - Disintermediation
- Working information-driven
- Process information
- Statistics
- Case load
- Comparing courts

# Why is court IT so difficult?

## Challenges, and some experience

- Complexity
  - Political
  - Technical
  - Court processes
  - Things will take longer than you think
- Governance
  - Who is in charge of what?
- Culture:
  - Judges' work is to look back, not ahead
  - It is about deciding who gets the blame for what went wrong

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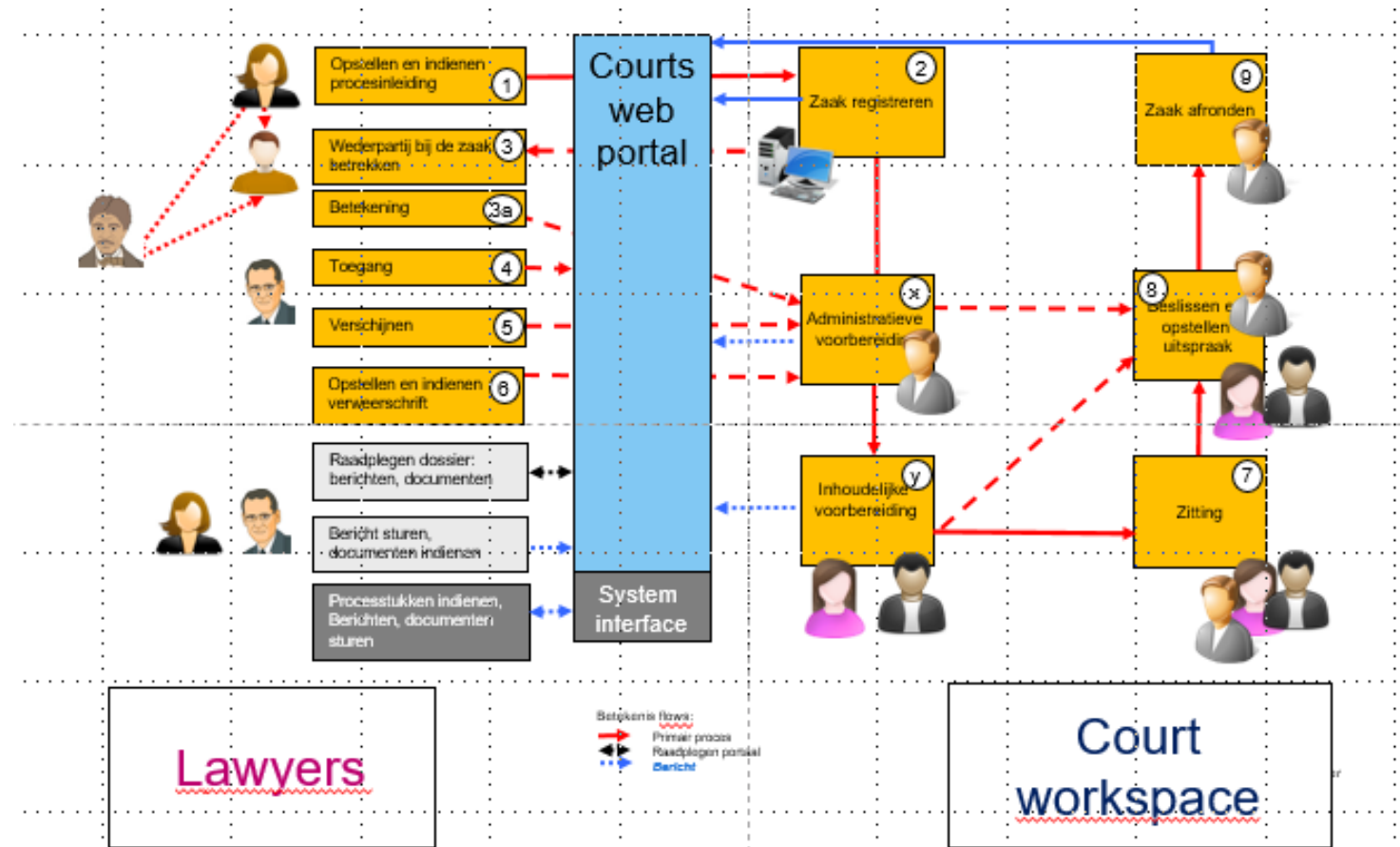
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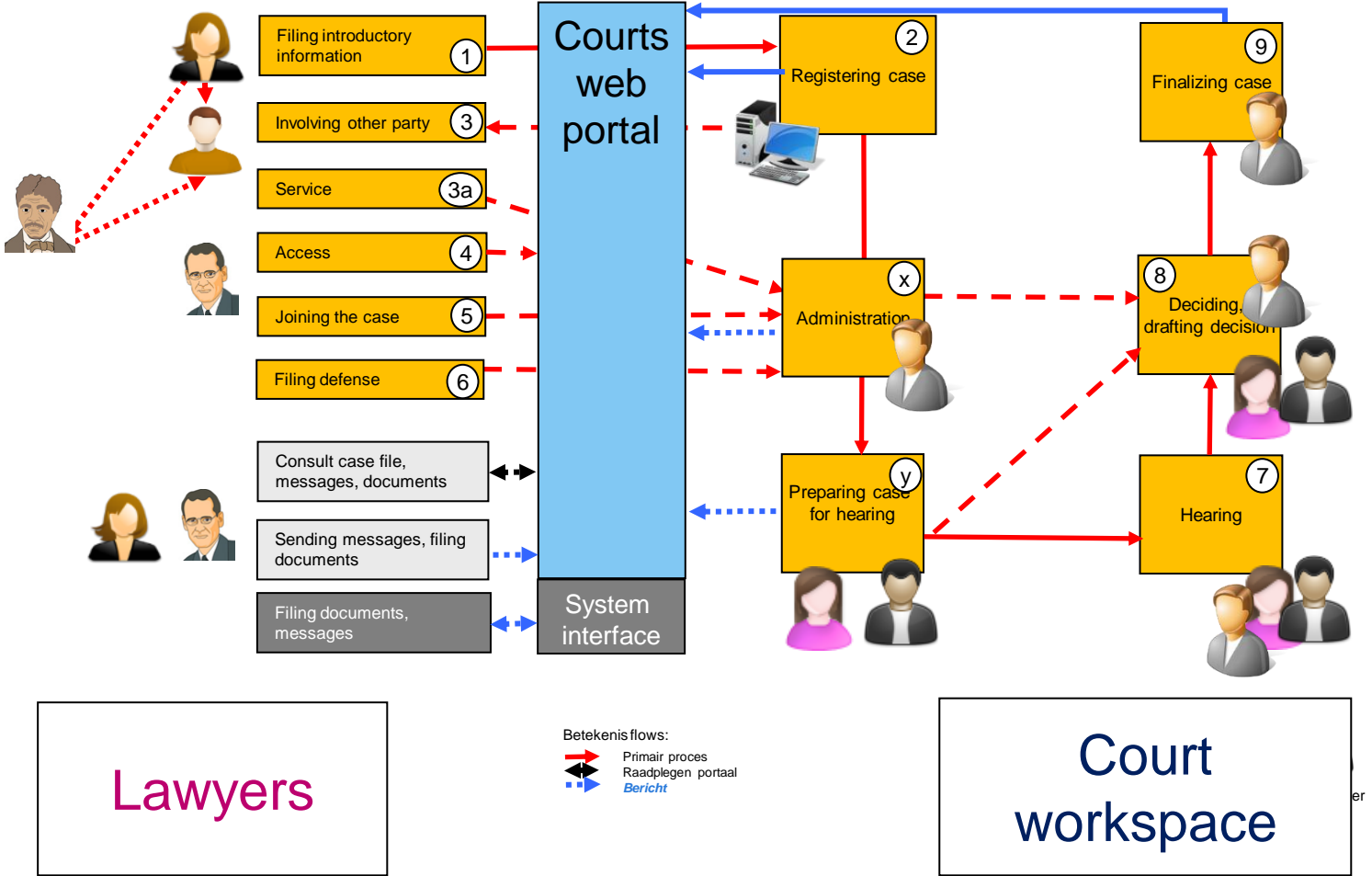


# Communication tools: A complete transaction

1. Static web site
2. Downloading a form
3. Submitting a form
4. A complete transaction



# A fully digital civil procedure



# Findings

- Improvements
  - Faster processing
  - More transparency
  - Active judicial case management
- 
- Issues
  - Complexity
  - Implementation
  - Governance
  - Users are your friends and your enemies

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UNODC judicial integrity network,  
DOHA, Qatar, February 2020



# Courts are part of a cloud

- Courts start with people who have a problem
- Court decisions may not solve the problem
- Courts work with other institutions
  - Prosecution
  - Government and Administration
  - Social services
  - Other institutions

# Digital by design – some examples

- Designed to maximise advantages of IT
- Digital only
- CRT – digital tribunal
- Moneyclaim one trick pony
- Demander justice – private portal
- ODR in US

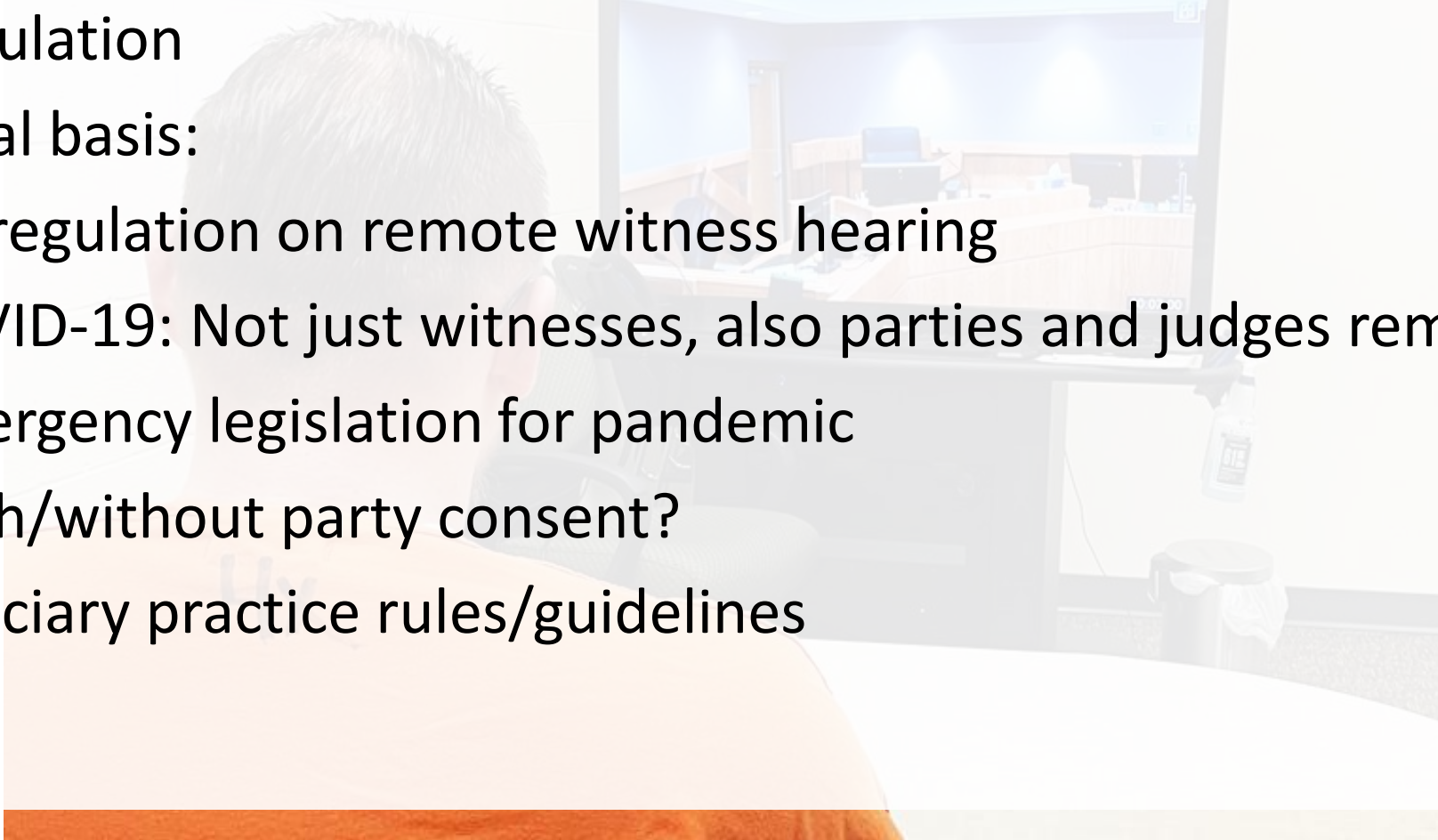
Lessons from the pandemic

# How are justice institutions coping with covid?

- Justice institutions
  - 53 % mostly closed
  - 46% mostly use videoconferencing
  - 35% implemented emergency laws
  - 24% open with physical distancing measures
  - 23%: mostly accessible for e-filing cases
  - 15% operate mostly through phone lines
  - 4% operate as usual
  - 3% none of the above
  
- Source: International Association of Judges

# Video or remote hearings

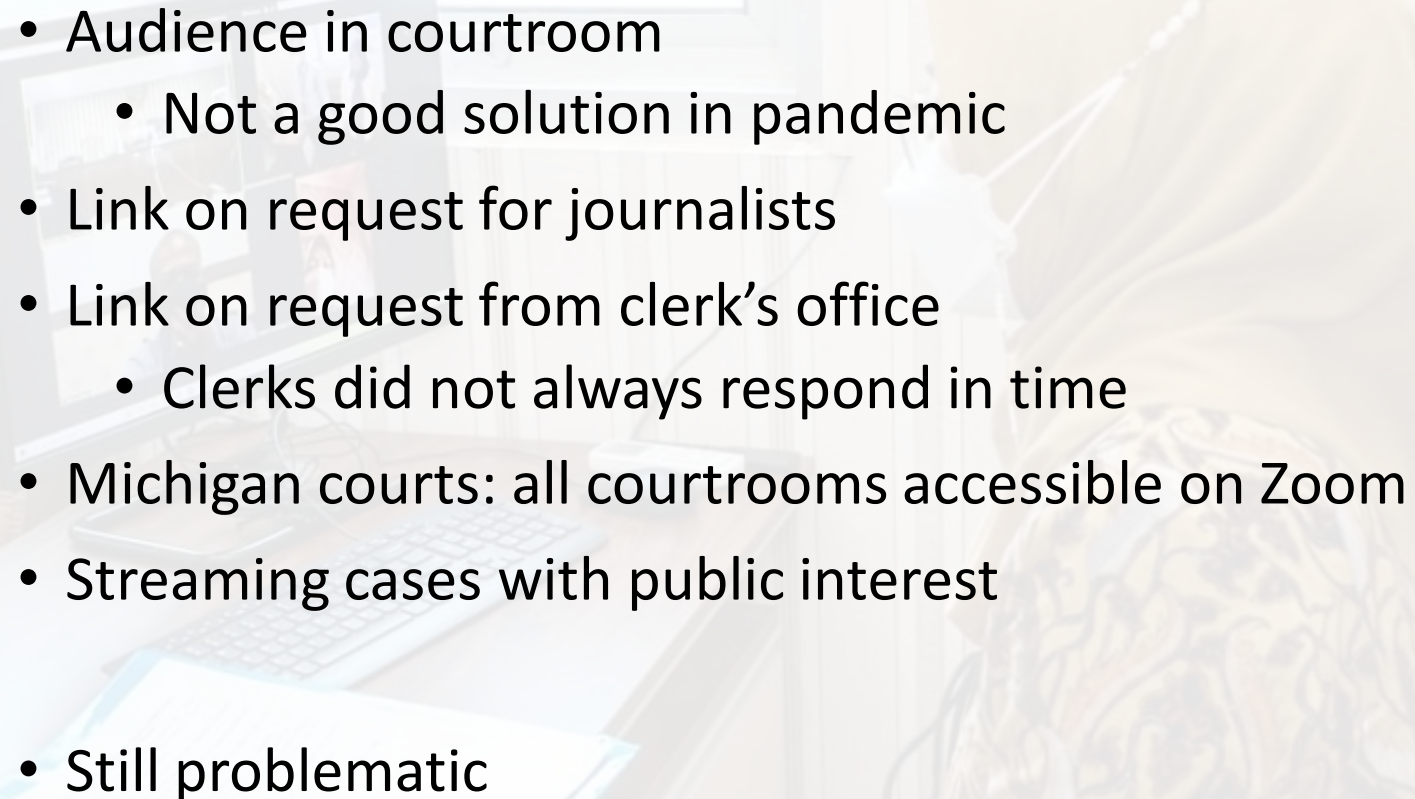
- Regulation
- Legal basis:
- EU regulation on remote witness hearing
- COVID-19: Not just witnesses, also parties and judges remote
- Emergency legislation for pandemic
- With/without party consent?
- Judiciary practice rules/guidelines



# Video or remote hearings

- Technical
- Pre: internal systems, not with parties
- In-pandemic: commercial tools as well
- Data security/protection issue
- User friendliness
- Public access

# Video hearings public access

- 
- Audience in courtroom
    - Not a good solution in pandemic
  - Link on request for journalists
  - Link on request from clerk's office
    - Clerks did not always respond in time
  - Michigan courts: all courtrooms accessible on Zoom
  - Streaming cases with public interest
  - Still problematic

# Video or remote hearings



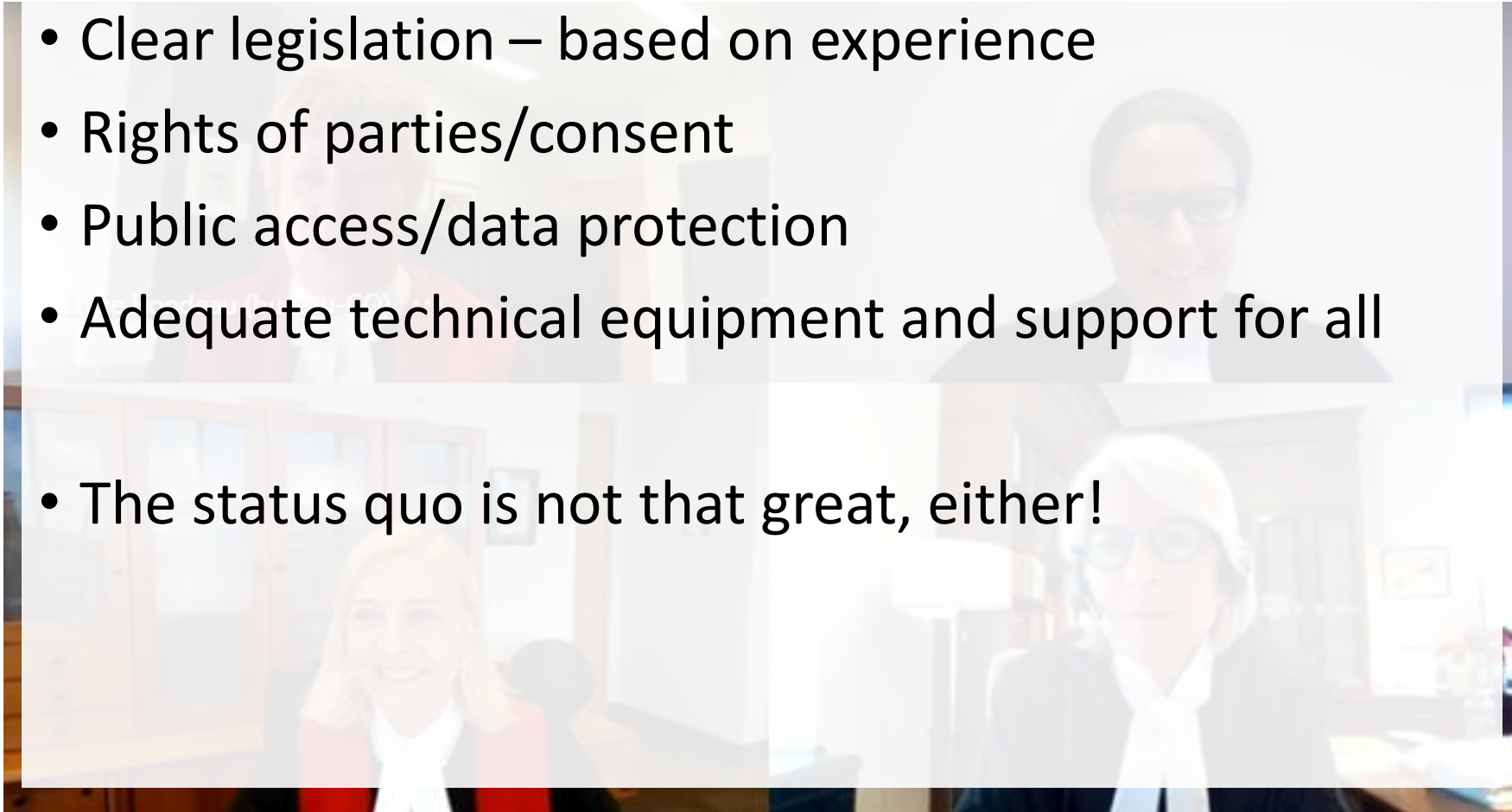
- Issues:
- Not enough hardware
- Connections – bad sound!
- Bandwidth
- Unauthorized recording
- Not saving time
- Who else is in the room?





# Video or remote hearings – the future

- Clear legislation – based on experience
  - Rights of parties/consent
  - Public access/data protection
  - Adequate technical equipment and support for all
- 
- The status quo is not that great, either!



# Beyond the pandemic - digital innovation?

- Courts are geared to process cases
- Courts' work is to look back at what happened in the past
- And to find who is to blame for a wrong
- Instruments: preexisting law and case law
  
- Retrofitting technology to existing processes?
- What is needed for true digital innovation?

# Capacity for future innovation

- Awareness of vulnerability to calamities
  - Capacity for experimentation
  - Acceptance of risk
  - And of the possibility of trial and error
- 
- Adequate funding

# Questions / Comments?



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