TECHNOLOGY FOR JUSTICE 2000 REPORT

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This report and many of the conference presentations can also be accessed on the AIJA Website at http://www.aija.org.au/tech2/

The AIJA is an incorporated association affiliated with the University of Melbourne. Its main functions are the conduct of professional skills courses and seminars for judicial officers and others involved in the administration of the justice system, research into various aspects of judicial administration, and the collection of information on judicial administration. Its members include judges, magistrates, barristers and solicitors, court administrators, academic lawyers and other individuals and bodies interested in improving the operation of the justice system.

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Thanks are also due to the individual courts, departments, agencies, organisations and personnel who assisted with the review process and the conference presentations.

This report was written for the Project Steering Committee by Mr Jeff Leeuwenburg, Information Technology Consultant and Ms Anne Wallace, Deputy Executive Director of the AIJA.

This report should be read in conjunction with conference presentations, which are contained on the *Technology for Justice 2000 Conference Presentations*, CD-ROM (provided to Conference delegates) or found on the AIJA Website at http://www.aija.org.au/tech2/ These materials comprise many hundreds of pages of text, graphics, audio, mini-Websites, and working links to relevant Websites.

CONTENTS

THE USE OF TECHNOLOGY IN THE AUSTRALIAN JUSTICE SYSTEM

This report is from the second 'Technology for Justice' project, by the Australian Institute of Judicial Administration ('AIJA') to examine the use of information technology in the Australian justice system. The focus of the project was the *Technology for Justice Conference*, held in Melbourne between 8-10 October 2000.[1]

The first stage of the project was the *Technology for Justice Conference*, held in Melbourne between 23-25 March 1998 and the publication of the *Technology for Justice Report ('the 1999 Report')*.[2]

The aim of the project was to promote the most effective use of information technology in the justice system. It was a follow up to a report by Graham Greenleaf and Andrew Mowbray '*Information Technology in Complex Criminal Trials'*. The AIJA was granted funding by the Commonwealth Attorney-General's Department to to advance some of the report's recommendations.

The first stage of the project was particularly concerned with the use of common systems and the development of standards and common interfaces.

This second stage focussed on the use of technology in ordinary cases, with a particular emphasis on:

- The use of technology to improve public access to courts, as suggested in the AIJA *Courts and the Public* report by Professor Stephen Parker;[3] and
- The potential for technology to assist in taking justice out into the community, with a particular focus on the needs of country and regional Australia.

The 2000 Project

This project had two components:

- A review of the use of information technology in the areas of criminal investigations, prosecutions, criminal and civil litigation (including appeals), judicial administration and court administration throughout Australia; and
- The development and conduct of a conference to promote the most effective use of information technology in those areas.

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1 See Conference Website located at <www.aija.org.au/tech2>.

2 Jeff Leeuwenburg and Anne Wallace , *Technology for Justice Report* (1999), Australian Institute of Judicial Administration.

3 Professor Stephen Parker, *Courts and the Public*, AIJA (1998)

The Institute again engaged an experienced information technology consultant, Mr Jeff Leeuwenburg, to undertake the review and to assist the project's Steering Committee in the development and conduct of the conference. He was assisted in that task by the AIJA's Deputy Executive Director, Ms Anne Wallace. A Steering Committee was established to take responsibility for the overall conduct of the project. This included representatives of the AIJA, the judiciary, the legal profession, court administrators and law enforcement agencies. A list of the Steering Committee members appears as Appendix A to this report. The Committee set the guidelines and general direction for the review and played an invaluable role in providing leads and contacts for the consultant to pursue. It was convened by AIJA Council member, Mr Justice Peter Underwood.

Review of Court technology: The process

As part of the review process the consultant was required to:

- report on current developments and achievements, identify examples of excellence, note emerging uses of new technology and provide an overview of the benefits achieved by the application of new technology; and
- identify issues to be addressed at the proposed conference.

Extensive consultation was undertaken for the review, including direct visits to potential contributors, letters from the AIJA inviting participation and the use of a Website to seek contributions, participation and comment. Contacts were also made by telephone and email. Visits were made in Melbourne, Sydney, Adelaide, and Brisbane. The contact net included court and tribunal administrators, judges, magistrates, information technology specialists, the legal profession, legal librarians, academics and contacts from law enforcement agencies, police and prisons.

While the focus was on Australian systems, international contacts were made. The authors both attended the CTC6 conference in Los Angeles. This led to invitations to three of the CTC6 presenters to come to Melbourne. All made excellent presentations.

The response to the consultations was very strong, and strongest from court and tribunal administrators, the judiciary and government agencies.

Themes and Directions

As with the first conference, the Steering Committee recognised from the outset that, with such a large area of the justice system to cover and such a wide range of real and potential technologies there was a need to refine the scope of the review. Initial responses to the consultations and calls for comment were presented to the Steering Committee for confirmation on suggested directions. The Steering Committee agreed on the following broad themes:

- Using the Internet to enhance public access to the law;
- Electronic appeals;
- Security, confidentiality, authentication and online courts;
- Electronic filing;
- Electronic courts;
- Public access from remote locations;
- Tools for Managing Legal Documents on the Internet/Legal XML;
- Judicial Support;
- Investigation and Litigation Support;
- Legal Information;
- Case Management;
- PowerPoint presentations to juries;
- Voice recognition technology; and
- Improving court processes.

It was agreed that these areas would form the major focus for the presentations at the conference and the review process was, in large measure, directed toward them. The review did however make observations in relation to a number of other areas and these will be touched on in relation to its findings.

The findings

The review did not make a detailed census of current practice, but rather a broad assessment of the use of technology in the areas it addressed. In general, the review found that the emphasis on technology in the justice system in the past two years has been rather less on experimentation, than on 'bedding in' technology and making it part of our daily work.

Using the Internet to enhance public access to the law

In 1998 there were two conference presentations on the uses of the Internet and only a few examples were seen during the 1998 review. By 2000 there was an extraordinary flowering of sites and applications, with most courts or agencies having an Internet presence. These Internet activities stood out during the review as the area of most significant development. Keynote speakers were selected in this area (see Showcases section) and many other presentations referred to uses of the Internet. There was even sufficient interest and depth to run an effective Website competition as part of the conference. A recent 'Courts Consulting the Community Conference' run in South Australia revealed a desire from the community for more information from the courts and that information technology is seen as a significant factor in that.[4]

However, being on the Internet is in itself no guarantee of effective public access, without some means of feedback, in the form of surveys, or hit-rate analysis. The Australian Bureau of Statistics noted that at May 2000 46% of Australians had access to the Internet,[5] so it is reasonable to conclude the emerging pattern is a considerable advance on the pre-Internet environment. The user surveys are needed, however.

In addition, discussion at the conference suggests that information alone is often not sufficient, with many users requiring assistance in person to process that information and apply it to their own circumstances.[6] Legal organisations should be cautious about relying solely on Website-based communication strategies and that it may be very useful to supplement information included on a Website with details of other sources of assistance and advice.

The content on the Websites viewed range from the cursory and blunt, such as basic listing of address and contacts, to the highly sophisticated, with abundant information and ability to interact with the organisation. Typical content of a court Website included:

- description of function
- legislation, or link to legislation
- contacts
- lists
- calendars

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4 Chief Justice John Doyle, 'Courts Consulting the Community Conference' (January 2001) *Australian Law Journal* 3.

5 Australian Bureau of Statistics, ' Communications and Information Technology Household use of information technology' at ABS Website at <http://www.abs.gov.au/Ausstats/ABS%40.nsf/94713ad445ff1425ca25682000192af2/9cc5855136024e3eca2569de0028de9a!OpenDocument> as at 6 March 2001- predicted to rise to 50% by May 2001.

6 Sue Scott, *'Online law - Using the Internet to deliver legal information' (*Paper presented at the AIJA Technology for Justice 2000 Conference, Melbourne, 8-10 October 2000)

- practice notes
- judgments
- do-it-yourself guidance
- links

The ability to link and refer to other Websites is of high value, seen to good effect with the development of 'portals', such as where a State Government sets up a portal site on government services, which guides users to the appropriate courts, sources of mediation or legal advice. NSW, Victoria and South Australia all have effective navigational Websites of this kind.

One of the more quirky things accessible on a court Website was an online auction of seized goods by a Sheriffs office,

The future development of use of the Internet is likely to move beyond information-dominated services to further process-based offerings. Some examples seen during the review included:

- Putting online many of the proceedings of the Longford Royal Commission into the Esso gas explosion, including at times publicly accessible real-time transcript;
- live video multicasting of some key judgments;
- electronic filing; and
- online payments of traffic fines.

Other possibilities may include:

- more online help for the litigant-in-person; and
- online mediation or other ADR services - the 'multi-door courthouse' in cyberspace.

Legal Websites generally are likely to see a greater trend to

- online legal advice; and
- globalisation of services.

What the progress of the Internet has shown is that change can occur with blistering speed, and even reasonable cost, and one has to change the settings of standard judicious scepticism. Even the failures become evident more quickly. It is possible that 1998 - 2000 will go down in history as the fastest period of growth in Web development.

Electronic appeals

In Australia, the work of appellate courts was one of the first areas where the application of technology was considered. The 1998 Technology for Justice Conference featured a report on a project of the Council of Chief Justices of Australia and New Zealand (CCJ) to investigate the feasibility of the use of Electronic Appeal Books in courts. The final report on the project was approved by CCJ in May 1998 ('the EAP' report).[7]

It was an extremely significant project for the use of technology generally, as it focussed not only on the outcome - electronic appeals - but on the process that would need to occur in the handling of cases electronically from initiating process onwards, to make that outcome possible. It contained a series of recommendations to promote that end. A major theme of those recommendations and of the entire report, is that for electronic appeals be viable, source documents (such as pleadings, transcripts and judgments) should be produced in a way that is consistent. It has been emphasised that '[i]t is not intended that this would involve prescriptive standards ... but rather general standards which would facilitate the capture of certain information common to source documents . . .'[8] Reports on the progress made in implementing these recommendations in each jurisdiction are provided on a regular basis to Council of Chief Justices' meetings.[9]

In Western Australia many of the recommendations of the CCJ report have been implemented and Technology for Justice 2000 featured a presentation by the Chief Justice of Western Australia on the e-appeal pilot project conducted in that state.[10] Western Australia has also developed Practice Guidelines and Directions in relation to the preparation and lodgment of appeal documentation in electronic form.

A number of jurisdictions have since conducted electronic appeals whereby the appeal books are presented to the court in electronic form and accessed in court on computer equipment, by the parties and the judge.

As few courts have yet moved to a system of electronic filing, documents that are to be incorporated into an electronic appeal book have to be prepared for entry into an electronic computerised management system in a similar fashion to the preparation of documents in an electronic trial.

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7 Jo Sherman and Allison Stanfield, 'Council of Chief Justices of Australia and New Zealand Electronic Appeals Project - Final Report May 1998' (May 1998).

8 Ibid 29.

9 Malcolm AC, Chief Justice David, 'The Western Australian Electronic-Appeal Book Project' (Paper presented at the AIJA Technology for Justice 2000 Conference, Melbourne, 8-10 October 2000) <http://www.aija.org.au/tech2/presentations/malcolm/Cje-appeal.rtf>

10 Ibid.

This can be a time-consuming and costly process and would explain why e-appeals, as with electronic trials, are still being approached very much on a case-by-case basis. They tend to be used only in those matters where the costs of the litigation would make the preparation of an electronic appeal book worthwhile.

Their incidence is unlikely to increase significantly in volume until the key recommendations off the CCJ report - related to the development of common technical standards across jurisdictions with regard to the way courts receive, process and issue documentation electronically - are addressed. Those issues are still being worked through, in relation to the introduction of electronic filing (see below).

Security, confidentiality, authentication and online courts

It is axiomatic that court processes need security, confidentiality and authentication. The prevalence of hacking, viruses and other forms of attack on computer systems indicates the need for vigilance. In the 1998 conference one participant suggested that this need not be a theme for the conference, as:

(a) computer system security by and large was as good as, or better than existing paper systems,

(b) improvements in the technology for hacking or other abuses were generally countered by improvements in the technology for security,

(c) the discussions tended to be very technical indeed.

While accepting these comments, the theme was retained for a session of the 2000 conference, if only for reassurance that matters were under scrutiny. Dan Carasone gave a detailed presentation on one of the leading approaches for high security, namely Public Key/Private Key cryptography (PKI) and the non-repudiation of digital signatures. The technology is not widely used yet, but is the front-runner for "very good indeed" and so-far uncracked electronic security.

Security and authentication is one of the infrastructure prerequisites for satisfactory electronic filing and, accordingly, was referred to in the two presentations on electronic filing - VCAT and the joint Law Society and NSW Land and Environment Court project. VCAT uses a user id/password approach as being appropriate to their client base and level of security concern, while the Land and Environment Court is doing a prototype of a PKI approach.

Legal information also needs authenticity, accuracy, and authority. Laws themselves, as well as case law sources, need to be accepted as authentic and authoritative and inoculated against forgery. Judge David Harvey provided a detailed presentation on this topic, including a series of recommendations on methods of certification and authentication.

Electronic filing

Electronic filing, along with case management, is the area where hopes are high for improvements in the next few years. It will have a significant impact on efficiency, reduction of errors and maybe even result in some cost savings. It is also an area where many have made mistakes.

At the conference delegates were fortunate to get a presentation on an electronic filing project from the US State of New Mexico, from Terrie Bousquin. The highlights of this are discussed in the Showcase section (below).

The Australian working example shown at the conference was from the Victorian Civil and Administrative Tribunal ('VCAT') involving residential tenancy disputes. VCAT was a "graduate" from the 1998 conference, where they gave a presentation in the "in the pipeline" section. The VCAT system provides for registered users - such as landlords or tenants' groups - to access VCAT computers directly, over the Internet, lodge applications and receive documents and monitor progress of their cases. Users have quickly taken to using the system. The keys to VCAT success appear to be technical simplicity, focus and building on the existing case management system.

The other Australian example was a prototype in NSW jointly developed by the Law Society of NSW, the NSW Land and Environment Court and Galexia. The technical focus was a proof-of-concept on the use of PKI - Public Key Interface - as a very secure way of allowing solicitors access to court systems. The relevance of the pilot to Australian courts generally is it provides a benchmark of costs, effort and co-operation needed to provide "as good as it gets" security and will help courts decided on the on appropriate security for their particular situation.

Electronic filing can mean many things - simple or complex, high automated, or a partial aid to processing. Examples seen in the review, claimed as electronic filing, included one simple system where emails with attached documents were printed out, then treated the same way as mailed-in documents from that point. It worked, saved time and provided for after-hours access of a kind.

Fortunately courts do not have to be the pioneers in electronic filing. Electronic filing occurs with bodies such as the Australian Taxation Office (on a huge scale), the Australian Securities and Investments Commission, as well as with banks.

Innovation and wider use of electronic filing is likely to be affected by the increased use of Legal XML in document definition, exchange, authentication, and conversion. Currently electronic filing mostly works in a single jurisdiction, according to rules and interfaces established by the regulating authority. Legal XML promises us the ability to make it work across jurisdictions and across software platforms.

Electronic courts

The technology review showed that while electronic courts are not ubiquitous, the technology is well understood, spreading fast and getting cheaper.

The big systems of the NSW Royal Commission into the Police Service and of the Estate Mortgage Case, presented in 1998, remain the benchmarks of current practice in big cases. For the 2000 conference, examples were selected to show adaptation to specific circumstances. These examples were from the Supreme Courts of New South Wales, Victoria and Western Australia.

The New South Wales presentation was on the Inquiry into the Glenbrook Railway disaster, which was interesting from a technical perspective for two aspects: firstly, the addition of audio evidence (recordings from signal operators and train drivers) in digital format, accessible through the database.

This is not spectacular advance, but an extension of the possible into current practice. Secondly it was noteworthy for the functionality contained within their software which was NOT used, for example the capability to follow the case live by dialing in from remote locations and using the real-time transcript was not enabled. The Court chose not to use this, as well as a number of other features, illustrating that just because something is possible does not imply that it is necessary, or advantageous and that it is possible to 'size' the technology to suit the needs of the case, the parties and the court.

A number of significant improvements in hardware have occurred since 1998. In particular, large format flat screen monitors have become bigger, cheaper, easier to plug in, clearer and more elegant. Electronic courts can now be set up without big clunky monitors dominating the room. As they are also silent and do not generate heat, they are ideal for courtroom use. Even very large screens are available, suitable for display to a court as a whole. Flat screen technology was on display on several of the conference trade stands.

Other back-room improvements have been achieved in the size of personal computers, their reliability, capacity, and price. A basic courtroom display kit, suitable for semi-portable use and quick to set up, can be put together easily, using a laptop, 4-5 screens, CD-ROM burner, a document camera, scanners and basic cabling.

The best electronic courtroom from a hardware perspective, seen during the review was at the New South Wales Dust Diseases Tribunal.

Public Access from Remote Locations

This topic derived from one of the main themes for the conference - the potential for technology to assist in taking justice out into the community, particularly to country and regional Australia. The particular focus was the use

of video-conferencing. Live connections were made from the conference auditorium and these are described in the Showcases section.

This technology, described in the 1999 report as 'mature and manageable', has, in the past three years expanded to the point where its availability has become widespread in courts and tribunals. It is used for pre-trial and directions hearing, applications for special leave (in the High Court), to hand down judgments, to receive evidence from witnesses from remote locations, to conduct remands; even, on occasion, to pass sentence.

Other developments have included the prospective use of digitised video as a medium of recording evidence, with the use of software that can enable it to be indexed and rapidly retrieved in segments.

The technology itself has become cheaper and more available and protocols for linking different brands of equipment have improved. More familiarity with the technology has resulted in cheaper and more efficient set up.

DVD-R has now entered the market, suitable for mass storage and easy retrieval of video. In addition DVD jukeboxes at reasonable price and high performance are available. Software, especially compression software, has made the transmission of video over the Internet easier.

The future is likely to see greater use of desktop video over the Internet. This is likely to overcome some of the barriers associated with the current use of video-conferencing. These include cost, the need to locate a video conferencing facility in a specific location and some of the distractions associated with variable picture quality and set up. Desktop video may also assist in overcoming a reluctance to engage with the technology which still exists in some places.

Tools for Managing Legal Documents on the Internet/Legal XML

One of the issues highlighted at the 1998 Conference was the importance of developing common technical standards to facilitate interoperability between different systems. It is an issue that is of increasing importance as courts move towards Internet-based systems of electronic filing. Documents that are produced in a manner that is electronically consistent can be shared between different systems, reducing double-handling and associated costs and ensuring a smooth flow of information.

One of the most significant developments in this area since 1998 has been the advent of Legal XML. XML (e**X**tensible **M**arkup **L**anguage) is a structured mark up language that provides a way to define the structure and content of electronic documents using a series of common descriptive tags. One of its major advantages is that it does not require documents to produced in any particular format in order to be tagged, which means that a document that has

been tagged can be formatted in accordance with an organisation's requirements.

Legal XML is a subset of XML relating to the 'legal industry'. By the use of commonly agreed sets of legal tags, it can enable data to be shared across and between organisations, jurisdictions, even countries.

The key to its utility is common agreement about these legal tags. To that end, the Legal XML organisation was formed to promote development of and agreement on sets of common standards relating to different areas of legal work - such as contracts, transcripts, court filing - to name a few. An Australian section of Legal XML has been formed to promote work on these issues in this country.

An important feature of Legal XML work is that the standards development is a voluntary, collaborative process with the resulting standard made available as a free resource.

The conference featured a keynote presentation from Winchell "Todd" Vincent III (see Showcase section below) and a session with Allison Stanfield, Co-convenor of Legal XML Australia, dealing with developments in Legal XML in Australia. The Australian group held its first face-to-face meeting in conjunction with the conference. More information about Legal XML and LegalXML.org can be found at <www.legalxml.org> and on the Australian Workgroup at <www.legalxml.org/Australia>.

Judicial Support

The use of technology to provide support and assistance to judges and magistrates has, of course, many facets. For the purposes of both the 1998 and 2000 conferences, the Steering Committee chose to focus on the use of systems which provide access over an intranet system to primary research materials, such as cases and legislation, supplemented by a variety of other material of immediate relevance to busy judicial officers. The latter may include sentencing information, bench books and other publications, such as court bulletins or administrative circulars.

The presentation by South Australian magistrate, Tony Newman, provided an example of the use of such technology by judicial officers to develop a set of material of interest to them and their colleagues. It also illustrated that such an approach may provide an easy and very 'user-friendly' approach to introducing people to unfamiliar technology.

The 1998 conference featured a presentation on the Judicial Information Research System (JIRS) developed by the Judicial Commission of New South Wales. The system, which contains a highly developed Sentencing Information System, was at that time the best known of the developed judicial support systems.

Since 1998 a number of other jurisdictions have developed judicial support systems and this area will continue to receive increasing attention, particularly as judges and magistrates become more familiar with the technology and, consequently, more empowered to determine the resources that they would prefer to have at their fingertips.

Despite the advances, the review disclosed that JIRS is still a leader in its field. Indeed, since the 1998 Conference it has received international recognition, particularly in relation to its sentencing database and it has been extended and improved during that time. For this reason, it was again chosen for a presentation for the 2000 Conference.

The Conference also featured a presentation on the area of judgement production and electronic judgement database development from the Supreme Court of Western Australia. The court has been the first in Australia to successfully move to a standard electronic format for its judgements, at the judgment 'production' stage. This is a development that greatly enhances the ability of a court to create and maintain its own internal database of judgments, a resource that is of considerable value to judges.

Investigation and Litigation Support

The review showed that, in the period 1998 to 2000, these areas have been characterised by consolidation and maturity, nuts and bolts improvements, and some organisational flair. The number of software packages on offer has increased, as has the number of companies available to supply services in this respect.

The trend to using service companies, is notable. This includes in-court support. Several (but not all) of these companies participated in the trade show. Services on offer include scanning, OCR, objective and subjective indexing, transcripts and real-time transcripts, database set-up, equipment set-up, in-court equipment management and system security.

The project that wins the flair award is Court 13, in the Victorian Supreme Court, with their collaboration with Ringtail Solutions to offer an "electronic filing cabinet" service - Cyber CourtBook - to litigants. The process provides for accepting documents in image and electronic format, plus relevant index information. Flexible bulk importing from other applications is provided by means of various simple conversion utilities. This has given rise to some basic standards for document registration, such as author, date, length, and format, as well as more elaborate case-specific user-defined fields. This is still in pilot mode, but has been used in some big cases.

A further presentation on litigation support was on the package used jointly by the Australian Securities and Investments Commission, and the Commonwealth Director of Public Prosecutions. This is a good example of cross-agency collaboration on development of a robust and pragmatic package.

Legal Information

The past two years has seen a real surge in electronic access to legal information, primarily Web-based. Legal publishers, law libraries, law firms, courts and tribunals have enthusiastically embraced the new medium. Some of their efforts were highlighted during the Legal Website Competition.

The conference presentations focussed on recent developments in two of the longer-standing and most widely-used 'free to air' Australian sites - AustLII and SCALEPlus. These included the incorporation of facilities enabling subscribers to be notified automatically of new material relating to their preferred subject area, improved search facilities and the extension of their coverage.

There have been significant advances in electronic access over recent years - in particularly the approval of a standard for media-neutral citation. Despite this, the absence of common technical standards for the production of much of the source material makes the task of those involved in building these databases much more difficult that it need be.

Case Management

One of the issues highlighted in the 1998 report was the need for Australian courts to re-engineer their case-management systems, many of which were still operating on legacy systems which gave insufficient flexibility and functionality for modern requirements.

The 1998 Conference noted that most of the difficulties relating to the re-engineering of new systems involved planning, project management and cost, rather than the technology itself. It identified a need to take a team approach to the development of court systems - ensuring that the judiciary, court administrators and information technology experts are all involved.

A number of courts have begun to move in that direction over the past two years.

Two examples were highlighted at the conference. One came from the Family Court of Australia, a high volume, specific jurisdiction court. Over the past two years the court has moved to develop a new approach to case management and a new IT system to support that approach. That system replaces an older, 1980s legacy system.

The design approach included the following requirements for the new system, which serve as general pointer to the type of considerations that courts and tribunals will increasingly look to as they implement new systems:

- a high level of functionality - allowing the Court to meet its client needs;
- a low risk development - proven technology and fixed price; and
- an infrastructure comprised of current mainstream technology.

The new Casetrack system, which is being implemented, is based on Genisys - a system developed by the WA Ministry of Justice system.

The approach taken by the Family Court is illustrative of a generally very pragmatic approach being taken in Australian courts and tribunals in this area. Courts are not interested in being test sites for cutting edge technologies and there would appear to be a greater willingness to look to experiences in other courts and jurisdictions with a view to adapting technology which has proven to work elsewhere.

In contrast to the position in the United States, Australian courts and tribunals seem far less willing to look commercial software packages, with a greater emphasis on developing systems 'in house' or adapting systems used in other courts or tribunals.

The other system discussed at the conference was the Amairgen case management system developed for the Dust Diseases Tribunal of New South Wales. Amairgen is one of the first case management systems designed with a view to facilitating electronic filing to be installed in Australia. (In the interim, documents are currently scanned into the system at the Registry.) As systems of electronic filing are developed over the next few years, this is an aspect of functionality in existing case management systems that will need to be addressed, quite urgently in some cases.

Amairgen is also an example of a system that aims for a completely integrated approach between its three functions - registry, court diary and electronic courtroom. In the end result, this is intended to make pleadings scanned at the registry available to the judge and the parties in the courtroom. The electronic courtroom function is still under development but, again, this is an approach that will become increasingly common in courts and tribunals in coming years.

PowerPoint Presentations to Juries

PowerPoint is a Microsoft presentation tool that enables the production of electronic slides. These are then transmitted from a personal computer onto a screen using a data projector.

The use of tools such as PowerPoint in courts became possible once electronic courtrooms became available. Presentation tools may have more general application in the courtroom, but the conference highlighted one particular emerging use - the use of this technology by judges briefing juries in criminal trials.

The content of the presentation, by Judge Mary Ann Yeats of the District Court of Western Australia, focussed on a number of the issues which judges need to consider in adapting such technology for use in the courtroom. In

particular, the judge discussed the principles used in determining the content and format of such presentations. These included no alteration of the oral direction, no animations, no matters of evidence and no discussion of crown or defence cases. The PowerPoint presentation is regarded is a supplement to oral briefing, not a replacement and copies can be printed off, so they are also available in 'hard copy' format for the jurors to take into the jury room.

The approach has been well received and appears to offer advantages in terms of clarity, keeping jurors' attention and reducing the number of requests from jurors for clarification during deliberation.

The presentation was good a example of the adaptation of easily available, standard, low-cost technology for use in the court. It was also perhaps one of the few direct examples of a judicial officer initiating the use of technology in the courtroom - perhaps a precursor of things to come, as judges and magistrates become more familiar with the range of tools technology provides.

Voice recognition technology

Voice recognition technology still has a long way to go before being a widely used tool, but could be poised for a jump in acceptance and use in the next few years.

The best application seen during the review was at CTC6, where a device called a "Stenomask" was used to provide real-time transcripts. The operator repeats what is said in court into a mask resembling a World War I gasmask, which makes the voice inaudible to others in the room. The software used, typically "Dragon" from IBM, is trained to the operator's voice and configured to use special keywords to start and end paragraphs. The operator can either rehearse the names of people expected in court that day, or confuigure keyboard codes for them.. The use of the Stenomask is complemented by use of a standard computer keyboard for tagging, inserts and corrections.

Courts and services that use Stenomasks noted that, compared to trained court reporters using transcript keyboards, the two approaches were similar in speed, accuracy and ease of corrections. The pay-off for the mask was in much shorter training periods for operators, typically 2-3 months, compared to years. Used in association with audio transcripts, Stenomasks are increasing the number of cases in which real-time transcript can be used. In turn, this increases the number of cases in which remote effective participation in trials can be offered.

A use of voice recognition presented at the conference involved a number of judges in the NSW Supreme Court using recognition packages, trained carefully to their voices, specifically for 'writing' judgments. The improvements in software and the underlying hardware, have brought voice recognition to the equivalent of fast keyboard capture. Also the addition of software versions for

Australian and British accents have made improvements and reduced the time taken to train the package to specific voices.

Improving court processes

This section covered the basic IT infrastructure and set of services required for a contemporary IT-literate organisation, plus examples of aspects specific to courts. The basics were covered in Justice Neil Buckley's description of the technical make-over of the Family Court between 1998 and 2000. The following is a practical checklist, derived from his presentation:

- a standardised desktop workstation connected to the Court's LAN/WAN for each staff member;
- modern notebooks;
- remote dial-in access for all judicial officers.(highly valued);
- availability of internal and Internet e-mail to all Court staff;
- implementation of an Intranet which provides access to a wealth of corporate data;
- Internet browsing for all staff specifically to improve accessibility to research tools (subject to rules on appropriate use);
- implementation of enhanced library services;
- the implementation of a National Help Desk;
- the introduction of various software systems to support the Court's business needs;
- a variety of databases to assist in administration - for example an organisation phone directory and corporate information systems; and
- to address the risk associated with Internet access, firewall services to protect the Court from external threats.

Once the basics are in place, certain aspects of court practice can be opened up to a wider community. An example of this was the Queensland Supreme Court system for "Chambers Online" or online access to Court Calendars, including provision for solicitors to book trial dates, venues and specific lists.

During the review there was plenty of speculation about other areas suitable for opening up. These included electronic filing (covered elsewhere in this review), better jury management, better fines collection approaches, posting court lists (widely done), circulation of practice notes and automated notification of judgments. This could be a good theme for further development at future conferences.

AIJA Legal Website Competition

The past two years has been a major and quite creative surge in the use of Websites in the legal sector.

The CTC6 Conference held in Los Angeles in 1999 featured a highly successful court Website competition. Subsequently, the Technology for Justice Steering Committee decided that it might be useful to look at the development of Websites by courts and tribunals in the Asia-Pacific region. As, the Technology for Justice project extends beyond courts, to the use of technology across the justice system, the Committee decided that the competition should also include government, public, private and community legal sectors.

The Committee decided that the objectives of the competition should be to:

- Increase awareness of courts on the Web;
- Increase awareness of legal related information on the Web;
- Promote best practice in the delivery of legal related information on the Web; and
- Increase access to courts and the law.

There were six categories:

- Best Court Website
- Best Tribunal Website
- Best Court Department Website
- Best Public Sector Legal Website
- Best Private Sector Legal Website
- Best Community Sector Website
- Best overall (judges' award only)

Information about the definitions for those categories, the judging criteria and the judges appears on the competition Web page <http://www.aija.org.au/tech2/COMPWEB.HTM>. The criteria included:

- Audience focus
- Content
- Usability and Accessibility
- Appearance

Sites were also evaluated in relation to the 'Best Practice Guidelines for Australian Legal Websites' issued by the Legal Information Standards Council, and which are located at <http://www.lawfoundation.net.au/lisc/recommend/bpguide.html>.

The competition was not associated with any commercial sponsorship or endorsement.

A full list of entries appears on the competition Web page. In total there were 50 entries from a broad cross-section of courts, tribunals, government departments and agencies, law reform bodies, professional organisations and community legal organisations.

We tried to promote the competition as widely as we could and our thanks to those organisations and people who assisted with that. Sites were obviously judged only in comparison to other nominated sites.

The judges were generally impressed with the high standard of entries and the competition clearly demonstrated that the legal community in this region, despite perhaps a rather slow start, it beginning to enthusiastically enter on the task of using Internet technology to communicate with the world.

The awards were:

- *Judges Award - Best Overall Legal Website*
  Australasian Legal Information Institute (AustLII)
- *Best Court Website*
  Family Court of Australia
- *Best Tribunal Website*
  Workers Compensation Resolution Service (NSW)
- *Best Court Department Website*
  Ministry of Justice (WA)
- *Best Public Sector Legal Website*
  Law Foundation of NSW
- *Best Community Sector Legal Website*
  Tenants Union of Victoria
- *Best Private Sector Legal Website*
  Auckland District Law Society

THE CONFERENCE

Conference Statistics

The Technology for Justice 2000 Conference was held in Melbourne on 8-10 October 2000. It was attended by 380 delegates including judges, magistrates, court administrators, tribunal representatives, representatives from prosecution and investigation agencies, government and policy advisers, academics, law reform organisations and the private legal profession. All Australian jurisdictions were represented. The conference program featured international speakers from the United States of America and Singapore. In addition, there were 47 delegates from overseas countries, including Brunei, Canada, Germany, Hong Kong, Israel, Italy, Japan, New Zealand, Norway, Papua New Guinea, South Korea and the USA.

The conference was attended by a much larger number of judges that on the occasion of the first Technology for Justice Conference. In particular, a total of 12 of heads of jurisdictions attended, including Chief Justices and Chief Judges from a number of Australian states and territories and overseas countries.

While the conference did not seek sponsorship, it was accompanied by a trade display of the latest in court technology, which attracted considerable interest. A Showcase Theatre also provided an opportunity for vendors to display products to groups of delegates.

A record of proceedings of the conference, in the form of a CD-ROM of conference presentations was completed in February 2001. A large number of conference presentations can also be accessed on the AIJA Website at http://www.aija.org.au/tech2 - in a variety of formats.

The Conference program

As mentioned, the conference was structured around 11 broad thematic areas which formed the basis of the sessions. There were some omissions from the program, for various reasons:

- Transcripts and transcript technology. This was covered by the 1998 conference and it was felt that there had not been any significant changes in Australian practice since then.
- "Whole of jurisdiction" systems, where a common set of guidelines, or software, and maybe even hardware, is used by police, prosecution, remand centres, courts, prisons, sheriff, and probation authorities. In theory this would reduce costs and duplicated data entry as a case moves from stage to stage. In practice, it proved difficult to source good working examples or good presentations of such systems.
- Artificial intelligence. Again, it was difficulty to source new examples of good working technology in this area relating to the justice system.

- Computer reconstructions of scene of crime. Again, there was difficulty in locating new presentations in this area.

Other gaps in the program occurred because, where while an emerging technology was available that could have had relevance, there were no good examples of applications offered.

Some of these included:

- Extensive use of digitised video for the management, indexing and recall of video material of video transcripts, expert testimony, or other video material used in evidence;
- Use of DVD and DVD jukeboxes for storage and delivery of digitised video;
- Video over Internet. This was seen as very promising, but with few examples. By the next conference this should have progressed significantly;
- Electronic commerce as applied to court processes. Only minor examples were available. This is seen as an area where other types of organisation will make the running;
- Wireless networking. This is likely to further reduce cabling clutter in crowded courts; and
- Palm Pilots and similar data capture devices. These are likely to be used to effect by police.

Technology used at the conference

1. ***Video-conferencing*****.**

Video was used extensively, with less behind-the-scenes difficulty, higher bandwidth and lower costs than in 1998, but still with a few exciting moments. In all cases these turned out to be problems with the remote equipment rather than the conference equipment. One remote system was programmed to reject attempts at connection from unknown numbers. Another worked perfectly but appeared faulty as it was in a windowless room where there were no lights on when a test link was made!

The impact of a good videolink is enormous, and its major advantage over telephone links is the ability to involve multiple parties in the exchanges.

2. ***Internet access***

This was available in all three presentation rooms, in the Internet Cafe and at most trade stands. Bandwidth was a 2Mb link to an ISP. The

Internet access was connected to the general hotel system, which includes Internet points in all guest rooms.

For the most part it worked well during presentations, with about one third of presentations being made live off the net. The hotel link failed in one of the later sessions, leaving presenters stranded and the back-up dial-up access could not be started in time to be an alternative.

The lesson was that while Internet access is fairly reliable, and technically preferable, gives access to wider resources and has more impact, back-up planning is still needed, The alternatives are the BYO laptop, or alternatively, a CD-ROM of the Websites concerned. Two presenters did just that - supplied their presentations on CD-ROM, run from a conference laptop.

3. *Auditorium equipment*

The Hotel Sofitel auditorium was extensively equipped, but even so for the more extensive presentations the facilities were only just sufficient. In particular, the New Mexico presentation required two screens and two data projectors - for the videolink and parallel use of a PowerPoint presentation and software demonstrations.

4. *The Conference Website*

This is a sub-section of the AIJA general Website, at www.aija.org.au. In the early stages of planning the conference, it carried an invitation to participate, plus suggested themes of interest. As presentations were confirmed, these were added to a draft online program. In due course, presentation and biographical information was added.

The site included conference registration facilities, information on the Legal Website Competition, a chat forum and links to conference presentations, software Showcases and information on trade exhibitors. It was used for the Internet Café run as part of the Conference and is available as a continuing resource.

5. *The Conference CD-ROM*

This proved a success in 1998 and was again undertaken. Using a browser interface, it contains all the presentations made available by presenters. Many of these are not on the Website because of file size considerations. Files 2Mb or over were excluded from the Website, as many Internet Service Providers (ISPs) have a size limit on traffic. File sizes were particularly an issue with PowerPoint presentations, which turned out to be the preferred mode of presentation.

The CD-ROM is used to best effect on a PC connected to the Internet, as it includes many links cross-references to Websites.

6. ***The Internet Cafe***

A special room was set aside at the hotel for 15 PCs connected to the Internet. This included one PC with a large monitor suitable for mini-presentations. This room was for casual use by delegates, and for presenters to use for follow-up activities. While expensive, it proved popular.

Showcases and Benchmarks

Of the more than thirty presentations, nine merit special mention, as they exemplify a number of the underlying themes of the review:

Internet applications

1. Internet and Beyond: a New Order for Justice? (Opening Keynote Speaker) Tony Sutherland, LawNow Pty Ltd.

Tony's keynote speech started from the premise that justice is an information industry and thus is affected by the Information revolution. The characteristics of this change include new techniques, increased speed, transparency, accuracy, participation, jurisdictional fuzziness, cross-border legal proceedings and subjects for law-making. He gave many examples and projections to illustrate his points. Some include:

New technologies affecting investigations

- How DNA testing has sharply improved forensics, accuracy, and investigations; and
- How increasing coverage by video cameras has affected surveillance.

New topics for legal regulation

- The legal status of defamatory material on Websites; Digital copyright.

Ambiguities

- Criminal records in many cases are public domain, but wide distribution on the Internet can prejudice criminal cases.

Questions of jurisdiction

- Can a French court rule on contents of a US Website?
- Singapore offers cross-boundary mediation. What impact does this have on the legal framework?

Some projections and conjectures

- In the short term, improved J2J and J2B services (Justice to Justice, Justice to Business);
- Pick-a-court services on an international basis; and
- Mass juries online, based at home or in the office.

In a thought-provoking opening to the conference, his address reminded us that change is occurring quickly. The justice sector needs to adapt thoughtfully and, if it does not adapt, it may find itself subject to pressure to change in ways which may not always accord with its fundamental values.

2. Best Practice in Delivering Court Information to the Public (Keynote address and Session 1: Cheryl Nyberg, Callagher Law Library, University of Washington)

This presentation was one of three sourced at the 1999 National Center for State Courts' CTC6 Conference. It was selected for its relevance to the work being undertaken by many legal institutions in Australia over the past two years in developing their Websites.

Cheryl examined best practice in court Websites in a systematic and thorough way, with a strong user perspective and with well-researched examples mostly from the US and Australia, but including other countries. She used a framework of Ten Commandments for aspiring courts: audience, content, coverage, currency, constancy, contact, organisation, appearance, formats and accessibility.

Cheryl showed that there are many good examples to learn from, and her address was of considerable practical benefit in suggesting approaches to take in planning and maintaining Websites.

Singapore Update

3. eJustice 2000@Singapore (Session 6A: Richard Lau, Principal Director (Corporate Services) Singapore Subordinate Courts)

The Singapore courts have focussed extensively on their use of technology during recent years. The presentation by Richard Lau,

provided an overview of their use of technology courts and some pointers to its future development.

In particular, the delivery of 'eCourt' services on the Internet - electronic filing, an electronic 'multi-door' court house, incorporating on-line alternative dispute resolution options and the use of such a facility for the resolution of international disputes - highlighted some of the issues raised by Tony Sutherland in his Keynote Address.

The Singapore Courts have devoted considerable time and resources to planning their use of technology and have recently published their Third Information Technology Plan. The presentation outlined the key directions of that plan and also discussed some of the challenges to the planning and implementation process.

The Singapore experience is evidence of the real advantages that can accrue to courts through strategic planning in relation to technology use. Rather than constantly being forced to 'react' to new technology, a jurisdiction which is well advanced in the planning process is in an ideal position, not only to maximise the benefits of that technology, but to market its innovation. In an era which is likely to see an increasingly globalised market for legal services, including dispute resolution, this is an aspect which is likely to be of increasing importance for courts.

Small Things That Make a Big Difference

One of the main themes of the conference revolved around the use of technology in the ordinary case. There were two presentations at the conference that particularly illustrated that theme:

4. Communicating decisions on sentencing to the public via the Internet *(*Session 1A: *Justice Peter Underwood, Supreme Court of Tasmania),*

The Supreme Court of Tasmania has created an area on its Website which records judge's comments on passing sentence. These comments are posted by close of business on the day of sentence. The system was instituted in an effort to reduce errors by the media in reporting cases, which often led to adverse coverage. It allows newspapers to cut-and-paste comments, directly resulting in an immediate improvement in accuracy, with only one error in 18 months.

The system used was cheap and simple: a PC database and use of the Website.

The initiative illustrates the point that, once a basic infrastructure is in place, even a quite simple innovation can have a significant impact.

5. The Uses of PowerPoint for briefing juries (Session 2A: Judge Mary Ann Yeats, District Court of Western Australia)

As previously discussed this presentation consisted of a demonstration by Judge Yeats of the use that she has made of PowerPoint (a Microsoft presentation tool) in briefing juries.

The session discussed the principles applied to developing the system and those applied to the format and content of the PowerPoint slides.

The simple but highly effective use of such technology in enhancing comprehension among jurors is a good example of a PowerPoint presentation tool being put to effective use in the courtroom, in a way which involves little cost once the basic infrastructure is in place.

Electronic Filing

6. Electronic Filing – The New Mexico experience *(Plenary: Terrie Bousquin, Administrative Office of the Courts in New Mexico),*

This presentation was the technical *tour de force* of the conference, involving five presenters in New Mexico and one in Melbourne, multi-point video and additional projection of PowerPoint material. The New Mexico team was identified at CTC6 as not only entertaining, but also the only visible example of a working electronic filing system, integrated with their case management system.

Some of the key elements of the system planning included starting with criminal cases, as these have a smaller group of attorneys involved and cases are generally closed off sooner. At the technical level it was decided to use an Internet approach to simplify the client software needed by external parties. Also data entry was direct into the courts system on a "fill in the blanks" basis, again for simplicity for users. Service improvements also included 7 by 24 hr access.

User identification by logon and password for registered users was regarded as "good enough" security and better than existing paper filing processes. Adobe Acrobat PDF format was the standard chosen for documents. Electronic filing was initiated in parallel to paper systems and no hybrid lodging was allowed.

Implementation required a flurry of activity, with briefings, new workflow, training and keeping existing process running.

The presentation is compulsory reading for anyone embarking on electronic filing. It is exhaustive, and covers technical issues, political concerns, user perspectives, costing, failures and surprises. It demonstrates that with good project management, the barriers can be overcome.

7. VCAT Online - Out with the old and in with the new (Session 4B: *Jim Nelms, Senior Registrar, Residential Tenancies List, The*

Victorian Civil and Administrative Tribunal and Robert Martin, Systems Developer)

The VCAT Residential Tenancies list is Australia's prime example of working electronic filing. As in the case of New Mexico it uses an Internet interface, so the user does not require special software or equipment. Users are registered, provided passwords and session security is regarded as adequate. Services offered include online production of notices, lodgment of documents and applications, communication of notice of hearings and enquiries on the status of applications.

As with New Mexico, VCAT has established that electronic filing can be implemented successfully, by keeping a clear focus and keeping things simple.

Remote Services

8. Bushlink – a cross-organisational service to remote areas *(Session 5A: Janet Maughan, Bushlink Consortium (South Australia) representing the Courts Administration Authority, Department for Correctional Services and the Legal Services Commission)*

This remarkable presentation was an example of where technical glitch had a positive outcome. It involved a 3-way videolink between a prison, a very remote community and the conference venue, involving a live video visit between a prisoner and his family. While the conference venue could see both remote sites, at first they could not see each other. When the connection was made the conference delegates could see and hear the excitement of the (extensive) family and the prisoner's delight. The point was immediately and poignantly made that video-conferencing is an excellent technology for this purpose.

The presentation demonstrated that the technology is not complicated and is very effective in linking remote communities and people in difficult circumstances.

Handling Legal Information

9. Developments in Legal XML (Plenary: Winchell "Todd" Vincent III, Georgia State University)

XML appears to have popped out of thin air and assumed a central role for everything from transcripts to electronic filing. In practice it has evolved out of HTML, the text coding scheme of the Internet, as an extension, or elaboration of HTML.

Todd gave a compact presentation on Legal XML and its development, directions and organisation. Australia is very active in Legal XML development, which involves collaborative, voluntary development, with the outcome available at no cost. It is primarily involved with document description and mark-up standards for legal documents on the Internet.

Standards in Legal XML can be expected to evolve and be used very quickly.

THE FUTURE

Predictions

In its 1998 Issues Paper, the Australian Law Reform Commission referred to a series of predictions about the future use of technology in Australian courts, made by Justice Trevor Olsson and Mr Ian Rhode.[11]

This report has attempted to take those predictions and up-date them in the light of the findings of the review. What follows is a summarised list of those predictions with the report's comments in italics. Comments for both the 1999 report and this report are shown for comparison purposes.

The ratings (out of a maximum of 10) are an indication of how far things had progressed in Australia at the time of the 1998 conference and again in 2000. The ratings are based on the evidence of the presentations and also on the review and site visits.

Justice Olsson and Ian Rhode forecast:

- **Electronic commerce will become prevalent.**

  1998 - Rating: 1
  Comment: *With financial institutions, retailers, utilities, and others setting the pace, the legal world can let others do the development, and adapt the technology as it matures.*

  2000 - Rating: 3
  Comment: *This will happen, but the pace of development in courts is slow.*

- **Voice recognition software will improve and become more widespread.**

  1998 - Rating: 1
  Comment: *This may be the case, but there are few examples and plenty of anecdotes about having to use American accents to get software to work half decently It is suggested that this technology may still have some time to mature before it is of much practical utility in courts.*

  2000 - Rating: 2
  Comment: *Some active use is being made of this technology in Australia in preparation of judgments. In the US it is also used effectively in transcript production, in conjunction with Stenomasks used by trained*

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[11] Australian Law Reform Commission, *Technology - what it means for Federal dispute Resolution*, Issues Paper No 23 (1998) Chapter 8.

court reporters. Further improvements are likely, partly linked to faster PC processors and hard disk capacity, enabling shorter and easier training of the software and development of dictionaries.

- **Video conferencing will become standard.**

  1998 - Rating: 3

  Comment: *The review's findings certainly support this prediction. It is already moving to replace the use of telephone conferencing in formal situations.*

  2000 - Rating: 4

  Comment: *The review's findings support this prediction, but only in certain situations, such as remote evidence, expert witnesses, bail hearings, judicial consultations, and virtual courts. Telephone conferencing is still popular, even when video is available. Video comes into its own with multiple parties involved. Digitised video transcripts have a good prospective future. Desktop video-conferencing improvements and higher bandwidth Internet connections may increase use.*

- **Flat-screen and similar technology will make computers in courtrooms more acceptable.**

  1998 - Rating: 1

  Comment: *As below, except that in 1998 22 inch screens were the maximum available.*

  2000 - Rating: 8

  Comment: *Flat screens have arrived, up to 60 inches. They are expensive, but should gradually replace the bulky 19 - 22" monitors. With quieter PCs, the courtroom equipment can now be less obtrusive, noisy and hot. However, there are still issues that need to be considered relating to cabling and power supplies. There is plenty of demand for this technology and computerised courts are emerging everywhere.*

- **Computer graphics and reconstructions will improve.**

  1998 - Rating: 2

  Comment: *Again, the review's recommendations would support that prediction. However, the technology is expensive and there are not many examples available at this time.*

2000 - Rating: 2
Comment: *There are some excellent examples, some of decisive impact. However the technology is expensive and use is minimal. Software needs to be simpler and cheaper before being more widely used.*

- **Software compatibility and interfacing will improve.**

  1998 - Rating: 3
  Comment: *This is already the case and the development of the Internet and the use of Web Browser technology and flexible front-end packages has helped a lot. The problems in this area lie more in the area of policy and management practices, rather than software or technical issues.*

  2000 - Rating: 5
  Comment: *See above. The emergence of Legal XML contains a lot of promise.*

- **Use of computers in analysing issues and implications will increase.**

  1998 - Rating: 2
  Comment: *The review did not have the opportunity to explore this area in any great detail. There is a considerable amount of work being done in this area and the technology has a great deal of potential.*

  2000 - Rating 2
  Comment: *There is not much work being done and while the technology has a great deal of potential, there is a long way to go.*

- **Costs will come down.**

  1998 - (base year)
  Comment: *The view supported this prediction and significant cost reductions in a number of areas have occurred recently.*

  2000 - Rating: 3
  Comment: *Significant cost reductions in a number of areas, including hardware, telecommunications and software have occurred since 1998. With hardware costs of base level equipment have remained constant, capacity and hence value for money, has improved.*

- **Online communications between justice sector, law firms, courts and other agencies will improve.**

  1998 - Rating: 3
  Comment: *the results of the review support this prediction, however developments in this area appear to be slower than should be the case. Meaningful dialogue between courts and law firms appears minimal.*

  2000 - Rating: 4
  Comment: *At least email access is taken for granted, including secure email systems. Internet-based access is developing well, including diaries and calendars. However developments in electronic filing are slower than should be the case.*

- **Online links to private homes will increase.**

  1998 - Rating: 2
  Comment: *This is certainly happening. For example, in the ACT apparently 40% of homes have Internet access. Nationally, the figure is about 15-20%.*

  2000 - Rating: 3
  Comment: *In 2000 33% of households had Internet access*[12] *and 46% of Australians have Internet access (including access at work, school, or via libraries).*[13]

- **Case management data will become entered into computer systems in the natural course of administration.**

  1998 - 2
  Comment: *This would appear to be a logical development, however there is not much evidence that it is becoming widespread. There have been some failed attempts to introduce this and it would seem to require closer work with the parties concerned, for example, police and solicitors.*

  2000 - Rating: 3
  Comment: *This is not widespread, but this area has prospects for rapid improvement over the next two years*

- **Outcomes of proceedings, such as orders, fines or rulings will be achieved through in-court data management.**

  1998 -Rating: 1
  Comment: *The current state of development of court systems should mean that this is happening now.*

  2000 - 2
  Comment: *As above. The review did not bring much to light.*

- **All courtrooms will ultimately be computerised.**

  1998 - Rating: 1
  Comment: *It is certainly arguable that this should be the case. There is however a long way to go to achieve the necessary "paradigm shift" in Professor Lederer's terms. Certainly the use of laptops with modem Internet access by judges and magistrates should soon be widespread. Any new court should have provision for cabling, power, monitor space, as part of its standard planning specifications.*

  2000 - Rating: 4
  Comment: *The review showed that it is accepted that this needs to happen, that new buildings are being properly cabled and old ones to*

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12 Australian Bureau of Statistics, above n5. The figure is predicted to rise to 50% by May 2001.

13 Ibid.

an extent are being overhauled - although this can be as basic as a laptop, document camera, data projector and screen, booked out of a central cupboard. Even these simple kits can be used to good effect. The shabby 10-person inner-room "court" with two old tables and some chairs and nothing more than a light switch is also still to be seen.

- **All courtroom staff will be computer literate.**

  1998 - 3
  Comment: *This is a necessity and courts need to devise ways of providing training that suit their particular environment and the differing needs of users.*

  2000 - Rating: 4
  Comment: *This is recognised, and becoming taken for granted as courts embrace office level automation.*

- **All appeals will be electronic.**

  1998 - Rating: 1
  Comment: *The Electronic Appeals project progress report was a key presentation [at the 1998 Conference], and it is hoped that the acceptance and implementation of this will encourage a top-down approach to standards. It is suggested that there may be a need to set a timeframe on a court by court basis. Implementation within 3 years may be a feasible goal.*

  2000 - Rating: 2
  Comment: *Electronic Appeals were a presentation topic at the conference. Much of the pioneering work has been done. The approach being taken is still case-by-case, often using service companies to assist with preparation. It is likely the approach will be used more often, and for smaller cases as familiarity grows and costs decrease.*

- **All transcripts and exhibits will be accessible by hyperlinking.**

  1998 - Rating: 1
  Comment: *This is possible now, provided the appropriate software is used and subject to some minor problems associated with importing and exporting transcript files.*

  2000 - Rating: 4
  Comment: *As above. In most courts the transcripts and evidence are assembled for the duration of a case and not archived in an easy-to-retrieve manner. Stable and cheaper forms of mass storage, such as DVD may enable changes in this respect.*

The Project

The review and consultancy for the project was funded from a grant provided by the Commonwealth Attorney-General's Department. The grant also provided seed funding for the conference; however the conference budget for both events was drawn on the basis that they would, in the final result, be self-funding. This proved to be the case and in fact both conferences generated a profit. Some funds also remain from the initial Commonwealth grant.

The AIJA is committed to continuing to assist Australian courts and tribunals to keep abreast of developments in the area of information technology. The Institute is currently considering what direction the project may take in the future and is considering the timing for a possible third Technology for Justice Conference.

Information about future developments will be made available to all courts and tribunals and will also be notified on the Institute's Website at <http://www.aija.org.au>.

The AIJA is also developing a Technology Information links page on its Website at <http://www.aija.org.au/infotech.htm>. Comments and suggestions are very welcome and can be directed to Anne Wallace at the AIJA Secretariat email <a.wallace@unimelb.edu.au>.

We welcome comments and feedback on this report and the project itself, these can be directed to the AIJA Secretariat, 723 Swanston St., CARLTON VIC 3053.

APPENDIX A

Technology for Justice Steering Committee

The Hon Mr Justice Peter Underwood (Convenor)
Supreme Court of Tasmania

Ms Julie Baker
Acting Deputy State Courts Administrator,
Courts Administration Authority, SA

Mr Patrick Fair
Baker & McKenzie, Sydney

Mr Laurie Glanfield
Director General, Attorney-General's Department, NSW

Mr Carlos Iglesias
Director, Information Technology, ASIC

His Hon Judge Michael McInerney
County Court of Victoria

Mr Giles Nunis
Director, Court Development, Ministry of Justice, WA
(until 4 August 2000)

Ms Jennifer Lazberger
Manager, Chief Justices' Chambers, Supreme Court of WA
(from 4 August 2000)

Mr Michael Rozenes QC
Barrister, Victoria

The Hon Paul Seaman QC
Western Australia

Mr Warwick Soden
Registrar, Federal Court of Australia

The Hon Justice Bernard Teague
Supreme Court of Victoria

Ms Stela Walker
Deputy Director, Corporate Management, Office of the Commonwealth Director of Public Prosecutions

Ms Anne Wallace
Deputy Executive Director, AIJA

The Hon Justice James Wood, AO
Chief Judge at Common Law, Supreme Court of NSW