

# Management of court IT systems: international experience

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## UKRAINE

### About UJITS

Widespread introduction of information technologies in the functioning of courts and justice sector institutions as well as automation of their activities is a key aspect of Justice Sector Reform Strategy for 2015-2020 approved by Presidential Decree No. 276 of May 20, 2015. In this regard, at the end of 2017, amendments to the procedural legislation of Ukraine came into force, among which introduction of the idea of "electronic court" which is regulated by the Unified Judicial Information and Telecommunication System (hereinafter – UJITS) was the most innovative.

UJITS is designed to be technical cornerstone of Ukrainian judiciary, uniting all courts and justice sector institutions. Its task is to make their joint work more effective by introducing modern technologies into their daily activities.

According to the procedural legislation, UJITS was to start functioning 90 days after the publication of the announcement by the State Judicial Administration of Ukraine (hereinafter – SJA of Ukraine) in "Holos Ukrainy" newspaper and on the web portal of the judiciary. Given that this publication was made on December 1, 2018, start of trial operation of the system was scheduled for March 1, 2019.

The provisions of procedural codes also stipulate that UJITS functioning shall be regulated by relevant Regulation to be approved by the High Council of Justice (hereinafter – HCJ) on the proposal of the SJA after consultation with the Council of Judges of Ukraine (hereinafter – CJU). The draft Regulation on UJITS was sent by SJA to CJU on February 5, 2019. Due to numerous observations made by the judiciary, on February 28, 2019, the HCJ returned the draft Regulation on UJITS to SJA to be reviewed and proposed to withdraw the announcement.

Thus, on March 1, 2019, "Holos Ukrainy" newspaper published a notice of revocation of the announcement published on December 1, 2018. At the same time, on December 22, 2018 SJA via its Order introduced test functioning of "E-Court" UJITS subsystem in 18 pilot courts.

By HCJ decision on May 10, 2018, a permanent inter-agency commission on UJITS was established, and on March 6, 2019, a relevant working group was established to thoroughly finalize the draft Regulation on the system.

On April 13, 2018, the Concept of Forming UJITS developed by SJA in cooperation with other judiciary authorities was approved. The concept was the basis for developing future e-justice system designed to address most of its structural and organizational issues. However, SJA order on November 22, 2019 No. 97 approved a new Concept for the Forming of the Unified Judicial Information and Telecommunication System which changed UJITS architecture and the timing of implementation.

From June 1, 2020, SJA of Ukraine put into trial operation the subsystems "E-Court" and "E-Cabinet" in all local and appellate courts (except Kyiv Court of Appeal) and Cassation Administrative Court. Therefore, the postponement of UJITS full operation did not prevent testing of this subsystem, which is currently ongoing.

### Management and decision-making as to information system

SJA Order of March 2, 2018 "On Ensuring the Establishment and Operation of UJITS" appointed State Enterprise "Information Court Systems" as the administrator of UJITS, the owner of which is the state represented by SJA. The administrator of the open environment of

UJITS is State Enterprise "Centre of Court Services". It also provides services for development and follow-on revision of the functionality of the module "E-Court" as well as its technical support.

### UJITS Main Tasks

According to the Law of Ukraine "On the Judiciary and the Status of Judges" and procedural legislation of Ukraine, UJITS shall provide:

- ✓ electronic document management, including circulation of electronic documents within relevant bodies and institutions and between them, registration of incoming and outgoing documents and stages of their circulation;
- ✓ centralized storage of procedural and other documents and information in a single database;
- ✓ secure storage, automated analytical and statistical processing of information;
- ✓ storage of cases and other documents in electronic archive;
- ✓ electronic exchange of documents and information (sending and receiving documents and information, joint work on documents) between courts, other justice sector institutions, parties to the case as well as conducting real time video conferences;
- ✓ automation of functioning of courts, state bodies and justice sector institutions, including automated forming of courts' main analytical indicators in real time; automation of accounting, statistical, personnel accounting, forming and consolidating financial, statistical and management reporting in judicial context; automation of processes of planning and execution of budgets of courts and other justice sector institutions;
- ✓ formation and maintenance of judge's dossier (dossier of a judicial candidate) electronically;
- ✓ remote access for UJITS users to any information stored in it electronically in accordance with differentiated access rights;
- ✓ appointment of a judge (judge-rapporteur) to consider a particular case in the manner prescribed by procedural law;
- ✓ selecting jurors for trial from among the persons included in the list of jurors;
- ✓ selection of bankruptcy trustee in bankruptcy cases;
- ✓ allocation of cases in the High Qualification Commission of Judges of Ukraine, the High Council of Justice, their bodies;
- ✓ audio and video recording of court hearings, sessions of the High Qualification Commission of Judges of Ukraine, the High Council of Justice, its bodies, their broadcasting on the Internet in the manner prescribed by law;
- ✓ maintaining the Unified State Register of Court Decisions;
- ✓ maintaining the Unified State Register of Enforcement Documents;
- ✓ functioning of the official web portal of the judiciary of Ukraine, websites of the High Council of Justice and the High Qualification Commission of Judges of Ukraine;
- ✓ functioning of a single contact centre for managing inquiries and other appeals;
- ✓ enabling automated interaction of UJITS with other automated, information, information and telecommunication systems of justice sector institutions, law enforcement agencies, the Ministry of Justice of Ukraine and its subordinate bodies and institutions;
- ✓ enabling participation in trial for parties to a case by videoconference;
- ✓ other functions provided by UJITS Regulation.

## **UJITS Structure**

UJITS is a centralized system with a hybrid distributed architecture. The peculiarity of this architecture is that open and protected environments are separated and there are geographically distributed subsystems interacting with the central system via information bus that provide autonomous operation of automated systems in remote courts and justice sector institutions in emergency situations via communication channels.

UJITS target architecture includes:

### **UJITS Central System**

UJITS central system operates in secure and open environments and is located in several data centres (at least two) containing their own hardware, system software with virtualization tools, database management systems, software and hardware information security, telecommunications equipment for connection to secure telecommunications network resources. The main and backup data centres (DC) hosting resources of UJITS central system are united by a high-speed communication backbone which will provide distributed information processing, online backup of all data and computing resources and rapid recovery in case of equipment failure. UJITS central system encompasses:

#### **E-Cabinet**

E-cabinet – electronic service providing centralized access of authorized users to UJITS services in accordance with determined rights and powers. E-cabinet operates in secure and open environments.

In a secure environment, regulated access of authorized internal users to UJITS secure environment subsystems is enabled via e-cabinet. During registration in open environment, an official e-mail address is assigned for authorized UJITS external users to ensure exchange of electronic documents between the court and trial participants, between trial participants.

#### **Unified State Register of Court Decisions**

The Unified State Register of Court Decisions (hereinafter – the USRCD) is a UJITS subsystem providing collection, accounting (registration), accumulation, storage, protection, retrieval and review of electronic court decisions and judges' separate opinions. The USRCD operates in a secure and open environment of UJITS central system.

#### **Unified State Register of Enforcement Documents**

Unified State Register of Enforcement Documents (hereinafter – USRED) is an electronic database providing for entry, accounting, accumulation, storage, protection and review of electronic enforcement documents. USRED operates in secure and open UJITS environments.

#### **Judge's Dossier Subsystem**

Judge's Dossier subsystem is intended for data entry in electronic form, automated updating, data collection and consolidation from UJITS subsystems and modules, storage in a protected environment and publication in open (anonymized) form of judges' dossiers and judicial candidates' dossiers on the web portal of the judiciary of Ukraine in accordance with the Procedure for Forming and Maintaining Judge's Dossier and the Procedure for Forming and Maintaining Judicial Candidate's Dossier. The subsystem operates in secure and open environments of UJITS central system.

### **Electronic Archive Subsystem**

The module operates in a secure UJITS environment and must ensure storage of electronic court case files, electronic documents, electronic copies of documents in the electronic archive. All information on court cases considered and other documents processed in UJITS central system and stored in the central information storage are transferred to electronic archive.

Electronic archive is a separate part of the central information repository which is not subject to editing and contains information about court cases or documents transferred to the archive. The module must also provide for digitalizing court archives that used to be only kept in paper form.

### **Analytics, statistics, planning, reporting subsystem**

Analytics, statistics, planning, reporting subsystem operates in a secure UJITS environment and carries out:

- ✓ automatic generation of official statistical reports as well as operational statistical and other reporting on the basis of data available in the central information repository for any period of time to obtain information on indicators reflecting the functioning of courts, justice sector institutions to analyse increase of productivity and efficiency of the relevant body;
- ✓ automatic check of conditions of logical control of statistical and operational reports;
- ✓ compilation (grouping by individual characteristics) of statistical and operational reports, other statistical information, forming generalizing and analytical indicators automatically;
- ✓ formation of analytical, statistical and other reports according to random criteria for any data stored in the central information repository;
- ✓ formation of analytical reports, forecast and planned calculations using historical data accumulated in the central information repository;
- ✓ delimitation of access to analytical and statistical information for different court staff members and justice sector institutions;
- ✓ automated publication of official analytical and statistical data on the web portal of the judiciary of Ukraine.

### **Judicial Practice Subsystem**

The Judicial Practice subsystem operates in the secure and open environment of UJITS and provides:

- ✓ implementation of the principle of legal certainty (ensuring the uniformity of judicial practice);
- ✓ allowing the person who applies to the court to predict the result that may be expected from the court following the trial (decrease in number of groundless appeals to the court, which in turn will reduce the excessive burden on the courts);
- ✓ formation of one's legal opinion;
- ✓ automated search among explanations of the Supreme Court and court precedents;
- ✓ analysis of legal opinions of the European Court of Human Rights;
- ✓ definition of standardized approaches and legal framework when considering similar cases;
- ✓ definition of sections and categories of documents, manual and automatic distribution of documents by sections and categories;
- ✓ automated structuring of applications and lawsuits in accordance with existing judicial practice, etc.

### **Automated Case Allocation Subsystem**

The court cases allocation is carried out by the automated allocation module of the automated court system solely in an automated (automatic) way (with no official being involved) when the procedural documents envisaged in law are being registered in the court, based on information entered in the electronic document management module and HR information, which is transferred from the financial and economic management module being part of the automated court system.

### **Electronic Document Exchange Subsystem**

The electronic documents exchange subsystem (unified information channel) is designed to ensure a guaranteed regulated exchange of electronic documents, process messages, etc. between the subsystems of the Central UJITS system protected environment and the protected environments of court automation systems, the High Council of Justice, the High Qualification Commission of Judges of Ukraine, the National School of Judges of Ukraine, the State Judicial Administration of Ukraine, the Court Security Service, their bodies and departments.

### **Access Control and Information Security Subsystem**

The access control and information security subsystem ensures:

- ✓ providing access to information resources to users of UJITS protected environment in line with the defined scope of duties and job descriptions;
- ✓ creation and management of personal accounts of users backed up with qualified electronic signatures (QES, EDS) of users;
- ✓ creation, adjustment, control of roles of access to information resources and subsystems of UJITS protected environment;
- ✓ definition and implementation of information security policies;
- ✓ cryptography-based information security;
- ✓ setting up and monitoring the operation of the data exchange gateway between UJITS secure and open environments;
- ✓ setting up security profiles and monitoring the operation of a secure Internet access site in UJITS open environment;
- ✓ administration, configuration, monitoring of network resources and equipment;
- ✓ antivirus protection;
- ✓ identification and analysis of UJITS information security incidents;
- ✓ other information security management functions in UJITS secure and open environments.

### **Electronic Document Management Subsystem**

The electronic document management subsystem (hereinafter – EDMS) provides centralized management, monitoring, managerial control of automated document management processes in courts and the justice sector institutions. EDMS also provides:

- ✓ exchange of information resources among courts, the justice sector institutions and participants to a trial;
- ✓ automated submission for registration, in the automated systems of courts and the justice sector institutions, of incoming and outgoing correspondence, complaints, applications, motions and other procedural documents envisaged in law that are coming from electronic offices of UJITS external users, external information systems, in particular from the executive branch's EDMS, and are submitted and may be considered



by the court or the justice system institution, upon receipt and with record of the stages of movement of information resources.

### **HR and Financial Management Subsystem**

The HR and Financial Management Subsystem of the judiciary provides for the formation of consolidated reports on HR management, accounting and financial reporting, budgeting, contract work in courts and the justice sector institutions. The subsystem receives and processes data from the HR and Financial Management Modules as part of the automation systems of courts and the justice sector institutions by way of streaming replication and consolidation of primary data.

### **Secured Videoconferencing Subsystem**

The subsystem provides:

- ✓ maintenance of system-wide catalogues, address registers of users of videoconferencing systems (hereinafter – VCS);
- ✓ providing centralized resources for videoconferencing in UJITS secure environment;
- ✓ connection to the centralized resources of VCS modules of recording meetings by technical means in courts and meetings in the justice sector institutions;
- ✓ centralised administration and management of video conferencing.

### **Contact Centre of the Judiciary of Ukraine**

The Contact Centre of the Judiciary of Ukraine provides professional processing of two-way communication channels with users for consultancy, remote technical support, as well as conducting video chats by means of the contact centre, sending electronic messages to users, as required by law.

### **Electronic Court Subsystem**

The e-Court subsystem operates in UJITS open environment and provides secure exchange of court documents with litigants through the external user's e-Cabinet. The following are sent to the user's e-Cabinet participant of the trial:

- ✓ texts of procedural documents prepared by the court in a case: court decisions, court summonses, and subpoena etc.;
- ✓ information on incoming case documents received and registered alongside such electronic documents;
- ✓ information on case documents from other participants together with such electronic documents;
- ✓ electronic documents that caused a change in the status of a case, protocols for automated case allocation etc.

### **Web-portal of the Judiciary of Ukraine**

The web portal of the judiciary of Ukraine is used to publish official public information about activities of courts and the justice sector institutions, as well as to provide free access to published information resources. The main tasks of Ukrainian judiciary's webs include providing individuals and litigants with information about activities of the judiciary, references and other public information, information from open registers of the judiciary, and other registers related to administration of justice in Ukraine, online broadcasts of court hearings, payment of court fees and fines.

## **Open Datasets Module**

The module is designed to ensure the automatic publication of open datasets on the Unified National Web Portal of Open Data through by way of extracting information from other UJITS subsystems and creating an information-based archive with structured data as envisaged in applicable law.

## **Subsystem of automated interaction with other automated systems**

The subsystem operates in open and secure environments and facilitates automated information interaction with other automated, information, or information and telecommunication systems of government agencies and legal entities that are exchanging parties. Automated interaction with other automated systems shall be carried out by the coordinator of the data exchange site which acts as a logical gateway between UJITS data sources and the information systems of Ukrainian government bodies. UJITS integration into the national information space is supposed to ensure the effective interaction between the judiciary and other public authorities.

### ***Secure Telecommunications Network***

The secure telecommunications network facilitates data exchange between UJITS Central System and the information and telecommunication systems of courts, and the justice sector institutions. The secure telecommunications network consists of open and secure segments that connect the geographically split UJITS components that operate in both – UJITS open and secure environments.

### ***Information and Telecommunication Systems for Automation of Courts and the Justice Sector Institutions***

The information and telecommunication systems for automation of courts and the justice sector institutions are the geographically split UJITS components, which are supposed to ensure their functioning when there is connection with UJITS Central System as well as in the autonomous mode, when secure telecommunications channels are temporarily unavailable.

The secure environment subsystems are:

- ✓ HR and Financial Management Module.
- ✓ Automated Case Allocation Module.
- ✓ Electronic document management system (EDMS) module.
- ✓ Module for recording trials by technical means.

The open environment subsystems are:

- ✓ trial video broadcast module.
- ✓ Internet access subsystem.

### ***Integrated Information Security System***

The integrated information security system is a subsystem that facilitates, in UJITS secure and open environments, a set of organizational, software, and technical measures to ensure confidentiality, integrity, and availability of information resources at all stages of storage, processing, and transmission. As part of building up the integrated information security system, the following measures are being implemented:

- ✓ two-factor user authentication, including by means of a user's EDS;
- ✓ monitoring and correlation of information security events – data collection for comprehensive analysis of information security events that occur in the system,

- organization of event monitoring in event logs, and continuous audit of the information security in UJITS;
- ✓ delineation of environments for processing and storage of open information and information with limited access;
  - ✓ delineation of access to UJITS' secured objects in order to manage information flows from users (processes) to secured objects;
  - ✓ control of integrity of protection means – putting in place the functions of reservation of information and duplication of UJITS resources, restoring the functioning of its components, and control of integrity of structural components (modules);
  - ✓ cryptography-based protection of UJITS information to ensure the protection of information transmitted within UJITS between users and data centres, as well as other UJITS components, to ensure the secure exchange of electronic documents between remote users and UJITS subsystems.

### Expected outcomes of UJITS roll out

There are 4 stages of UJITS development, each being characterized by certain tasks within the general system implementation. Starting from 2023, it may further evolution from the technological standpoint and increase its capacity, in line with scientific and technological progress, legislative amendments, and current social demands.

UJITS roll out is expected to ensure, in particular:

- ✓ unification and optimization of the processes in courts and the justice sector institutions;
- ✓ effective information interaction between courts/ justice sector institutions and other public authorities;
- ✓ set up of a unified electronic system for document management and control over the execution of orders;
- ✓ set up of a unified document management system;
- ✓ speeding up trials, registration and publication of court decision due to the automation of all components of court document flow;
- ✓ set up of information and analysis systems and tools for planning, control, support of administrative decision-making in the justice sector institutions;
- ✓ budget savings;
- ✓ reduced workload of the court staff and the secretariat employees;
- ✓ buying time for judges and court staff to get better prepared for a trial;
- ✓ reduced risk of the human factor: no possibility to intervene with the automated allocation algorithm, generation of statistics and reports, increased independence of courts;
- ✓ greater user-friendliness and accessibility of Ukraine's judicial system, including due to the launch of the contact centre;
- ✓ increased trust in the judiciary, better public image of courts.

## LITHUANIA

### About LITEKO

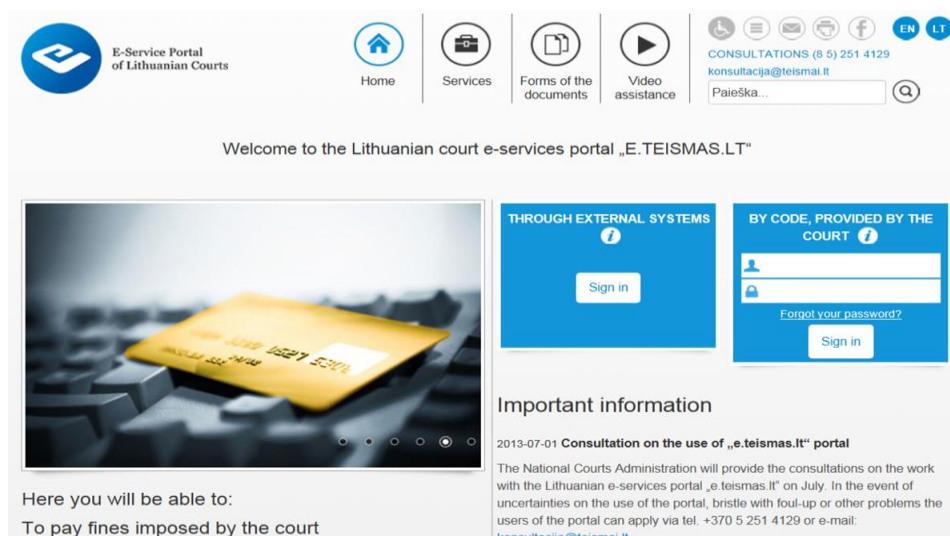
In Lithuania all the information about each case (procedural documents of parties, data of participants in the proceedings, information about procedural activities and events, procedural documents of courts, audio records) is stored in the **centralised information system** of all courts called **LITEKO**. The system was launched in 2004 and since then has been maintained and constantly developed by the National Courts Administration (NCA).



**LITEKO** is made up of the following main modules:

- ✓ registration, management and storage of e-information and documents on every case;
- ✓ public register of court decisions on the internet;
- ✓ automatic generation of court statistics, statistical reports;
- ✓ storage of the audio records of court hearings;
- ✓ search of the documents and other data for the courts process in LITEKO, other registers, databases;
- ✓ publication of information on court activities, hearing schedules;
- ✓ automatic allocation of cases;
- ✓ public e-service portal;
- ✓ exchange of case information among institutions (integrations).

In 2011 Lithuanian Government set up the program for the development of Lithuanian information society (2011-2019), stating specific aims for the public sector in expanding the applicability and usage of public electronic services. For the promotion of the state strategic objective, the **NCA implemented the project of development of e-services in courts and on the 1<sup>st</sup> July 2013 the portal of public electronic services of courts (EPP) as a separate LITEKO module was launched.**



Here you will be able to:

- To pay fines imposed by the court

**Important information**

2013-07-01 **Consultation on the use of „e.teismas.lt“ portal**

The National Courts Administration will provide the consultations on the work with the Lithuanian e-services portal „e.teismas.lt“ on July. In the event of uncertainties on the use of the portal, bristle with foul-up or other problems the users of the portal can apply via tel. +370 5 251 4129 or e-mail: [konsultacija@teismai.lt](mailto:konsultacija@teismai.lt)

From the mentioned date, the EPP (the specific portal *e.teismas.lt*) enables parties to form and deliver the procedural documents to the court in electronic form, to familiarise with the documents of the electronic case, to manage the information on the court fee, on the imposed expenses of litigation and fines. Court electronic services are accessible for customers via EPP in several comfortable ways. The participant may **log in via Electronic Government Gateway**

– the centralised state administrated platform for public electronic services, **using one of the following tools:**

- ✓ E-signature;
- ✓ E-banking;
- ✓ Identity cards;
- ✓ Specific login issued by the court.

Process participants may form and deliver procedural documents to the court in electronic form by:

- ✓ filling them online (there are more than 90 e-templates);
- ✓ uploading external various format documents;
- ✓ signing them with e-signature (user can choose a particular function of signing a whole document package with the systemic electronic signature; there is no necessity to sign each document separately).

It is worthy to point out, that this system automatically fills in documents with these meta-data, which already exist in the users account.

For the familiarisation of the case material the user may need only a few clicks:

- ✓ all material is in one e-case;
- ✓ participants may listen the whole or the part of the record of the court hearing;
- ✓ case material may be downloaded in PDF.

Specific functionalities for the **management of the information on the court fee, imposed expenses of litigation or fines, including tools for the electronic payment are introduced.**

Participants may:

- ✓ create payment orders;
- ✓ receive court rulings binding to pay;
- ✓ directly to pay via internet banking.

During 2015-2017 LITEKO **integrations with 14 information systems and registers** of other institutions, such as the Lithuanian Bar IS, Prisons Department IS, Bailiffs IS, Residents' Register, Register of Legal Entities, Register of Attorneys, Register of Wills and others had been established. Also, during these developments operational issues had been resolved: system speed problems solved and business processes optimised; new functionalities added, enabling users to effectively manage data on the proceedings thus keeping all interested parties informed about progress therein. As well as the **foundation for LITEKO2 – new, more advanced technological solution/platform of LITEKO was created.**

## CHANGES 2016-2020

### ■ ASSUMPTIONS:

- Old IS architecture
- Increasing amount of data
- Insufficient performance of IS
- Changes in proceedings
- Increasing publicity and transparency requirements

**LITEKO2 VERSION  
IN 2021**

- New technology
- New architecture of IS
- New data processes

One of the developments, which should be separately emphasised, is **the integration with newly established Pre-trial investigation information system (IBPS)**. Since 2017 pre-trial investigation procedure is entirely performed via information system, including all procedural actions of courts in this stage. This is the first step in proceeding with an electronic criminal case, which is in its development stage.

**Recently following developments** of the LITEKO having been implemented:

- ✓ upgrading of the system (**new technology and improved architecture**);
- ✓ **upgrading document management and archiving systems** (in order to more effectively manage actual and “old” cases and to **facilitate operational speed of the system**);
- ✓ **introducing modern cybersecurity systems.**

### **Management and decision-making of the IT system. Schematic view of bodies and responsibilities**

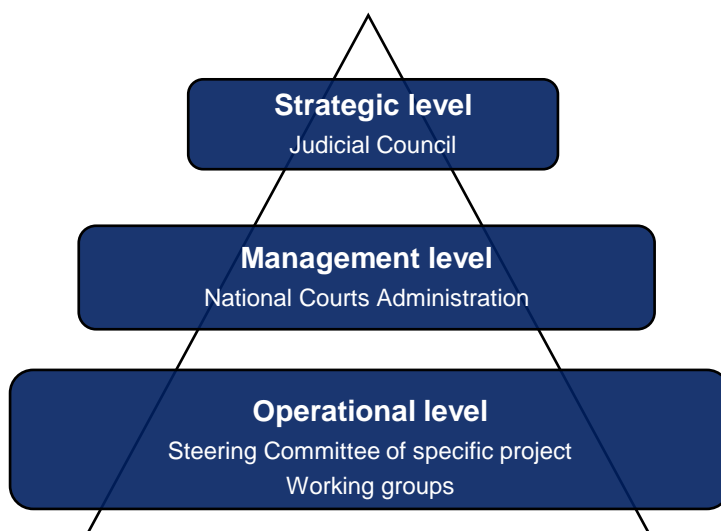
Management of IT systems has a specific challenging feature – these systems must be maintained under constant development as IT technologies and user expectations change instantly. At the same time court system and procedural laws often remain conservative and inert.

Therefore, the system of decision making and management of IT systems must be built in a way, allowing react promptly to new challenges, adapt smartly to existing rules and requirements (sometimes by initiating legislative changes) and synchronise different interests smoothly.

In this kind of complex areas as IT, it should be clearly established, who is:

1. Drawing strategic directions, establishing priorities of developments and making final “political” decisions – strategic level.
2. Deciding on actions, implementing strategic directions, managing process of implementation and finances, coordinating internal and external communication, leading operational routine, supervising service providers – managerial level.
3. Analysing processes, user expectations, synchronising interests and demands of users and other stakeholders, preparing tasks for service providers, evaluating risks, suggesting solutions – operational level.

In developing LITEKO the decision-making pyramid is the following:



**Judicial Council:**

- ✓ adopts development strategy and main actions of development of IT systems;
- ✓ approves significant solutions, changes, “political” decisions and suggestions on legislative initiatives;
- ✓ adopts internal regulations on business processes, etc.;
- ✓ controls activities of the NCA.

**NCA:**

- ✓ makes suggestions and develops draft documents of the Judicial Council;
- ✓ develops and approves action plan of development IT systems;
- ✓ prepares investment projects and budget requests;
- ✓ manages IT investment projects and resources;
- ✓ outsources service providers (companies, which develop separate solutions and provide maintenance, cybersecurity services, etc.);
- ✓ appoints steering committee and working groups in particular projects, coordinates and supports their activity;
- ✓ develops and implements communication plan and training programs for users of LITEKO;
- ✓ reports on the progress to the Judicial Council.

**Steering committee** of the specific project (for example, project on the development of LITEKO2 technological version, project on the development of public e-service portal of courts, etc.):

- ✓ supervises the progress of a particular project;
- ✓ evaluates risks of the project and reports/suggests solutions to the NCA;
- ✓ adopts operational decisions.

**Working group** of the specific project:

- ✓ reflects the expectations and demands of users;
- ✓ analyses processes and suggests solutions on e-tools embodying particular process;
- ✓ guides services provider from a user perspective;
- ✓ provides intelligence support to the NCA.

**Management and decision-making scheme of the LITEKO: how it works in practice**

In case of LITEKO, the Judicial Council adopts strategic direction and “political” decisions on how the system should be developed in respect of other systems and registers (either to merge or just make and integration with pre-trial investigation IT, for example), also initiates discussions on procedural changes, which could facilitate the procedure and allow more effective use of technologies (for example, reduce of documents to be provided by parties if IT system and integrations allow a judge to get the information directly from state registers; more options of use of remote hearings in criminal cases, etc.). In January 2017 the **Judicial Council adopted Strategic directions** of the development of Lithuanian judiciary. One of 7 directions is **dedicated to the development of IT tools**, facilitating effective justice administration. **LITEKO modernisation is at the top of these issues** (see below).

## II. Development of the application of information technology in the courts of Lithuania

	<b>LITEKO modernisation</b>	<b>Intended Result</b>
1.		
1.1.	Install integration interfaces with state registers and other information systems.	Functioning integration with the SoDra database and the registers managed by the Centre of Registers.
1.2.	Integrate modules for the control of lawyer caseload and procedural time limits into LITEKO.	Installed tools.
1.3.	Improve the functioning of LITEKO by ensuring better speed/operation.	15% faster system operation.
1.4.	Introduce an effective model for the allocation of cases based on an analysis of court needs.	A new, functioning case allocation module.
1.5.	Install a document management system.	A centralised document management system functioning in all courts that includes the management of procedural documents.
1.6.	Complete LITEKO modernisation.	100% implementation of the LITEKO modernisation project.
2.	Evaluate options for enabling judges and court employees to access court information systems and work remotely, and make a decision on implementation measures.	A decision on the implementation of options for judges and court employees to access court information systems remotely.
3.	Ensure effective participation of the Judicial Council in making decisions on the development of court information systems and e-services.	All strategic decisions on the development of court information systems and e-services shall be submitted to the Judicial Council for consideration upon coordination with the Judicial Council Information Technology Committee.
4.	Create court cybersecurity standards.	Cybersecurity standards approved by resolution of the Judicial Council and presented to the courts.
5.	Taking legislative changes into account, implement the transfer of criminal cases into the electronic environment (the development of electronic files) by carrying out integration of the Integrated Criminal Justice Information System (ICJIS) and LITEKO.	Completed integration.
6.	Create recommendations for remote surveys using different information technologies (conference equipment, Skype, etc.).	Recommendations approved by the Judicial Council.
7.	Carry out an analysis and upgrade of the technical equipment in the courts at least once every two years.	A completed needs assessment and upgrade of equipment.
8.	Install an ADP system for the protection of classified information in courts.	An installed system in five district courts.

The strategy includes not only directions and particular actions, but also, indicators, deadlines, responsible officials. The **NCA prepares periodic progress report, presents to the Judicial Council and discusses possible changes, risks, new challenges**, etc. Members of the Judicial Council, being judges themselves know a lot of practical aspects of the use of the system and new solutions. So, these discussions are very important and helpful in further developments, also, in planning relevant training activities, adjusting communication and mentorship scheme.

The **NCA** is responsible for the implementation of the strategic goals in the development of IT systems and solutions in the court system. This body **acts as a manager of the investment projects, performs daily maintenance and administration of LITEKO, organises outsourcing of relevant services and supervises the quality of these services, supports activities of working groups, coordinates network of court IT mentors, prepares relevant training programs for LITEKO users**, etc. For these functions, the NCA has the **Division of Information Technology**, which is composed of IT project managers, programmers, IT administrators (in total 8-9 employees). It works closely with other relevant divisions of the NCA, for example:

- ✓ Strategic planning division – on preparation of investment projects and budget requests;



- ✓ Legal department – on analysis of business processes and procedure, expectations of judges and court staff, etc.;
- ✓ Public procurement division – on developing TORs and organising procurement procedures (it is quite challenging - there are different suppliers for different services, because of the requirements of law not to concentrate purchases for market competition reasons; thus, the NCA is working with 3-5 different service providers for LITEKO in one time).

**Steering Committee** of a particular project is composed of representatives of the courts, the Judicial Council, the NCA, service providers, other stakeholders (for example, if it is a project on the development of e-criminal case, representatives of prosecution, pre-trial investigation must be present).

**Working groups** are considered as first, direct representatives of demands and expectations of users, second, best experts on the procedure and business process analysis. Therefore, in the development of LITEKO functionalities, **working groups always consist of primary users of the system**: judge, assistant of the judge, court secretary, other clerks (registrar, etc.). Working group is supported by the experts of the NCA (IT guy and legal analyst), service provider and/or external experts (for example, attorneys in law, if it is about external service portal; cybersecurity specialists; data protection experts; etc.). The **individual composition of the working group depends on a particular task**. Main principles for making working group work effectively are the following:

- ✓ working group should consist of **8-12 members** (less than 8 does not provide proper representation and discussions, more than 12 makes too much noise without constructive brainstorm and conclusions);
- ✓ members of the WG should be selected not formally, but taking into consideration their enthusiasm, competence, experience and most important – their **willingness** to join the team;
- ✓ involvement of **primary users** is of utmost importance;
- ✓ working group should be **targeted at a particular task, not a wide range of developments**. For example, if there are tasks to develop solutions on archiving, e-signature and online mediation, different WGs should be created, for example, archiving specialists must be present in the development of archiving solution, but they have nothing to do with online mediation, where mediators must participate;
- ✓ if there is one complex development (for example, implementation of new modules in different types of procedures), **sub-working groups** should be considered for civil procedure, criminal procedure, administrative procedure with several mutual members (for example, the NCA representatives) in order to keep joint vision;
- ✓ **system manager (in case of LITEKO – NCA) must always be present in WGs** in order to keep hands on the pulse. Coordinator of the WG is always the representative of the NCA;
- ✓ **effective technical and intelligence support of the WGs by the system manager** must be ensured. Members of the WG have to receive the relevant material, questions to be discussed in advance in order to do their “homework”;
- ✓ discussions and especially conclusions and suggestions of the WG **must be recorded**. It serves as the basis for formulating specific tasks for service providers.

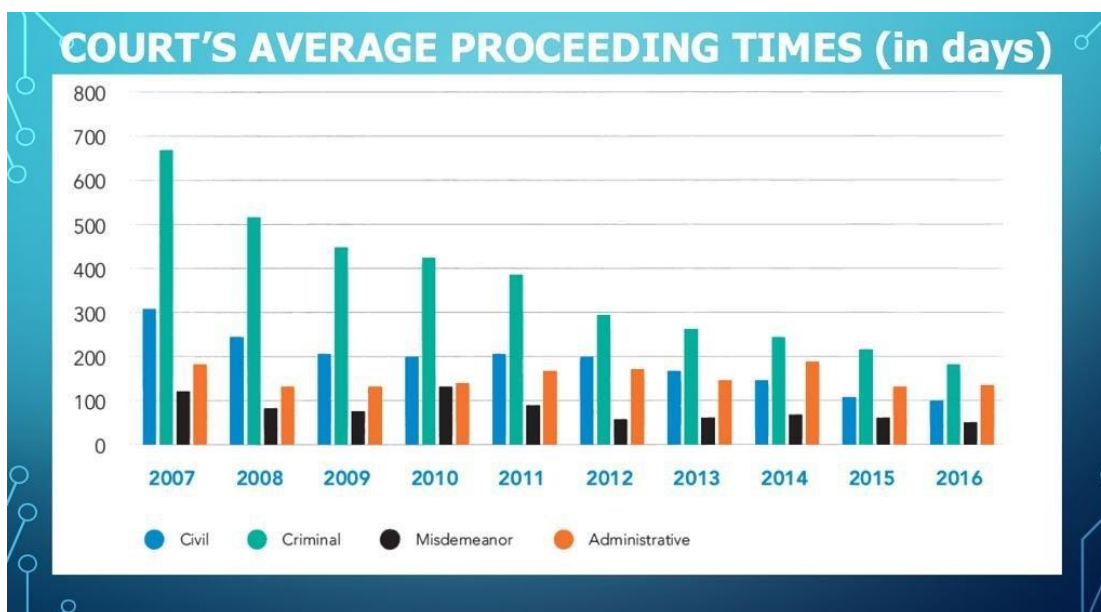
## Principle recommendations

1. Profound strategic planning and guidance of all IT initiatives and developments from the highest judiciary governance body.

2. Clear definition of powers, functions and responsibilities in 3 main levels: strategic, management, operational.
3. Effective coordination and control of management by the strategic body (reporting!) and supervision of operational level by the management.
4. Involvement of primary users and stakeholders in decision-making and development from the very first step.
5. Manager of the IT system and resources is always responsible for the final result (not courts, service provider or a working group!).
6. Optimal number of members of WG and their willingness to improve the system is a key to effective work.
7. Service provider is not a designer of the improvements and solutions – it is just the implementer of ideas and solutions based on WGs suggestions and formulated by the system manager.
8. Tasks for WG must be clearly defined and very specific. No wide range of tasks for one WG. Sub-working groups is a good solution for complex IT projects.
9. Suggestions, conclusions of discussions in the WG have to be recorded.

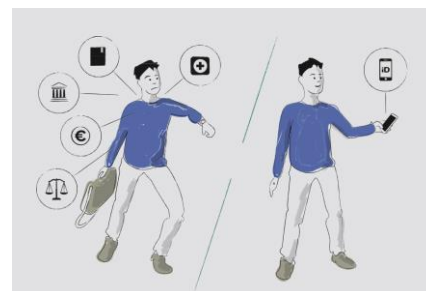
## ESTONIA

IT solutions play a crucial role in increasing the performance in court system. The following diagram sums up the results of work of Estonian courts and shows how IT solutions, if managed in a good way, help to continuously boost the performance of the courts.



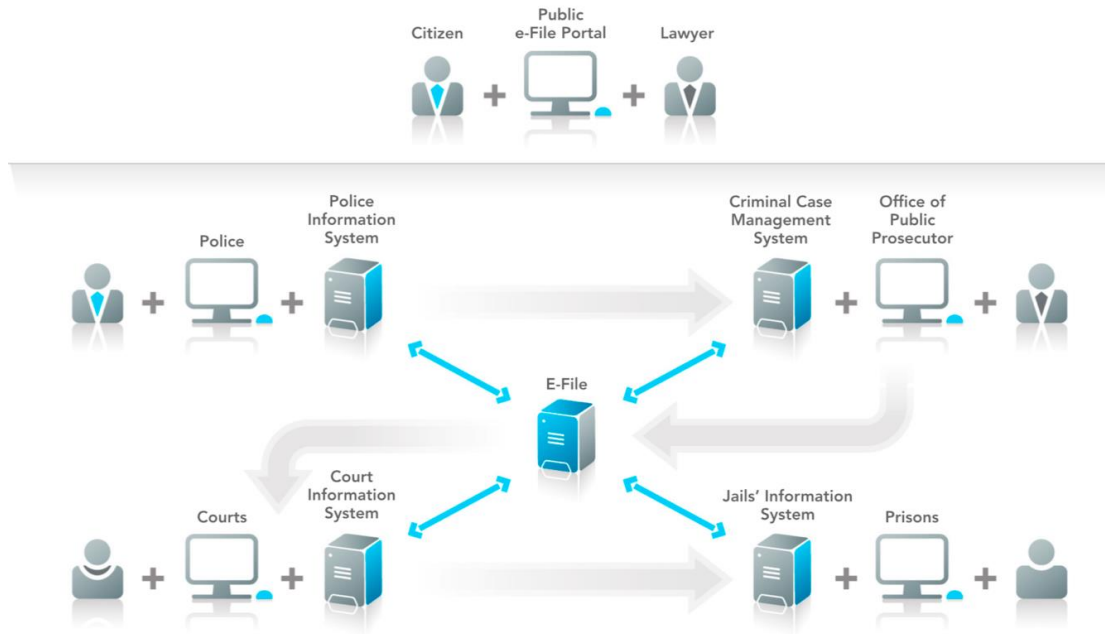
### Integral components of e-justice in Estonia

Nowadays, life is fast and justice procedures – the cornerstones of democracy – should be just as prompt. Thanks to fully automated court processes and electronic communication tools – the so-called e-Justice solutions – Estonia has one of the most effective court systems in the world.



#### e-File

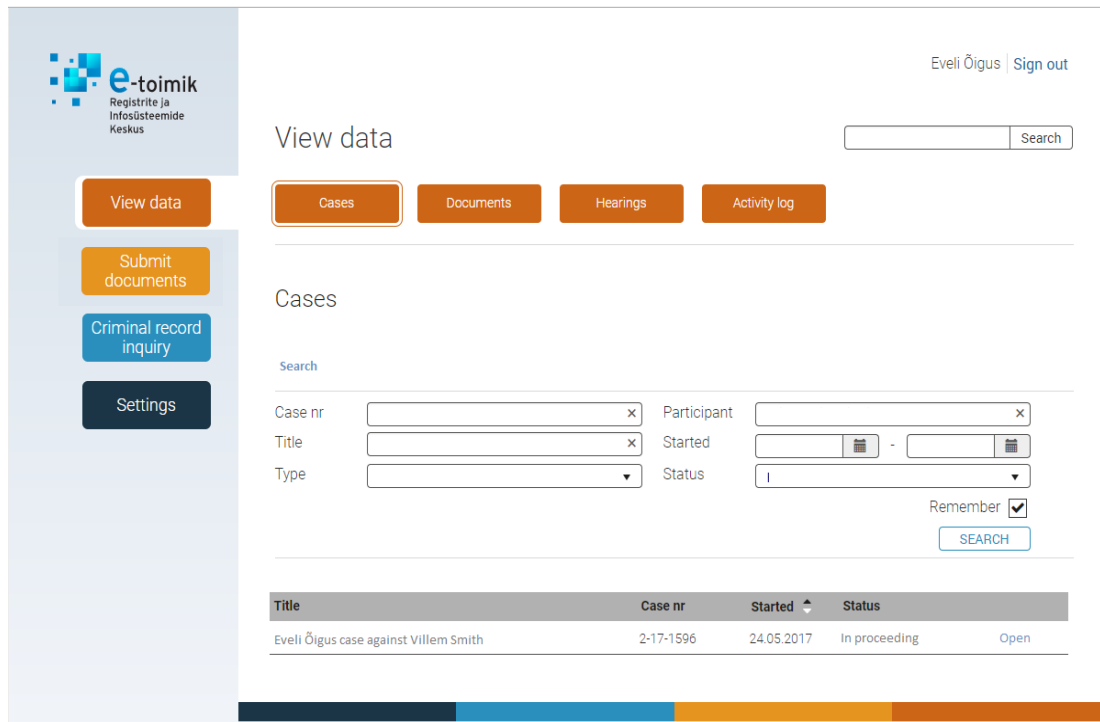
The central information system – **e-File** – provides an overview of the different phases of criminal, misdemeanour, civil and administrative procedures, court adjudications, and procedural acts to all the parties involved, including the citizen. The development of e-File was called to life by recognising the need to break down information silos, which functioned independently from each other. As an integrated system, e-File enables the simultaneous exchange of information between different parties' information systems: police, prosecution offices, courts, prisons, probation supervision, bailiffs, legal aid system, tax and customs board, state shared service centre, lawyers and citizens. E-File saves time and money as data are only entered once and the communication between parties is electronic. Estonian e-File project received a special mention at the 2014 European Crystal Scales of Justice Awards, which is the European prize for innovative practice contributing to efficiency and quality of justice.



### **Public e-File portal**

Public e-File portal enables citizens to initiate civil, administrative, judicial and misdemeanour proceedings and monitor these proceedings as well as submit documents to be processed and participate in proceedings. Public e-File is the part of the e-File visible to everyone. E-File is a web-based information system, which collects documents related to civil, administrative, criminal and misdemeanour proceedings as well as the related actions, data and processes. E-File enables parties to proceedings and their representatives to submit proceedings' documents to the court electronically and monitor the progress of the related court proceedings. Citizens can also dispute claims and decisions, make payments related to proceedings, as well as make inquiries in the Criminal Records Database regarding themselves and other people. In the system, individuals can only see the proceedings in which they themselves are involved.

Public e-File is secure since an ID card or mobile ID is needed to log in. It also saves time, since data can be viewed and proceedings initiated without having to go to the agency in person. Last but not least, it reduces time spent waiting for a decision, since the single data system hastens the officials' work.



The screenshot shows the 'View data' interface of the e-toimik system. On the left is a sidebar with navigation buttons: 'View data', 'Submit documents', 'Criminal record inquiry', and 'Settings'. The main content area is titled 'View data' and includes a search bar. Below the search bar are four tabs: 'Cases', 'Documents', 'Hearings', and 'Activity log'. The 'Cases' tab is active, showing a search form with fields for Case nr, Title, Type, Participant, Started, and Status. A 'Remember' checkbox is checked, and a 'SEARCH' button is present. Below the search form is a table with the following data:

Title	Case nr	Started	Status	
Eveli Õigus case against Villem Smith	2-17-1596	24.05.2017	In proceeding	Open

## Court Information System

The Court Information System (KIS) is a modern information management system for Estonian courts of the 1st and 2nd instance and Supreme Court offering one information system for all types of court cases. KIS enables the registration of court cases, hearings and judgments, automatic allocation of cases to judges, creation of summons, publication of judgments on the official website and collection of metadata. The information system also has a search engine for court documents, judgments, hearings, and cases. Confidential data and cases can only be seen by the judge of the case and court staff bound up with the case.

If claims are sent using the Public e-File portal, all the necessary documents are automatically uploaded to KIS and the clerk can start a new case with a click of a button. If criminal cases are sent to the court from the prosecutor's office, all the necessary documents are also automatically uploaded to KIS and case is again started with a click of a button.

The latest generation KIS includes new classifiers based on courts' needs, for example, types of cases (e.g. litigious and non-litigious), categories of cases (e.g. bankruptcy) and subcategories (e.g. initiation of bankruptcy proceedings against legal persons). As a tool for judges, the second generation KIS represents a valuable evolution, with searches based on phases of proceedings (e.g. acceptance of a civil action, assignment of a case, pending the response of the defendant), issuing of reminders, and monitoring of the length of time spent on each phase. Also recording functionality of court hearings and videoconferencing is integrated to KIS, with indexed audio and video files as part of court case files.

## Why is it useful?

The Court Information System:

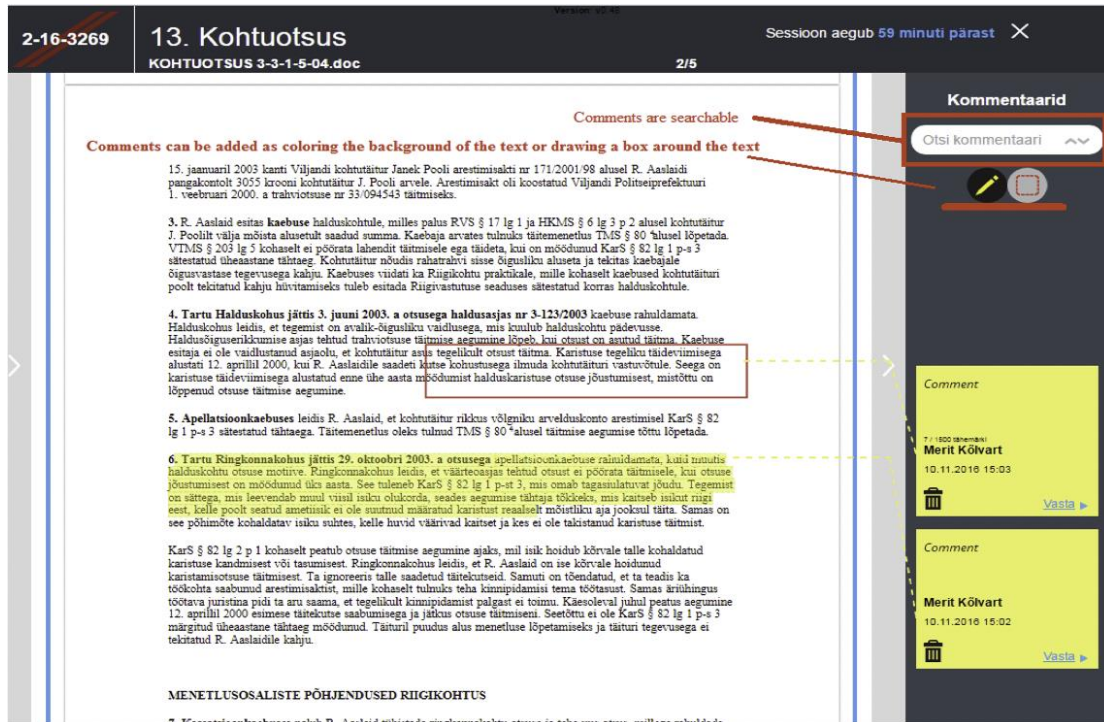
- ✓ Makes court proceedings faster
- ✓ Enables more complex allocation of cases
- ✓ Allows judges to manage their workload and to specialise
- ✓ Enables transfer of data into templates
- ✓ Reduced time spent on publication of judgments and court hearings
- ✓ Enables the automatic generation of documents: standard court orders, summonses etc.
- ✓ Provides a better overview of cases and proceedings
- ✓ Represents a single information system for the entire judiciary
- ✓ Automatic processing of incoming and outgoing e-mails

KIS was created using C# and the latest .NET framework together with ASP.NET MVC technologies. The system runs on a MSSQL database and is interfaced with other systems such as E-file via the secure X-Road data exchange layer. Authentication and signatures are enabled by PKI solutions like smart ID, mobile ID and ID cards. KIS also exchanges information with Microsoft Exchange to send and receive e-mails sent to the court to allow automatic processing of e-mails. Document templates are generated using the latest Microsoft Word Object Library.

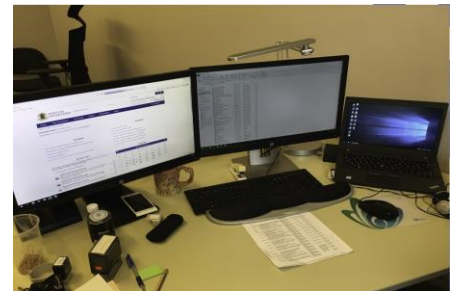
### ***Digital Court File (paperless proceedings)***

Digital Court File was the latest and final development in Estonian e-Justice IT system in order to introduce completely paperless proceedings in courts.

Ordinary (court) case management system like KIS by itself is not good enough tool for judges and parties who are making legal work with the case files. Digital Court File adds additional functionality for judges and other legal specialists by providing advances systemising and filtering possibilities for documents, by enabling shared group works with case documents, incl. searchable comments and highlights available only for dedicated user or group of users, by enabling digital references between different documents or parts of documents and by enabling copy and paste functionality for the text inside all type of digital documents submitted to case etc.



Parties and lawyers are able to access digital court file through Public e-File portal and they are enjoying the same added functionality while working with the case documents that are provided for the judges and clerks. Lawyers can even make their own working groups with other lawyers in their law office and accessing each other contribution in the digital court file.



Judges and clerks are working now with a laptop and with two monitors – one monitor for accessing digital court file and another for other legal tasks (i.e. motivating the judgments). Court hearing rooms are equipped with the necessary equipment's to access digital court file during a court hearing.

## Project management

### HOW WE DID IT ?

- **Challenges:**
  - PROMOTING COOPERATION WITHIN SYSTEM
  - PROMOTING INITIATIVE AND INVOLVEMENT OF "OPPONENTS"
- **Short-term goals:**
  - ESTABLISHING CLEAR & TRANSPARENT PROJECT ORGANIZATION
  - DEVELOPING COST EFFECTIVE IT SOLUTIONS THAT MAKES WORKING MORE PRODUCTIVE & FLEXIBLE FOR JUDGES
- **Long-term goal:**
  - QUALITATIVELY AND QUANTITATIVELY EFFECTIVE COURT SYSTEM



Courts of the first instance and courts of appeal are administered in cooperation of the Ministry of Justice and the Council for Administration of Courts (Council of Courts). The most important decisions concerning the court system and relating to the administration of courts, including:

- ✓ IT development management strategies;
- ✓ implementation policies,
- ✓ budgetary frameworks,
- ✓ project organisation and cooperation principles,

are first discussed and approved by the **Council of Courts** (members from judges have a majority in council). **CEO had to represent 4 times per year (after every 3 months) comprehensive overview of the current status of IT developments to the Council of Courts.**

In order to manage IT developments and related resource prioritisation and allocations in Estonian courts, **the steering committee** was established. Steering committee was formally advisory body for CEO, meaning that CEO remained personally liable for IT-related matters before the Council of Courts. Nonetheless, the steering committee was always led democratically, with everyone having his own free opinion and with the voting of each matter, and CEO rarely if at all went against the opinion of the majority of other members. Steering

- STOP! RUNNING ALONE – ESTABLISH AN INCLUSIVE PROJECT ORGANIZATION
- BUILD UP THE TRUST – MAKE OTHERS UNDERSTAND AND LET OTHERS TO DECIDE
- REMEMBER THAT "IT" IS NOT A GOAL IN ITSELF – DON'T LOSE "END-USERS" FOCUS

committee was at first established as a temporary body for the first couple of development years, but it remained as vital permanent body as it became evident that IT development and related resource prioritisation is more or less permanent need of complex organisation like the court system. Steering committee meetings were held once per month, but in critical periods like implementation or related crisis management, meetings were held every week.

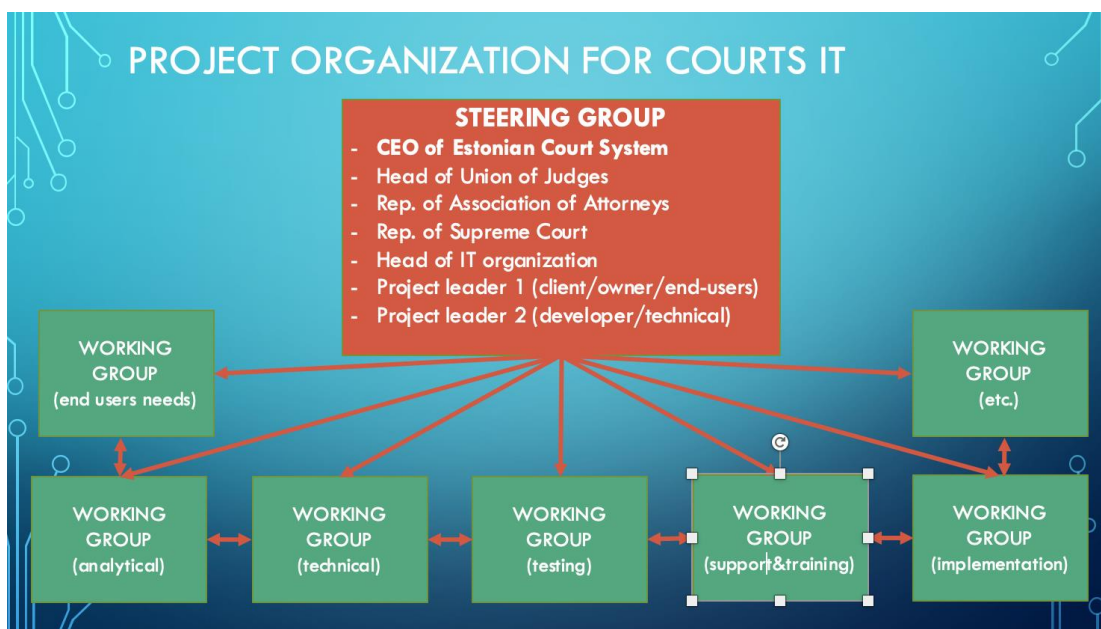
Non-complete list of IT management questions that were decided in the framework of steering committee was following:

- ✓ creating and establishing vision of court IT, and directions of developments (this was also approved by the **Council of Courts**),
- ✓ appointing the project leaders,
- ✓ establishing working groups, setting tasks and deadlines for them, and approving the work of working groups;
- ✓ prioritising the development needs and deciding resources (IT budget) allocation for different needs;
- ✓ approving all the project plans, monitoring all the activities based on project plans;
- ✓ monitoring the development activities and approving (accepting) developments from the developer;
- ✓ monitoring the testing activities and error reporting, incl. approving the prioritisation of errors to be corrected (incl., post-implementation phases);
- ✓ deciding the implementation-related matter, policy (piloting) and more specific matters, including approving the end user's trainings plans and monitoring implementation activities;
- ✓ deciding end-users support matters.

Almost all the matters and questions (incl. matters listed above) were always brought to the steering committee by project leaders with the support of working groups. It was pervasive



requirement of steering committee that all the matters should be well prepared and analysed beforehand and brought to the steering committee in the form of a **reasoned proposal for a decision** (or with reasoned conclusions when the decision was not required). Heads of working groups and other quest participants participated in meetings of steering committee when requested by project leaders or other members. It should be also noted that CEO of the court system had the power to decide how to prioritise and how to spend the IT budget of the court system. This budget limit was set on yearly bases by the Council of the Courts, but it was never less than 5 % of the total budget of the whole court system (incl. real estate costs).



### Lessons learned:

1. There is a tendency in bigger and more complex organisations, and especially in the public sector that actual CEO-s of organisation will more or less distance themselves from the direct IT resource management by appointing (or delegating) their deputies or heads of IT organisations as CIO-s. Unless organisation has long and strong IT management culture with the previous success history, this should be considered as bad practice and should be avoided as this practice has a much higher risk to lead into failures in IT development, especially in contexts of spending budget (maybe in good faith) into the matters that do not correspond well to the end-users' needs or which are not so crucial while improving the effectiveness of an organisation in the longer perspective. In Estonia, I was developing a third "generation" IT solutions for courts. The first generation had to be replaced by the second generation as first was considered a failure in many ways, and also it became evident that the second generation was developed in a way that it did not satisfied end-users needs, it did not improve effectiveness (instead it increased the workload of the organisation) and was technically built in a way that the needs for future development were absolutely not respected (meaning that it was cheaper to start from the scratch with the new one than to improve the old one). The development of the first and second-generation system was delegated to deputies, project leaders and head of IT enterprise, and IT development was considered in court system more or less temporary thing with start and predetermined end. Although, according to the project plans and imposed deadlines these project may have been considered as some kind of success at some point of time by the CEO-s, they

were failures in longer perspective and especially in respect of the need to increase the effectiveness of organisation. It should be noted that Estonian justice sector IT enterprise was at time of the development of second-generation solutions for courts much stronger IT organisation than current corresponding justice sector IT organisations in Ukraine combined (NAIS + court IT enterprise) having already won many international recognitions for its innovative successes in many other areas. The complexity of the needs of the court system as a huge and complex organisation, with its own internal difficulties and many peculiarities (mainly related with the need to guarantee the independence of judges) and with its high-level need for IT integration with other justice sector institutions, in addition to the need to provide user-friendly e-services to lawyers and other court users, just present such challenges for the management that it should not be separated from the every-day functions of CEO. Therefore, CEO of the court system should act also as CIO, being personally involved in IT development management and being directly responsible for successes and failures of IT developments in courts.

2. Most of the institutions are working with limited finances, both in private and in the public sector. Therefore, all matters “*what should be done and what should not be done*” should be decided in the framework how to prioritise the expenses within the possibilities of current budget. Unfortunately, especially in the public sector, there is a tendency to bad mentality that not much new can be done unless extra finances are allocated in addition to the current budget. Most of the investments to the IT infrastructure should pay off itself in the future, otherwise, they are not justified and should be avoided. If public institution can't decrease any of the former budgetary costs after the implementation of modern IT solution, then something was done not right. In Estonia, we decided that we are going to keep 10 % of position of judges vacant in order to finance IT development and maintenance costs, and reallocated the left-over of salary budget into IT budget of the court system (also in Estonia the parliament had to approve budgetary reallocations, but it was never actual obstacle, but could be used as an argument for excusing why not to do the necessary things). This way we kept IT well-financed all these years and we were not so much dependent on extra finances from state budget which is hard to get and long to wait. First years were more difficult as we cut the salary budget for development needs without able to give immediately much back to courts, but this decision greatly paid off in later years. In Estonia we considered investments to IT developments as temporary budgetary needs at first, but during the years we recognised that these are actually permanent needs. Complex IT solutions for the courts require constant development – they will never be so ready that there is nothing important to improve or no new functionality to implement in order to improve the work of courts.

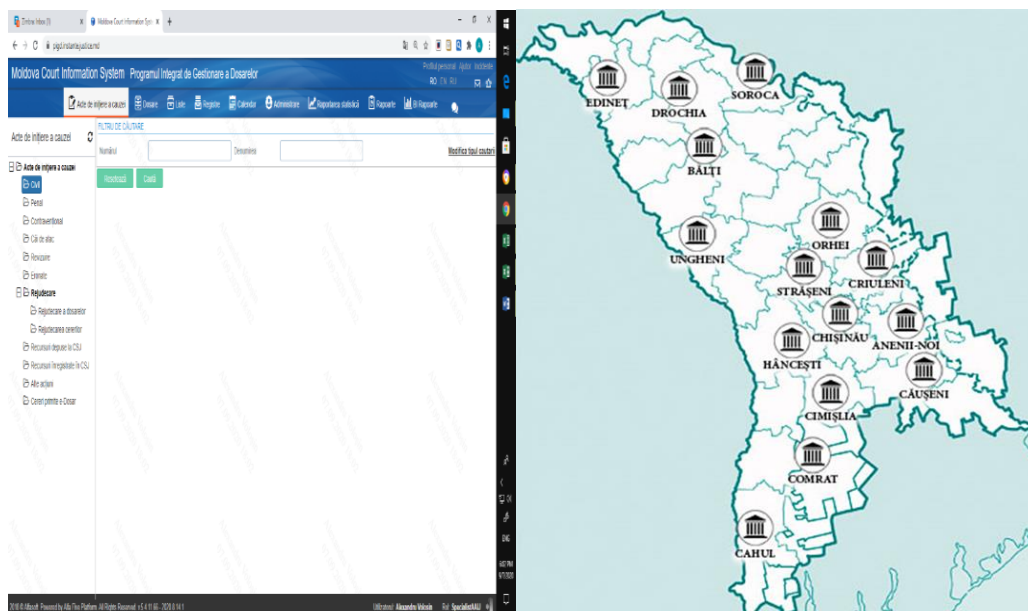
## MOLDOVA

The Judicial Information System (JIS) from the Republic of Moldova is an automated information system, consisting of a pool of resources, information technologies and methodologies that are all interconnected. The main goal of SIJ is to record, process and use the information in regard to the court requests and court files from the moment of their registration and until their archiving and publication. JIS is the main information technologies (IT) platform that is responsible for the creation of the Register of judicial (court) cases and the presentation and delivery of updated information to the public authorities, natural persons, and legal entities in compliance with the legislation of the Republic of Moldova.



JIS is composed of the following components:

### Integrated Case Management System (ICMS)



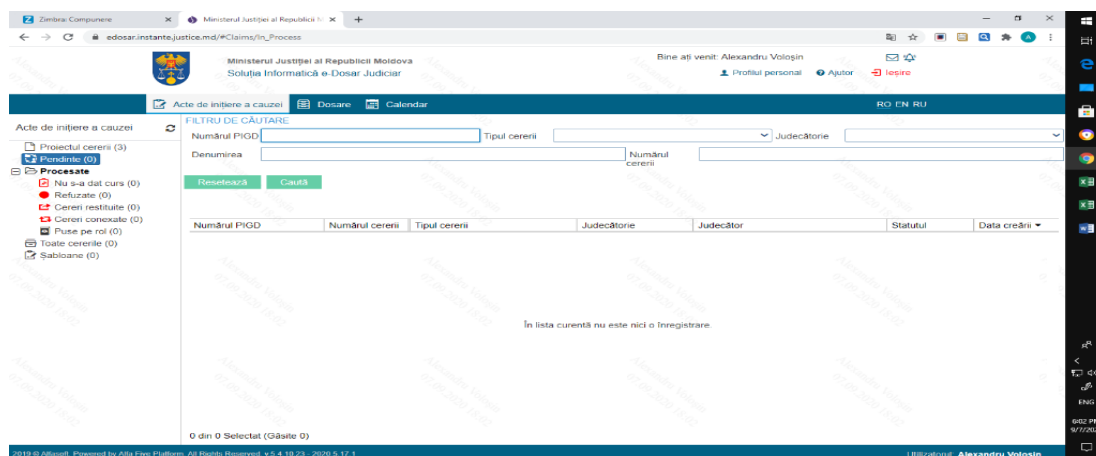
ICMS is a complex IT solution that allows the automated documentation, oversight and control of electronic management of court files and other procedural documents that are issued by courts. ICMS has the following functions:

- ✓ random assignment of cases based on the degree of complexity;
- ✓ keeping track of cases;
- ✓ keeping track of court sessions and sessions participants;
- ✓ creation of a summary of cases that allows visualising all information about the case in a one-page report;
- ✓ creation of an actions log for automated registration of all activities carried out by the system's users;
- ✓ drafting subpoena electronically through automated filling in of certain pre-defined areas;

- ✓ electronic scheduling and coordination of court sessions via the “Calendar module”;
- ✓ producing the list of cases scheduled for a trial by courts;
- ✓ ensuring an advanced engine for searching cases;
- ✓ employing an advanced system of informing the participants to the proceedings about the course of trials (adjournment of court sessions, dispatch of subpoena, drafting of court documents, observance of time limitations etc.);
- ✓ electronic record-keeping of archived cases;
- ✓ electronic transfer of cases between the courts;
- ✓ automated record keeping and dispatch of enforcement titles;
- ✓ employing the anonymisation of personal data;
- ✓ sending to the publication of judicial documents to be published on the national portal of courts;
- ✓ producing electronic statistic data reports;
- ✓ employing the module to measure and assess the performance of courts.

As of 2009, ICMS is successfully implemented in all 20 courts from Moldova. In 2019, a new, enhanced version of ICMS had been launched and piloted in all courts from Moldova.

### *IT System E-Judicial File*

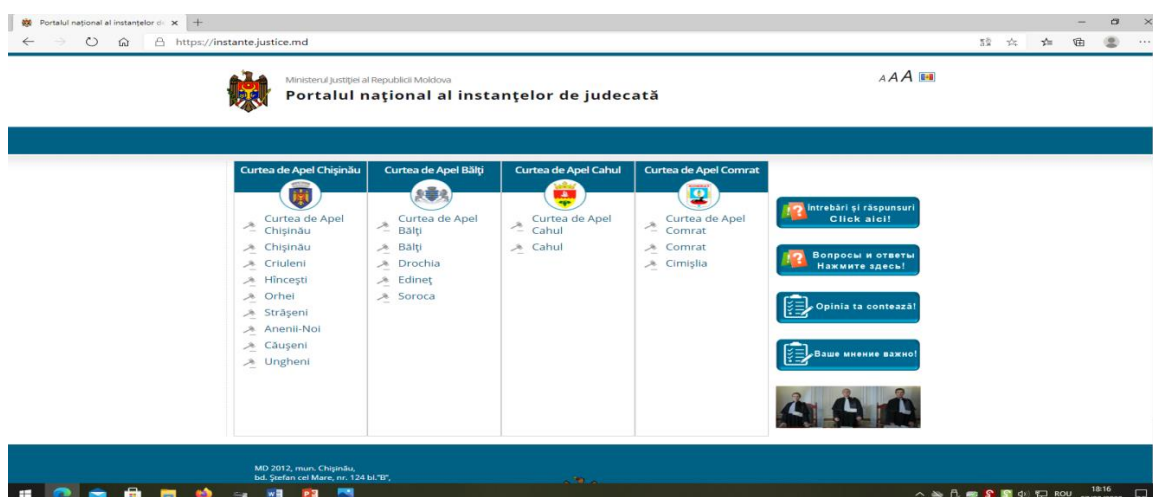


E-File system is an IT application aimed at creating and managing the electronic court file in civil cases with full access to parties. This application allows for an automated process of filing the requests to court as well as the distribution of case documents in electronic format. The E-File includes the following functions:

- ✓ filing of requests to court, with electronic attachment of all relevant case documents;
- ✓ payment of state tax through the Governmental Electronic Payment System MPay with automated attachment of payment confirmation to the electronic file;
- ✓ submission of case evidence and checking of date and time of court sessions;
- ✓ access to all evidence in the case with the possibility of downloading the documents according to the law;
- ✓ receipt of notifications with regard to various case development events;
- ✓ uploading of any documents to be reviewed by the court;
- ✓ access to the court sessions’ protocols and minutes, to sessions’ audio recording.

Since 2019 the E-File Information System is in the piloting phase in the Southern part of Moldova, covering Cahul trial court and Cahul Court of Appeals.

## National Portal of Courts of Law (PNIJ)



PNIJ is an information system that was launched in 2014. PNIJ represents a single entry point of access to publicly available information about the activity of courts. The information placed on PNIJ includes the list of courts in Moldova, schedule of sessions for each court, court decisions, subpoenas, courts case-law and other relevant information for litigants from Moldova.

## Court Sessions Information System (SIAS)

SIAS is an information system for carrying out videoconferences, audio/video recording of court sessions with the use of peripheral equipment and special recording software. SIAS's main objective is improving from the technical standpoint the procedures of carrying out the sessions in the court, ensuring the transparency of trials and access to justice. Since 2018 all Moldovan courts have the necessary equipment and software to audio record the courts sessions. Moreover, all Moldovan courts have videoconference equipment that allows for audio/video recording of court sessions in criminal cases.



## The Management of JIS

The state is the sole owner of the JIS. The financial resources for the JIS' continuous development, maintenance and use are covered from the state budget. The JIS's holder is the Agency from Court Administration that is subordinated to the Ministry of Justice. The Agency has the following competencies:

- ✓ manages the judicial information system;
- ✓ ensures the maintenance and development of the system;
- ✓ reviews and examines the inquiries addressed by courts with regards to the errors occurring in the ICMS and operates the necessary amendments and corrigenda;
- ✓ permanently monitors the random assignment of cases in all the courts;
- ✓ drafts monthly reports on random cases assignment, publishes the courts decisions, and court sessions' recordings and publishes these on the national courts portal;

- ✓ presents the necessary information to the Minister of Justice, in his/her position as the Member of the Superior Council of Magistracy and drafts referrals with regards to suspicions on manipulating the random case assignment system to be presented to the Superior Council of Magistracy;
- ✓ participates in the process of drafting and implementing the policy documents covering the judicial information system;
- ✓ presents proposals on drafting, amending and completing the legal framework and the realm of e-justice;
- ✓ drafts annual reports on the functioning of national courts information webpage;
- ✓ ensures the national courts with necessary equipment and software needed for the functioning of information judicial system;
- ✓ ensures the training of judges and court personnel in the use of judicial information system.

**The registrars of the JIS** are courts of law of different levels through responsible persons who are designated from courts according to their positions held: president of the court, judge, duty judge, judge rapporteur, judicial assistant, court clerk, head of section of record-keeping and procedural documents, and the specialist in the section of record-keeping and procedural documents.

**JIS's data providers** are all participants to the judicial proceedings who present to the registrar, either on paper or in electronic format, data and information about the object of the system (judicial case, indicator, category, state tax, name, surname, national identity number, address etc.). The JIS' data providers are obliged to ensure the accuracy and authenticity of data presented in order to be introduced in the system as well as its updating according to the law.

**JIS's data recipients and users** are natural persons and legal entities who are empowered with the right to receive this data and information.

### Permanent Working Group on ICMS

This permanent working group has been created by the decision of the Superior Council of Magistracy No. 127/7 from 2019 in order to continuously develop and improve the e-justice instruments. The group is also responsible for reviewing and updating the secondary legislation, enhancing the effectiveness of judicial system; facilitating the development of activity standards form judges and court personnel; aiding the burden and working conditions of court personnel; increasing the transparency of judicial proceedings; ensuring the storage, systematisation, update and protection of information technologies solutions pertinent to courts; establishing the hierarchy, access levels, security provisions, responsibilities and processing methods of information stored by the judicial information system.

The group is composed of 5 members of the Superior Council of Magistracy (2 CSM members, 2 representatives of SCM's Secretariat and one representative of Judicial Inspection, all these authorities subordinated to the SCM); 4 representatives of Agency for Courts Administration, 2 representatives of Service for Information technologies and Cyber Security, 1 representative of Electronic Governance Agency, 2 representatives of Supreme Court of Justice, 4 representatives of courts of appeals, 7 representatives of trial courts, 1 one representative on behalf of development partners. The Group is convened on an ad-hoc basis, several times a year, each time when the agreement over new functions or priorities on JIS's are needed to be discussed and agreed. The decisions in the Group are taken with the simple majority ballot of

present members and are recorded in minutes of the meeting that are presented to all members. Group members have the opportunity to make objections, suggestions and comments.

### The Role of the Superior Council of Magistracy

In its role as the self-administration body of all courts, the Superior Council of Magistracy approves rules and regulations on assignment of cases in the courts, publication of court decisions, rules for audio/video recording of court sessions, classifier of categories of cases and complexity degrees attributed to each court, appoints investigating judges and substitute judges, approves the percentage upon the assignment of cases to regular judges, investigating judges, presidents, deputy-presidents, etc.

### Access Rights to the JIS Information and Data Content

The users benefit from access rights to the information and data contained in the JIS according to the competencies and functions held and based on legal regime of information or data to be accessed. The level of access to information for each participant matches his/her job level and access profile. The information contained in JIS is accessed according to the Law No.982/2000 on Access to Information, within the limits set by this law and other relevant laws. The rights of access to the JIS's information and data resources is broken down on content units, with shared prerogatives, namely: visualisation, addition, drafting and erasure. The access to JIS's information and data is broken down for both internal and external users.

### JIS's New and Improved Functionatities

During 2017-2020 five enhanced ICMS versions have been implemented in al courts from Moldova. In the first two versions (4.1.1, 4.1.2) some functionalities have been adjusted in order to the need of implementing the provisions of Law on Reorganisation of Courts of Law. The databases of 34 initial, pre-reorganisation courts migrated to the 15 newly merged courts according to the new courts dislocation map.

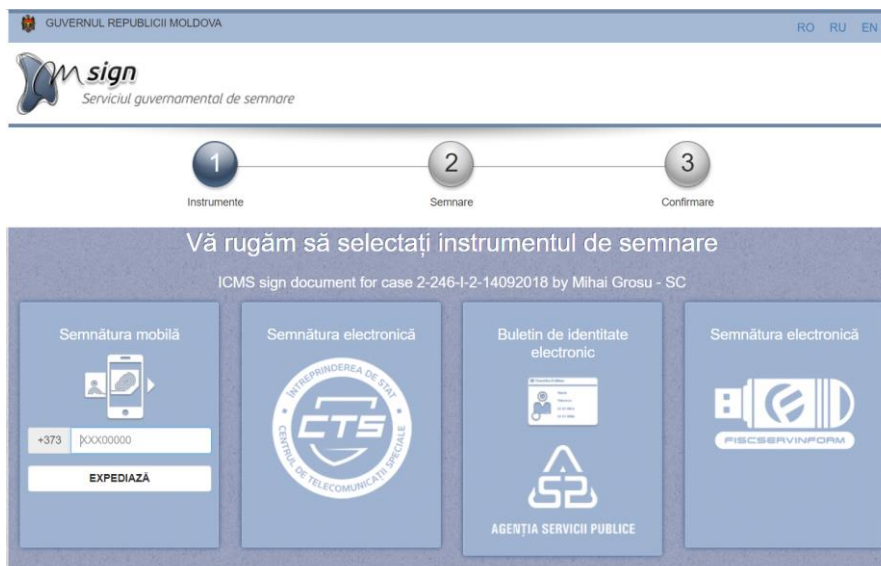
The next two versions (4.1.3, 4.1.4) have been enhanced with functionalities requested by the courts, as a result of courts' specialisation, analysis of activities and the level of documentation in the JIS through the optimisation of certain menus and simplifying the steps of access to these menus.

Since 2019, the current version of ICMS 5.0 is being gradually implemented in all courts while in experimental operation. The enhancement of this version's functionalities is a continuous process. Among the main innovative elements of the current version, it can be mentioned that:

- ✓ **ICMS is built on a modern technology platform**, flexible enough to allow the amendment of data flows without changing the source code. Hence, a more expeditious transposition of legislative amendments became possible.
- ✓ **ICMS includes logical flows for examination of each judicial process.**  
An important feature of the new system is the fact that the latter is not based on the mere data storage of e-documents but is based on the entire automation of processes in case management. This mechanism will definitely make the activities of the courts more efficient.

✓ **The System is Fully Integrated with the Modern Governmental E-Services (M-Pass, M-Sign, M-Notify, M-Log, M-Pay)**

The system is fully compatible with and integrated with all the e-services developed and maintained by the Agency for Electronic Governance: M-Pass (access in the system based on the personal electronic key), M-Sign (e-signature of documents), M-Notify (users notification), M-Log (activity logs registry of system users), M-Pay (e-payment platform). For instance, system uses have to log in with the advanced e-signature.



✓ **ICMS has an increased security level**

The system's security level is increased through keeping the log of users' actions in two different places and in M-Log. At the same time, the new ICMS encompasses an application that ensures the constant monitoring of the system's vulnerabilities, alerting the main administrator and generating automatic monitoring reports. Furthermore, the ICMS's interface contains "watermarks", i.e. it prints the name and surname of the user that accesses the system and the access date.

✓ **ICMS is connected to the Interoperability Data Platform M-Connect**

The system develops web services on exchanging the data through Interoperability Data Platform M-Connect which allows the exchange of data with the State Register of Population, State Register of Legal Entities to automatically extract genuine information about the participants to judicial proceedings and to avoid any human errors. At the registration of participants to the proceedings, only the submission of a personal identification number would be needed. Other participants' data will be already pre-filled. This functionality considerably reduces the time and effort of court personnel while registering a court inquiry or a court file.






- ✓ **The judicial case is attributed a single ID number for all the levels of courts** and the case can be easily tracked down during its entire life cycle, from the submission of the request to the court until the final and binding decision.

**Example: 2-19000002-09-2-03012019**

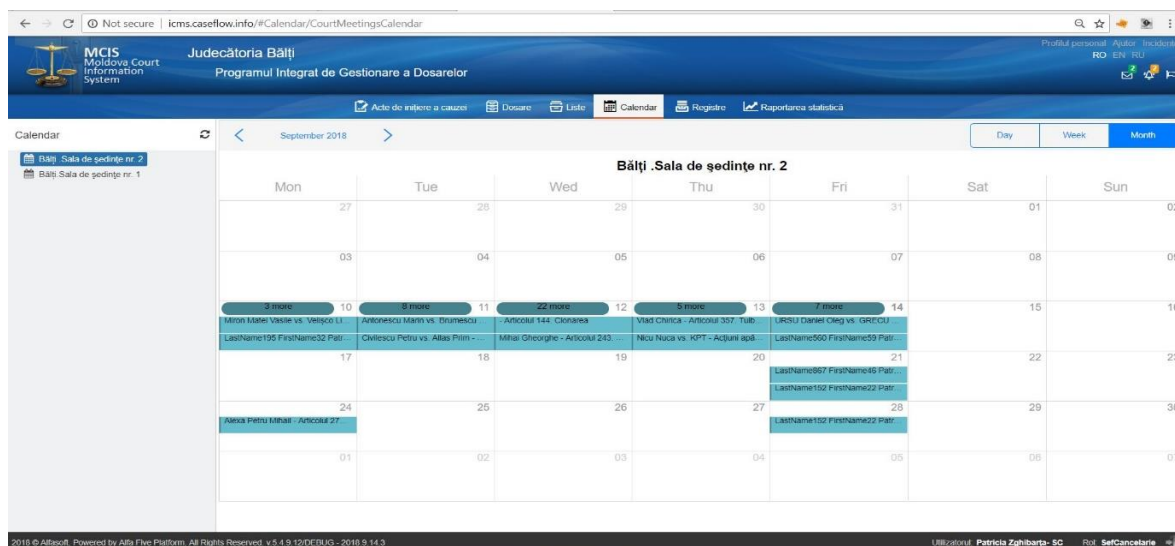
- ✓ At the registration of the application of summons to the court, bill of indictment, enquiry, minutes of the meetings and appeals, **the system provides a logical link between the main category and the indicator of the file.** Hence, the correct insertion of the files' data is ensured. This data is then reflected in all further statistic reports.



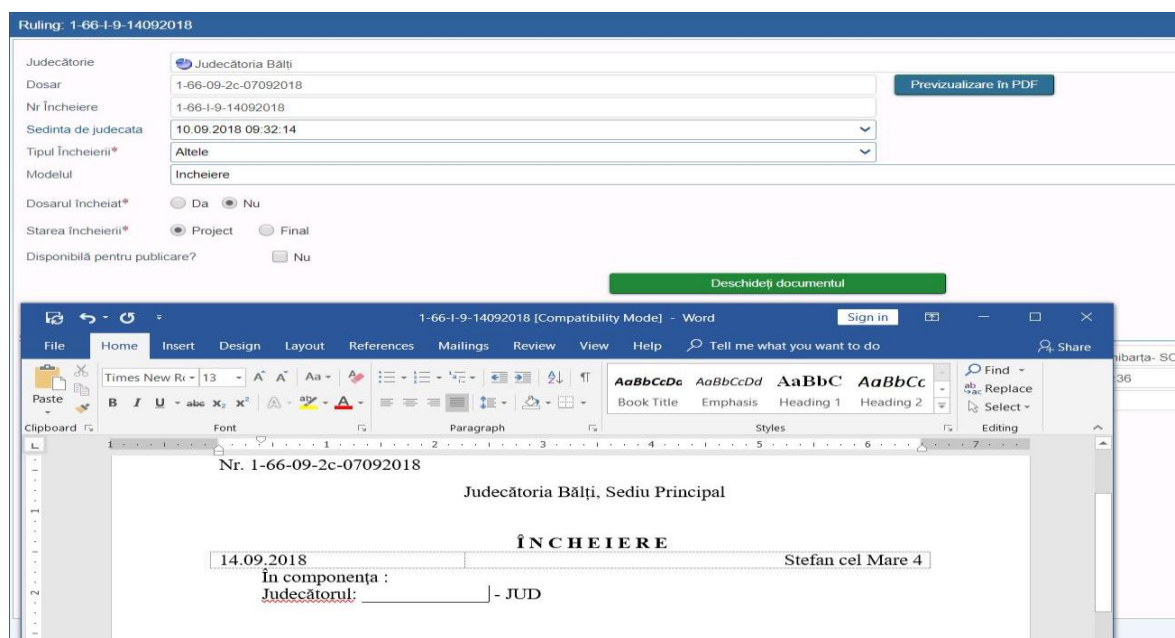
- ✓ **ICMS allows documenting the data about the state tax and saving its payment receipt confirmation.** The data about the payments ensure that the statistical report includes information about the state tax and calculations about the costs of the case.
  - The multiple uses of payment receipts in different cases is excluded (the system checks the data based on the number of the payment order, the name of the bank, amount).
  - The use of the same payment in case of restitution of application of court summons is allowed.
  - Uploading the payment receipt is compulsory.



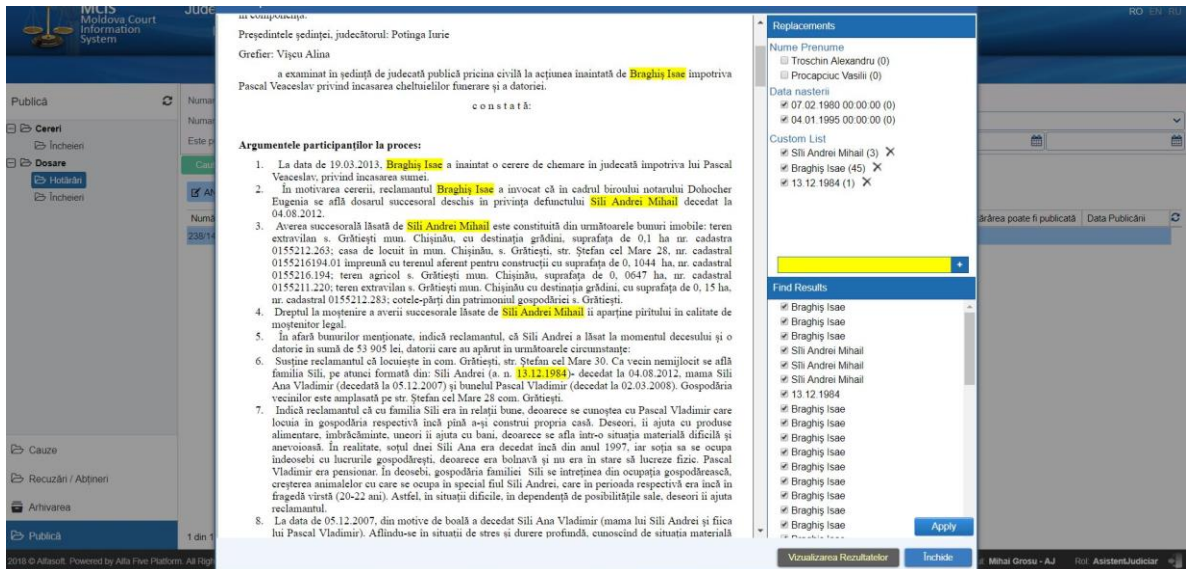
- ✓ **Calendar of court sessions is enhanced**
  - Rapid and easy access to the calendar of court's sessions, namely of single judge's docket or a court in general;
  - Scheduling of court hearings taking into account the availability of courtrooms.
  - Integrating the calendar of court hearings from all courts.



- ✓ **The new version of ICMS allows the access and editing of Microsoft Word documents directly in the system**  
Thus, the security and confidentiality of data and the storage of all relevant documents in ICMS is ensured.



- ✓ **The anonymisation of judicial documents module has been considerably improved.**  
This functionality allows the automated identification of data that is to be anonymised in the entire judicial document.



- ✓ **The module on statistical reporting and judicial activity performance measurement has been improved**  
The e-statistics module includes around 130 reports and logs that generate real-time data from the e-files documented by the courts. The data generating filer contains multiple criteria: case category, case indicator, the respective court, the list of judges from the respective court. The retrieval of data is in Microsoft Excel format. The judicial performance module includes 15 performance indicators.
- ✓ **All four of JIS's modules are interlinked and communicate.**

### Priorities and recommendations for the judicial information system

1. Periodic monitoring of the JIS's documentation level and provision of a more in-depth in-service training and assistance to court personnel.
2. More frequent meetings of the JIS's Permanent Working Group to discuss and decide on the system's issues and development proposals.
3. In-depth monitoring of e-statistical reports provision of a more in-depth in-service training and assistance to court personnel.
4. Quarterly monitoring of the degree of publication of judicial decisions on courts' web-pages.
5. Monthly monitoring of assignment of cases and interaction with the Judicial inspection.
6. Monthly monitoring of courts' audio recording of hearings and use of videoconference facility.
7. Regular monitoring of judicial performance analysis reports on courts' web-pages and the provision of advisory support to the courts' personnel.
8. Monthly monitoring of reports generated by the system in terms of its vulnerabilities, their thorough analysis and taking all necessary actions to ensure adequate cybersecurity.
9. Regular assessment of equipment needs for the courts in order to ensure a food functioning of JIS.
10. Gradual extension of E- Judicial File system to other categories of cases and users.
11. Implementation of e-statistical reporting in all courts.
12. Gradual extension of videoconference facility to other categories of cases.
13. Ensuring the interoperability of JIS with other information systems of other public authorities in order to facilitate a comprehensive e-exchange of information and data.

14. Continuous development of JIS's functionalities in order to ensure uniform practices, access to the information contained in the electronic file, random cases assignment and balancing the workload for judges and court personnel.
15. Implementation of IT solutions that would facilitate the access of persons with special needs to courts.
16. Regular evaluation of the level of depersonalisation of decisions by courts with further information of the Superior Council of Magistracy on irregularities.

# ITALY

## The Italian justice system

The governance of the Italian judiciary is shared between the Ministry of Justice (MoJ) and the Judicial Council.

The Ministry is in charge of the management of judicial services, including HR for administrative staff and IT development. The Judicial Council manages the status of judges and prosecutors, and more recently the organisation of courts and prosecutors' offices (PPO). Lawyers - about 300k in the country - are organised in local bar associations (one in each local court) supervised by the National bar council. Consequently, the development of large-scale e-justice infrastructures requires long-term collaboration between the Ministry and the Council, and the capacity to involve a mass of lawyers.

IT governance and system development are entrusted with the MoJ; hence the Ministry assigns the key roles. However, the chiefs of the IT directorate, as well as project leaders, are almost regularly magistrates (i.e. judges or prosecutors). Hence, the involvement of magistrates starts since the inception and goes on with working groups in which judges bring their expertise and business knowledge. These groups identify the functional requirements for system development - regularly outsourced to private companies - and contribute to the testing of the applications. Even if magistrates are variously involved, the Council is not formally involved in system development.

The information below does not deal with administrative courts that belong to a different jurisdiction.

## The governance of e-Government

The IT Directorate of the Ministry of justice works within the framework provided by the national e-government system.

The Agency for Digital Italy (AgID) is the technical body of the Presidency of the Council of Ministers in charge of coordinating e-government initiatives and more broadly the national digital innovation strategy. It establishes the technical standards and components of the national e-government platform. Three platform components are particularly relevant in the e-justice context:

- ✓ The qualified electronic signature to be used to sign e-documents;
- ✓ The certified e-mail (PEC or REM in English), an e-mail sent via trusted service provider with the same legal value as a registered letter with acknowledgement of receipt to be used as official exchange system;
- ✓ The Public Digital Identity System (SPID) that guarantees a single, secure and protected access to the digital services of the Public Administration to all citizens and businesses.

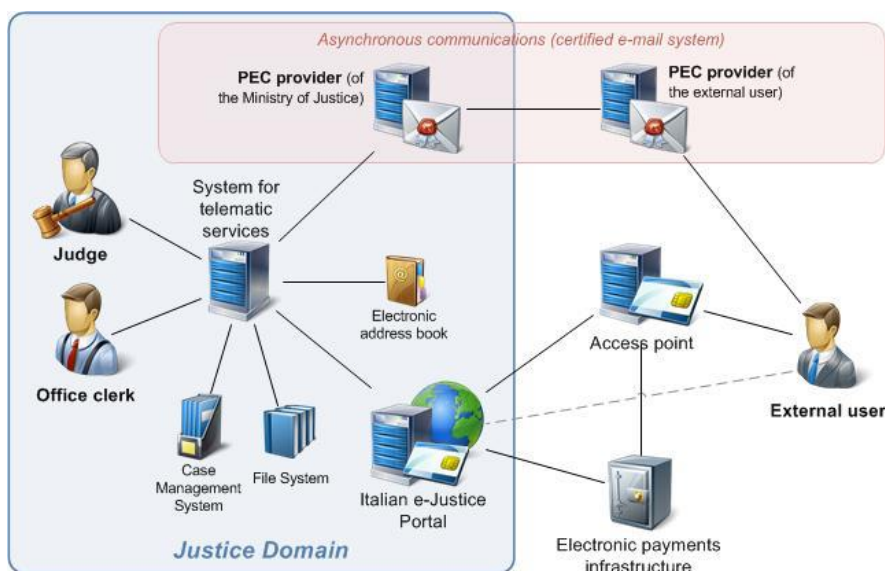
## E-justice in Italy: the general picture

The current state of e-justice in Italy is quite diversified, with a significant difference between civil and criminal proceedings.

In civil cases, the procedure is primarily digital. The official case file is digital, while paper documents are support tools used to ease some operation. In criminal cases, the picture is

reversed. The procedure is primarily paper-based. The official case file is the paper one, while digital tools support the tasks of all those who are handling the case.

Civil and criminal hearings are supported by various technological means. Videoconferencing (based on MS Teams), audio and video recording allow record-keeping in civil and criminal hearings. In civil cases, it is quite common to have judges using speech to text (Dragon) to draft court reports without the support of the clerks.



Source Italian Ministry of Justice, IT Department (2016)

## E-Justice for civil proceedings

Civil Trial Online (TOL), or the Processo Civile Telematico, is the digital procedure for civil cases in the Italian judiciary. All first instance and courts of appeal use the system, that is ready for the deployment at the Court of Cassation (apex of the national jurisdiction).

### Systems and applications

**TOL** allows the digitisation of civil procedures enabling interoperability between court users (judges and clerks) and external users (lawyers, Public Administrations representatives, expert witnesses). The infrastructure guarantees reliability, authenticity, integrity, non-repudiation, and confidentiality of communication.

To file a procedural document, a lawyer must have a **registered e-mail address (REM)**, a **digital identity** (requiring a digital certificate in a smart card) and a **digital signature** (a second digital certificate) on the top of standard e-mail and Internet access.

**Dedicated access points allow the digital identification of lawyers and other subjects.** They are certified applications made available by bar associations, public bodies (municipalities, the national welfare institute etc.) and private companies to identify and authenticate users that must access the systems of the MoJ. The access points certify not just the personal identity of the subjects but also their legal qualification (i.e. if the user is currently enrolled in the bar, act as an authorised representative of a municipality Etc.). From a technological perspective, access points are the gateways between the MoJ and the external systems. The holder of an access point is responsible for the electronic identification of its users and the

proper delivery of the packages. The system must respect the technical specifications established by the Ministry and is subject to its security checks. Essentially, it is an approach to outsource identification and secure communication with 300.000 lawyers, having to keep interoperable a reduced number of systems.

Furthermore, access points enable lawyers and authorised subjects to query the court case management system (**SICID-SIECIC databases, see below**) via web services. This function allows a synchronous check of data related to case status and case event registered in the CMS.

**e-Justice portal and law firms apps** - files can be uploaded using the MoJ e-justice portal. However, most of the lawyers have the access point integrated with their **law firm applications** developed by private companies and interoperable with MoJ system. Each application allows the assemblage of a “package” including the data required for the lodging, the pdf digitally signed (e.g. a plead), the attachments needed (e.g. a scanned copy of a contract). Then, the system logs in the MoJ systems and delivers the package (an encrypted S-MIME envelope including the data - XML format - and the pdf files) attached to a REM. The system summons the package to case parties’ REMs when required by the procedure. Data (XML) and documents (pdf) are respectively uploaded into the Courts’ Case and Document management system (**SIECIC** for execution procedures, **SICID** for the other civil cases).

**SIECIC and SICID** - the two case management systems provide all the functions required by clerks to handle civil proceedings. With the CMS, the register checks all the data and documents uploaded and trigger the relevant workflow. The clerks’ interface allows the checking and accepting of procedural documents sent by external users and judges and communication flows monitoring.

**The judges’ interface (digital work-desk)** - it allows each judge to handle the procedure through a dedicated system. It enables tasks as calendaring and case management, to read and annotate the procedural documents sent by the parties, draft and digitally sign decisions and other documents as hearing minutes. Relevant data available in the CMS are automatically uploaded during the drafting. Any document generated in the course of the proceedings is saved in the digital case file. The same system sends messages to the parties to keep them regularly updated about the filing and the advancements of the procedures.

**Electronic payments** - the infrastructure also enables electronic payments, connecting both the Access Points and the Italian e-Justice Portal to the bank system through a specific infrastructure developed by AgID. Receipts are sent back to the CMS and automatically controlled by the system.

Civil procedures are handled almost entirely through the digital platform. However, judges still need to work with the paper file because it makes it easier the reading and the work with multiple documents at the same time.

### **Systems development issues**

The development of TOL is tightly coupled with legal changes required to establish the architecture and the technical features of the system. The first piece of legislation dates back to 2001 when a decree of the President of the Republic n. 123 implements the provision of the law 59/1997 (art. 15) that makes legal the use of digital documents and their transmissions based on electronic means. The law provides the green light, and the decree establishes the

technical specifications of e-documents, e-signature, and other technical components. The idea was to make a one to one translation of the code of civil procedure into a digital procedure, transforming the media from paper into digital, under the tenets of paperless court. Since then, the trajectory of the project intercepted several times the trajectory of the legislation aimed at digitising the broader public sector. Hence the technical specifications established by the 2001 decree had to change to respect the rising national e-government standards. The project trajectory that at that stage was pointing to a failure had a u-turn when, taking advantage of the new code of digital administration, the Ministry changed the exchange platform. The Ministry introduced the REM and identified the National Bar Council as the key central service provider as far as the e-identity of lawyers is concerned. The shift in the techno-legal architecture made possible by the legal changes eased the adoption of the system that, in 2014, became mandatory for lawyers.

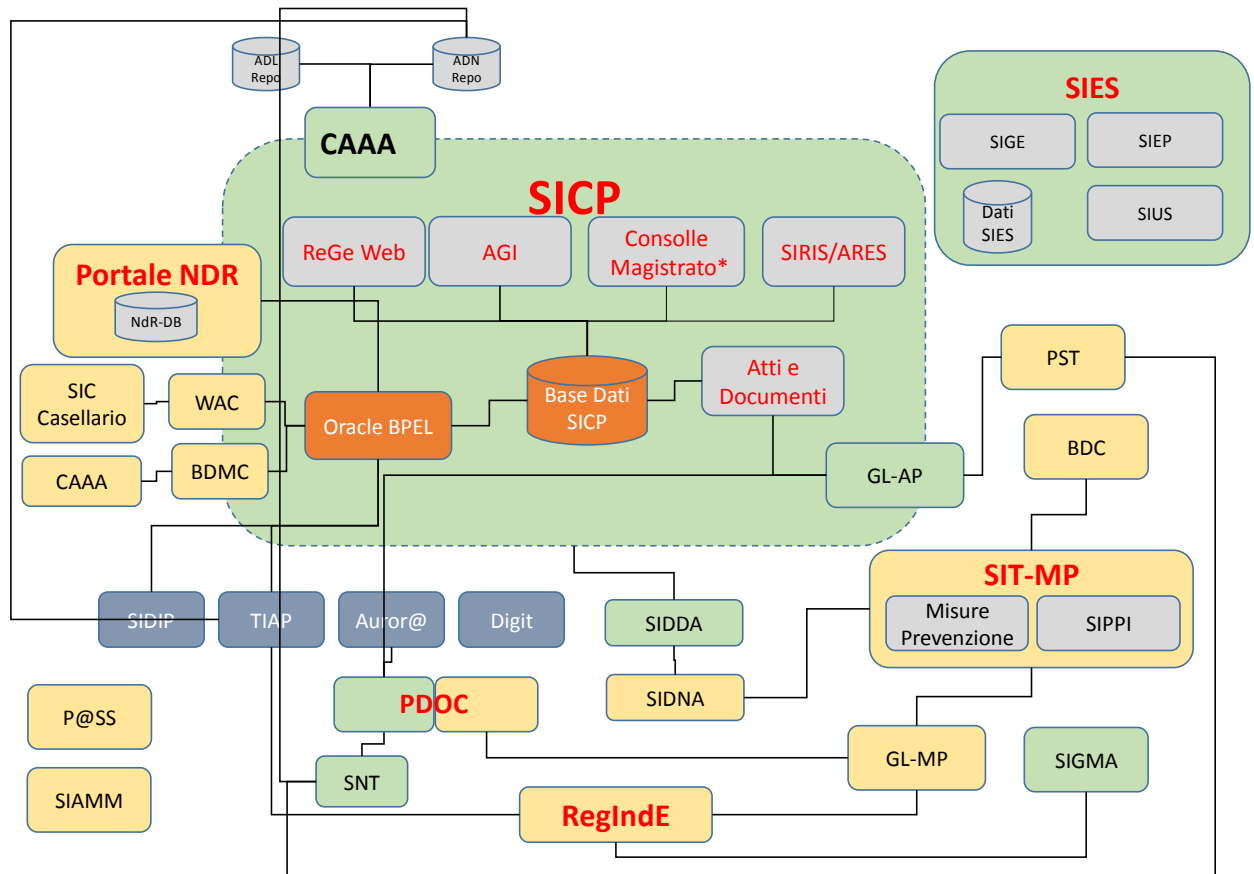
The same legal changes obliged the lawyers to purchase a registered e-mail address as the official address for procedural communication (with courts and other lawyers) and the use of the fiscal code of the in each procedural document as the primary identification key. Other legal changes detailed the features of digital signatures and digital documents clarified how to use the registered e-mail as official summoning system and gave the lawyers the power to authenticate documents as the annexe of the complaints. Later, other changes made possible electronic payment of court fees. However, the changes did not influence the features of civil procedures that remain those already established by the pre-existing code of procedure.

One of the reasons for the slow system development and uptake is the multitude of working practices adopted by local courts. A comparison of 13 courts carried out in (2007/8) to support the implementation of the system observed the proliferation of local practices and local IT systems, from spread-sheets gathering essential data, to proprietary systems developed by banks and adapted to the court's needs. Also, court procedures, even if compliant with the existing legislations, showed differences. Therefore, software developers had to decide which local procedure had to be made available by the system. The mismatch between the pre-existing routines and those enabled by the new system can then raise dissatisfaction with the innovation process. The TOL leadership faced precisely this, and it took years to deploy the system (see below users' involvement). In this case, developers implemented just a coherent subset of functional requirements, that was not fitting with users' expectations in several courts. The mismatch between the pre-existing routines and those enabled by the new system raised dissatisfaction with the innovation process that slowed down the adoption.

### **E-Justice for criminal proceedings**

The picture of e-justice criminal proceedings is much more fragmented. What follows is a simplified picture, because courts and prosecutors offices use dozens of systems to some extent interoperable. The full picture is portrayed in Figure 2.





Source: Liccardo, Processo penale telematico, in Giustizia Insieme, 2020

## Systems and applications

### SICP - Information System of Criminal Cognition

SICP is the digital backbone of criminal proceedings. It has been designed as a unique system working for both courts and prosecutors, in the full respect of institutional features of the two institutions, and of the rules of the code of procedure.

It is composed of different modules offering data registration and collection, case management (including statistics), document management, workflows, and data interoperability with external databases.

### SICP Database

The **SICP database** is the primary data collection of criminal proceedings. The data structure, agreed between prosecutors and courts, allows seamless data interoperability between the two offices. A long list of software modules, enables users to register, update and manage data, as well as to use the data to support many tasks PPO and courts are dealing within the course of criminal proceedings

### Filing

**Portal NdR** - (Crime reporting portal). The portal has to be used by police officers located throughout the country to report crimes to the competent prosecutors' office. Data are automatically uploaded into the SICP prosecutors' database, while clerks validate the data.

## Case management

**Re.Ge.WEB** – It is the core of the system. It provides case management functions (data registration and management) integrated with a workflow system that, based on the status of the proceedings, makes available to users the different procedural steps envisaged by the code of procedure. Clerks at court and prosecutors' offices use this module for the continuous management of the cases. Furthermore, clerks have to use different applications - to some extent, interoperable - to handle specific procedures.

- ✓ GIADA is the application that allows a random assignment of cases to judges.
- ✓ AGI - International Judicial Assistance module, handle active and passive extraditions, as well as passive rogatory.
- ✓ BDMC - Precautionary measures database module. It connects the different offices in charge of deciding and monitoring such actions.
- ✓ WAC - The module extract data from the SICP databases to build the national register of indicted persons.
- ✓ SIES - The module manages the execution of criminal sanctions and the surveillance of inmates and persons in home detention.
- ✓ SIT-MP – The Information System of Prevention Measures manages seized and confiscated assets.

## Procedural documents preparation

**A&D** - The Acts and Documents module allows the drafting of procedural documents taking advantage of the data collected in the database and benefitting of validation mechanisms designed to reduce errors. It is mainly used to support clerks' tasks.

**“Criminal Area Console”** (Magistrate digital work desk) - The module provides a set of functions required to prosecutors and judges to manage the workload. It offers the scheduling of hearings integrated with the judge/prosecutors calendar, and office automation functions.

## e-notification

**SNT** - The Telematic Notification System allows the electronic transmission of notifications to lawyers and expert witnesses. The notifications require a digital signature. The system is similar to the one used in civil proceedings.

## Document management

**TIAP** is the application for managing the case files. The system allows to scan, classify and share the paper documents collected in the case file during the different phases of the procedure so to build the digital case file. Such file is then made available to the subjects authorised to access that document (prosecutor, defence counsel, or judge) as established by procedural rules.

**SIDIP** - Criminal hearing Information System. It carries out the unified and homogeneous management of all the knowledge produced in the hearings of the case. It collects multimedia recordings of the hearings (audio and audio/video) and their transcripts. The system is accessible to lawyers, clerks, judges and prosecutors. Its functions are similar to those provided by TIAP (above) and by Aurora (not described here).

## Statistics

**SIRIS / ARES** - Offer data analysis capabilities for inspection and monitoring purposes.

## ICT against organised crimes

**SIDDA-SIDNA** - The two systems allow the National Antimafia and Terrorism Bureau to coordinate investigations carried out by each single District Bureau (i.e specialised prosecutors' units working in each judicial district).

The system as a whole constitutes the backbone in the preliminary investigation phase for the fight against organised crime and terrorism.

A set of databases deployed at the district antimafia and antiterrorism directorates constitute the strategic archive of **SIDDA**. Each database consists of a collection of investigation reports, and other documents collected during the investigation, coupled with a relational database that contains key data extracted from the reports, and additional data downloaded from the SICIP. The national database, **SIDNA**, is the result of the merger of the various district databases. Search is mainly made using first the data collected in the relational database, and then accessing the investigation reports. The system proved to be valuable in several antimafia and antiterrorism investigations.

## Systems development issues

As seen, the level of e-justice in the criminal sector is much less developed than in the civil one.

REGE, the first basic case tracking system for Italian Courts and PPO has been in service for almost 25 years (1990-2015). During that period, the Ministry undertook several attempts to develop a fully functional integrated CMS without success. In the meantime, courts and PPO developed a homemade system - not necessary effective neither secure - to perform functions not included in REGE. In 2005, when SICP emerged as the project of an integrated national system, the state of IT was variegated and critical.

SICP was designed to overcome the problems of the pre-existing systems and by transferring the data to a few centralised servers. This centralised architecture has been criticised because legislation stated that information collected at the PPO level had to be kept at PPO premises. It took years to solve the issue.

Another critical issue was the number of applications developed by local courts and PPO in the previous years. It took years to deploy SICP in each court and PPO and win the resistance of local offices. As seen, the system is deployed at the national level, but it is still composed of a variety of applications. It will take years to go from this state of affairs to a more integrated e-justice platform, and finally to go digital also with the exchange of procedural documents.

## Lessons learned and recommendations

- ✓ e-justice platforms are not just tools, or a means to an end. It's reshaping judicial institutions. TOL-based civil proceedings require the collaboration of several service providers and public agencies; coordination among players occurs in novel ways.
- ✓ As a consequence, of point 1, there is a change of governance mechanisms. Courts are not any more self-contained isolated units, but knots of networks providing judicial

services in which private organisation provide essential functions as digital identification or document delivery.

- ✓ The technological organisational and legal installed base plays a crucial role in ICT development. TOL development was primarily affected by the changes establishing its technical features. Pre-existing technological systems as TIAP or REGWeb are still influencing the characteristics and functioning of the applications used in the criminal sector.
- ✓ e-Justice projects require not just the development of software and hardware but legal and organisational changes. The latter is probably the most demanding part of the challenge.
- ✓ Court technology must be “made legal” by formal rules. “Greenlight” and framework regulation are usually preferable than detailed rules prescribing technical features and specifications as occurred in TOL.
- ✓ Levels of standardisation - e-Justice requires a high level of standardisation at the operational level within courts, PPO and between justice institutions. To reach adequate levels of standardisation may be problematic.
- ✓ Complexity is the main enemy of e-justice application.
- ✓ There are technological applications that are relatively simple in terms of developments (CMS, video conferencing) others require a more significant effort (e-justice platform as TOL).
- ✓ The challenges embedded in e-Justice development and deployment derive by different factors among which:
  - The level of organisational adoption: individual (videoconferencing), organisation (CMS), inter-organisational (TOL, SIDDA SIDNA)
  - The type of legal change required: no legal change (use of speech to text by judges), green light (adoption of a CMS), detailed regulation (e-justice platform-TOL, SIDDA-SIDNA)
  - The type of technology, isolated (word processor), organisational (CMS), infrastructural (enterprise systems TOL).

For the reasons stated above, the development of an e-Justice platform as TOL is not just a digitalisation of tools and services. It should be understood and approached as a comprehensive judicial reform, that requires the close involvement and support of the apexes of courts and the judiciary (Ministry and Judicial Council).

## AZERBAIJAN

### About AZEMIS

In Azerbaijan, all the information about each case (procedural documents of parties, data of participants in the proceedings, information about procedural activities and events, substantive and procedural documents of courts, audio records) is stored in the **case management system (CMS)** of all courts called **AZEMIS (Electronic court information system of Azerbaijan)**. This is the information system of Azerbaijan. The system was established in 2014<sup>1</sup> and since then has been maintained and constantly developed by the Ministry of Justice (MoJ) within the framework of “Judicial Services and Smart Infrastructure Project” (JSSIP) together with the World Bank.



**AZEMIS** is made up of the following main modules:<sup>2</sup>

- ✓ registration, management and storage of electronic information and documents on every case;
- ✓ court calendar and diary management;
- ✓ public register of court decisions on the internet;
- ✓ automatic generation of court statistics, statistical reports;
- ✓ recording of court proceedings using technical means such as audio and video;
- ✓ storage of the audio records of court hearings;
- ✓ search of the documents and other data for the courts process in AZEMIS, other registers, databases;
- ✓ automatic generation of notifications, sending them to parties of hearings via SMS;
- ✓ design of document templates and automatic generation of documents (via artificial intelligence);
- ✓ publication of information of court activities, hearing schedules;
- ✓ automatic allocation of cases;
- ✓ procedural time supervision and period expiration notice;
- ✓ public e-service cabinet;
- ✓ exchange of case information among institutions (integrations)<sup>3</sup>.

In 2013, Azerbaijani Government set up the action plan for the development of the implementation of Azerbaijani electronic information system (2013-2014), stating specific aims for the public sector in expanding the applicability and usage of public electronic services.<sup>4</sup> For the promotion of the state strategic objective the **MoJ in collaboration with the World Bank, implemented the project (JSSIP) of development of e-services in courts and on the 13<sup>th</sup>**

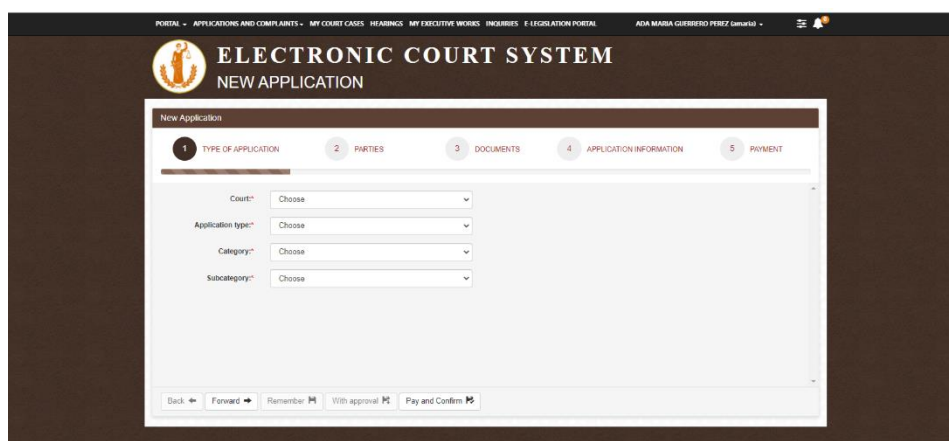
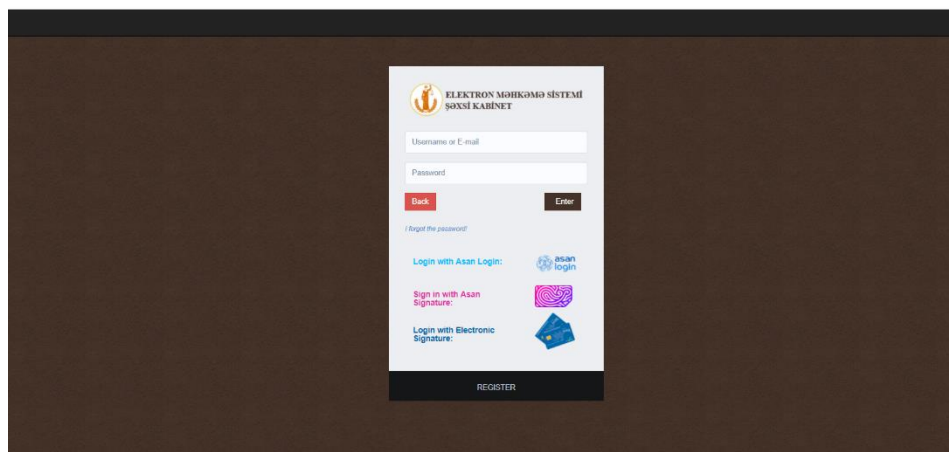
<sup>1</sup> Order of the President of the Republic of Azerbaijan on the establishment of the "Electronic court" information system (<https://president.az/articles/11019>)

<sup>2</sup> Regulation on "Electronic court" information system, Art 6 (<https://president.az/articles/38919>)

<sup>3</sup> Case Management System instruction manual, 2017 (can send it upon request)

<sup>4</sup> Order of the President of the Republic of Azerbaijan on approval of the "Action Plan on declaring 2013 the "Year of Information and Communication Technologies" in the Republic of Azerbaijan" (March 28, 2013) (<http://e-qanun.gov.az/framework/25505>)

February 2014, the portal of public electronic services of courts (E-Cabinet) as a separate AZEMIS module was launched.



From the mentioned date, the E-Cabinet (the specific portal *e-mehkeme.gov.az*)<sup>5</sup> enables parties to form and deliver the procedural documents to the court in electronic form, to familiarise with the documents of the electronic case, to manage the information on the court fee, on the imposed expenses of litigation and fines. Court electronic services are accessible for customers via E-Cabinet in several comfortable ways. The participant may **log in via E-Government Portal** – the centralised state administrated platform for public electronic services, **using one of following tools**:

- ✓ E-signature;
- ✓ Asan signature;
- ✓ Specific login issued by the court.<sup>6</sup>

Process participants may form and deliver procedural documents to the court in electronic form by:

- ✓ filling them online (there are more than 50 e-templates);<sup>7</sup>
- ✓ uploading external various format or systematically archived documents;

<sup>5</sup> <https://e-mehkeme.gov.az:44301/identity/login?signin=f29ec119848f5368bf9d57a38f5c4d04>

<sup>6</sup> Decision No. 17 of the Ministry of Justice of the Republic of Azerbaijan on approval of the "Rules for using the" Electronic Court "information system", art 2.5 (<http://www.e-qanun.az/framework/42904>)

<sup>7</sup> [https://courts.gov.az/az/main/page/lddia-rizlr\\_2774](https://courts.gov.az/az/main/page/lddia-rizlr_2774) , [https://courts.gov.az/az/main/page/rizlr\\_2775](https://courts.gov.az/az/main/page/rizlr_2775), [https://courts.gov.az/az/main/page/Sikaytlr\\_2776](https://courts.gov.az/az/main/page/Sikaytlr_2776), [https://courts.gov.az/az/main/page/Vsattlr\\_2777](https://courts.gov.az/az/main/page/Vsattlr_2777), [https://courts.gov.az/az/main/page/Etirazlar\\_2778](https://courts.gov.az/az/main/page/Etirazlar_2778)

- ✓ signing them with e-signature (user can choose a particular function of signing a whole document package with the systemic electronic signature; there is no necessity to sign each document separately).

It is worthy to point out, that this system automatically fills in documents with these meta-data, which already exist in the users account.

For the familiarisation of the case material the user may need only a few clicks:

- ✓ all material is in one e-case;
- ✓ case material may be downloaded in PDF;
- ✓ possibility of electronic tracking the status of execution of case material;
- ✓ case materials may be downloaded through E-Cabinet mobile application on IOS and Android platforms<sup>8</sup>

Specific functionalities for the **management of the information on the court fee, imposed expenses of litigation or fines, including tools for the electronic payment are introduced.**

Participants may:

- ✓ create payment orders;
- ✓ receive court rulings binding to pay;
- ✓ directly to pay via internet banking.

From 2014 until today, AZEMIS **had been integrated with 30 information systems and registers** of other institutions, such as the Azerbaijani Automatic Tax IS, Penitentiary Service IS, Bailiffs IS, Residents' Register, Register of Legal Entities, E-Notary Service, State Traffic Police Department Database, E-Crime IS, State Real Estate Register, IS of Banks, Credit Institutions, Mobile Operators, Retail Markets and others, and continues to be integrated.<sup>9</sup> Also, during these developments operational issues had been resolved: system speed problems solved and business processes optimised; new functionalities added, enabling users to effectively manage data on the proceedings thus keeping all interested parties informed about progress therein.

**Recently following developments** of the AZEMIS having been implemented:

- ✓ upgrading of the system (**flawless and improved architecture**);
- ✓ **upgrading document management and archiving systems** (in order to more effectively manage actual and "old" cases and to **facilitate operational speed of the system**);
- ✓ **upgrading court recordings and transcription** (in order to improve the handling of recorded data);
- ✓ upgrading e-filing for citizens (extra payment methods, filing of documents on the existing case);
- ✓ establishing Data Warehouse (DW) (introducing modern cybersecurity systems);
- ✓ establishing Business Intelligence (BI) reports (smart dynamic data reporting);
- ✓ expanding integrations with other institution's databases (fast and efficient access to procedurally significant evidence).

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<sup>8</sup> <https://play.google.com/store/apps/details?id=com.emehkeme&hl=mk>

<sup>9</sup> Decree of the President of the Republic of Azerbaijan on approval of the "Regulations on the "Electronic court "information system" (<http://www.e-qanun.gov.az/framework/45080>)

## Management and decision-making of the IT system. Schematic view of bodies and responsibilities

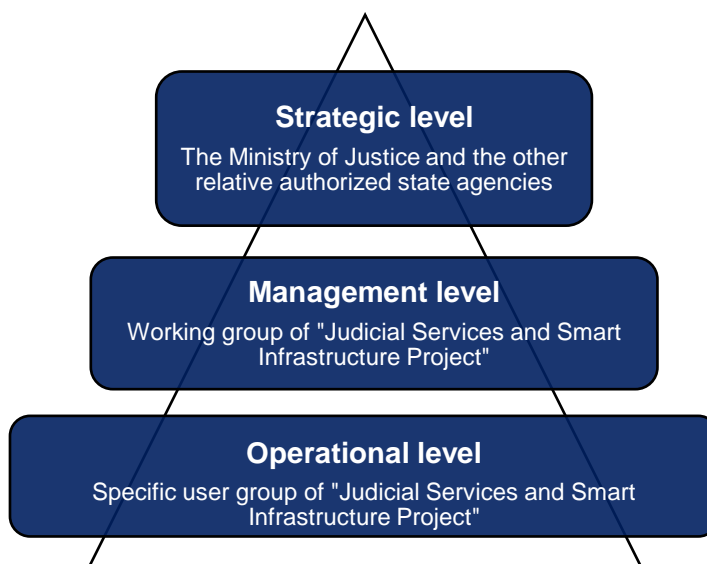
Management of IT systems has a specific challenging feature – these systems must be maintained under constant development as IT technologies and user expectations change instantly. At the same time court system and procedural laws often remain conservative and inert.

Therefore, the system of decision making and management of IT systems must be built in a way, allowing react promptly to new challenges, adapt smartly to existing rules and requirements (sometimes by initiating legislative changes) and synchronise different interests smoothly.

In this kind of complex areas as IT, it should be clearly established, who is:

- ✓ Drawing strategic directions, establishing priorities of developments and making final “political” decisions – strategic level.
- ✓ Deciding on actions, implementing strategic directions, managing process of implementation and finances, coordinating internal and external communication, leading operational routine, supervising service providers – managerial level.
- ✓ Analysing processes, user expectations, synchronising interests and demands of users and other stakeholders, preparing tasks for service providers, evaluating risks, indicating problems to be solved – operational level.

In developing AZEMIS the decision-making pyramid is the following:



### The MoJ and the other relative authorised state agencies:

- ✓ forms draft development strategy and main actions of development of IT systems, later presenting to the President of the Republic of Azerbaijan for approval;
- ✓ approves the presentation of significant solutions, changes and suggestions on legislative initiatives to the relative authorised state bodies for justification;
- ✓ adopts internal regulations on business processes, instruction on using electronic information system of the judiciary, etc.;
- ✓ validates draft action plan of IT systems development for presenting to the President of the Republic of Azerbaijan for approval;



- ✓ prepares communication plan for users of AZEMIS, subsequently introduces to the Ministry of Cabinets for approval;
- ✓ controls activities of working group of JSSIP;
- ✓ reports on the progress to the President of the Republic of Azerbaijan;
- ✓ appoints steering committee and working groups in particular projects, coordinates and supports their activity.

#### **Working group of JSSIP:**

- ✓ Makes suggestions and develops draft documents of the MoJ;
- ✓ Makes suggestions on legislative initiatives to the MoJ;
- ✓ Develops draft action plan of IT systems development;
- ✓ Prepares draft internal regulations and instructions on using the electronic information system of the judiciary;
- ✓ Prepares investment projects and budget requests;
- ✓ Manages IT investment projects and resources;
- ✓ Organises competitive tender and outsources service providers (companies, which develop separate solutions and provide maintenance, cybersecurity services, etc.);
- ✓ Implements a communication plan and training programs for users of AZEMIS;
- ✓ Reports on the progress to the MoJ;
- ✓ Supervises the progress of the project;
- ✓ Maintains the “electronic court” information system;
- ✓ Evaluates risks of the project and reports/suggests solutions to the MoJ;
- ✓ Adopts operational decisions.

#### **Specific user group of JSSIP:**

- ✓ Reflects the expectations and demands of users;
- ✓ Implements operational decisions;
- ✓ Analyses processes and suggests solutions on e-tools embodying particular process;
- ✓ Guides services provider from a user perspective;
- ✓ Detects flaws in the system and reports it to the working group of JSSIP;
- ✓ Provides intelligence support to the working group of JSSIP.

### **Management and decision-making scheme of AZEMIS: how it works in practice**

In case of AZEMIS, the MoJ adopts “political” decisions and draft strategic direction for later approval by the President of the Republic of Azerbaijan on how the system should be developed in respect of other systems and registers (either to merge or just make and integration with Attorney General’s office IS, for example), also initiates discussions on procedural changes, which could facilitate the procedure and allow more effective use of technologies (for example, reduce of documents to be provided by parties if IT system and integrations allow a judge to get the information directly from state registers; more options of use of remote hearings in criminal cases, etc.). On December 2018 the **President of the Republic of Azerbaijan adopted an action plan for implementing the State Program regarding** the development of Azerbaijani judiciary between 2019-2023.<sup>10</sup> Two of 8 directions are **dedicated to the development of IT tools**, facilitating effective justice administration. **AZEMIS improvement is at the top of these issues** (see below).

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<sup>10</sup> Order of the President of the Republic of Azerbaijan on approval of the "State Program on the development of justice in Azerbaijan for 2019-2023" (<https://president.az/articles/31141>)

<b>6.2. Expanding the application of modern technologies in the activities of the judiciary and courts</b>				
<b>Row №</b>	<b>Name of the action</b>	<b>Executive body</b>	<b>Period of performance (by years)</b>	<b>Intended result/status</b>
6.2.1.	Take measures to expand the use of information and communication technologies (hereinafter - ICT) in the judiciary and courts, increase the number of e-services provided by the Ministry of Justice of the Republic of Azerbaijan, apply new innovative methods in these services and develop mobile versions of these services.	The MoJ	2019-2023	Digitalisation of all judicial infrastructure, easy access additional judicial services via mobile applications/In progress (mobile application of "E-Cabinet" is complete)
6.2.2.	Develop a long-term strategy for the application of ICT in the judiciary to ensure the transition to e-government.	The MoJ	2019	Complete
6.2.3.	Take measures to improve the websites of the Ministry of Justice in order to facilitate access to information for the population and to develop new versions of them.	The MoJ	2019	Access to the services of the MoJ in their websites without experiencing system error/ Complete
6.2.4.	Improving the activities of the "Call Center" of the Ministry of Justice with the application of modern ICT, the establishment and continuous improvement of the "hotline" in full compliance with the requirements of the legislation on the activities of call centers	The MoJ	2019-2023	In progress
6.2.7.	Take measures to establish a single ICT network infrastructure covering all judicial bodies.	The MoJ	2019-2023	Facilitating judiciary infrastructure with necessary devices for access to electronic possibilities /In progress
6.2.8.	Establishment of a "Unified Justice Portal" that allows individuals and legal entities to obtain information from a single source and use electronic services.	The MoJ	2019-2021	Creation of a website that consists of electronic services and information about the justice system/Complete
6.2.10.	Improving the functionality of the "e-Enforcement" system, including: <ul style="list-style-type: none"> <li>- ensuring full application of the system in all executive bodies;</li> <li>- integration of government agencies, banks and credit organisations with electronic databases;</li> <li>- creation of "Debtors Register" electronic information subsystem within the system;</li> <li>- creation of e-auction functionality within the system;</li> <li>- immediate transfer of electronic information on execution records of notaries to the relevant executive bodies in an automated manner for receipt and execution</li> </ul>	The MoJ	2019-2023	Expanding the functionality of "e-Enforcement" system/In progress (all are complete except "e-auction")
6.2.15.	Organisation of video conferencing with prisoners using modern ICT in order to modernise the activities of penitentiary institutions and more effectively ensure the rights of prisoners and accused persons.	The MoJ	2020-2022	No need for bringing accused persons to a court/ Complete

6.2.19.	Creation of electronic document management system (DMS)	The MoJ	2019-2020	Now JSSIP members will be able to receive tasks from MoJ, inquiries from natural and legal persons, send responses to MoJ, natural and legal persons through internal communication system
6.2.20.	Ensuring the operation of basic and reserve data centers of the Ministry of Justice	The MoJ	2019-2020	Creating modern court cybersecurity standards /Complete
6.2.21.	Formation of the necessary infrastructure for the application of the "Electronic court" information system established by the Order of the President of the Republic of Azerbaijan No. 268 dated February 13, 2014, within the "Judicial Services and Smart Infrastructure Project" implemented jointly with the World Bank.	The MoJ, The Ministry of Finance, The Ministry of Economy	2019-2020	Digitalisation of all courts of the Republic to use electronic information system/ In progress (out of 117 courts, 13 are remaining)
6.2.24.	Completion of the creation of an automated HR information system, improvement of its functionality, use of the system in a secure unified electronic network and integration of electronic databases into the system necessary for effective staff management.	The MoJ	2019	Complete
<b>6.6. Improving judicial activity and infrastructure</b>				
6.6.1.	<p>On the application of the "Electronic Court" information system in order to ensure transparency in the administration of justice, effective protection of human and civil rights and freedoms, the wider use of modern information technologies in this area:</p> <ul style="list-style-type: none"> <li>– development of rules for the use of the system and improvement of legislation on clerical work in the courts;</li> <li>– ensuring the phased application of the system by components in the relevant courts (in the jurisdictions of Baku, Sumgayit, Sheki and Nakhchivan);</li> <li>– application of e-lawsuits, electronic court proceedings and electronic circulation of documents with the study of international experience;</li> <li>– study of international experience in the application of electronic signatures in judicial activities, preparation of proposals to expand the use of e- signatures;</li> <li>– preparation of proposals for the study and application of international experience in archiving and storage of electronic and paper court documents;</li> <li>– -application of electronic management component for receiving electronic analytical and statistical reports;</li> <li>– taking measures to improve the single web portal of the judicial system, strengthening the human resources of the judiciary to ensure its constant information integrity.</li> </ul>	The MoJ	2019-2023	In progress

As seen from the above strategy, it includes not only directions and particular actions, but also, indicators, deadlines, responsible officials. The **MoJ prepares periodic progress report, presents to the President and discusses possible changes, risks, new challenges**, etc. Members of the working group of the JSSIP, some being judges themselves, know many practical aspects of the use of the system and new solutions. Therefore, these discussions are very important and helpful in further developments, as well as, in planning relevant training activities, adjusting communication and mentorship scheme.

The **MoJ** is responsible for the implementation of the strategic goals in the development of IT systems and solutions in court system. **In behalf of this body, acts working group of JSSIP as a manager of the investment projects, performs daily maintenance and administration of AZEMIS, organises outsourcing of relevant services and supervises the quality of these services, supports activities of specific user groups, coordinates network of court IT mentors, prepares relevant training programs for AZEMIS users**, etc. For these functions, the working group of JSSIP has the **specialists of Information Technology**, who are IT project managers, IT technical support, IT administrators (in total 5-6 employees). They work closely with other relevant specialists of the working group of JSSIP, for example:

- ✓ Strategic planning specialist – on the preparation of investment projects and budget requests;
- ✓ Legal department – on analysis of business processes and procedure, expectations of judges and court staff, preparing draft law act and judicial analytical data, etc.;
- ✓ Public procurement specialist – on developing TORs and organising procurement procedures (it is quite challenging - there are different suppliers for different services, because of the requirements of law not to concentrate purchases for market competition reasons; thus, the working group of JSSIP is working with 3-5 different service providers for AZEMIS in one time).

**Working group** of JSSIP is composed of judges of the courts, the representatives of MoJ, bailiffs, service providers such as IT experts, legal analysts and other stakeholders (for example, if it is a project on the development of e-criminal case, representatives of prosecution, pre-trial investigation must be present).

**Specific groups** are considered as first, direct representatives of demands and expectations of users, second, best experts on the procedure and business process analysis. Therefore, in development of AZEMIS functionalities, **specific user groups always consist of primary users of the system**: judge, assistant of the judge, court secretary, other clerks (registrar, etc.). Specific group is supported by the IT experts and legal analysts, and service providers of working group of JSSIP and/or external experts (for example, attorneys in law, if it is about external service portal; cybersecurity specialists; data protection experts; programmers; etc.). The **individual composition of the specific group depends on a particular task**. Main **principles for making specific group work effectively** are the following:

- ✓ specific user group consisting of all the primary users of the system, there is no specific limitation in their membership;
- ✓ members of the SUG are not selected formally, but taking into consideration their enthusiasm, competence, experience and most important – their **voluntariness** and **willingness** to assist the working group;
- ✓ involvement of **primary users** is of utmost importance;

- ✓ specific user group should be **targeted at particular task, not wide range of developments**. For example, if there are tasks to develop solutions on archiving, e-signature and online mediation, different SUGs should be created, as for example, archiving specialists must be present in the development of archiving solution, but they have nothing to do with online mediation, where mediators must participate;
- ✓ if there is one complex development (for example, implementation of new modules in different types of procedures), **sub-specific user groups** should be considered for civil procedure, criminal procedure, administrative procedure with several mutual members (for example, the working group of JSSIP representatives) in order to keep joint vision;
- ✓ **system manager (in case of AZEMIS – the working group of JSSIP) must always be present in SUGs** in order to keep hands on the pulse. Coordinator of the WG of JSSIP is always a judge;
- ✓ **effective technical and intelligence support of the SUGs by the system manager** must be ensured. Members of the SUG have to receive relevant material-information, questions to be discussed in advance in order to do their “homework”;
- ✓ discussions and especially conclusions and suggestions of the SUG **must be recorded**. It serves as the basis in formulating specific tasks for service providers and updating the electronic system.

### Principle recommendations

1. Profound strategic planning and guidance of all IT initiatives and developments from the highest judiciary governance body.
2. Clear definition of powers, functions and responsibilities in 3 main levels: strategic, management, operational.
3. Effective coordination and control of management by the strategic body (reporting) and supervision of operational level by the management.
4. Involvement of primary users and stakeholders in decision-making and development from the very first step.
5. Motivation of SUGs to assist the working group of JSSIP should be an essential part of the trainings.
6. Manager of the IT system and resources is always responsible for the final result (not courts, but service provider of the working group of JSSIP).
7. Members of SUG and their willingness to assist in improving the system is a key to effective work.
8. Service provider is not a designer of the improvements and solutions – it is just the implementer of ideas and solutions based on SUGs suggestions and formulated by the system manager.
9. Tasks for SUG must be clearly defined and very specific. No wide range of tasks for one SUG. Sub-specific user groups are a good solution for complex IT projects.
10. Suggestions, conclusions of discussions in the SUG have to be recorded.

## LATVIA

### Latvian Court Information System. General description



According to the Law on Judicial Power the **Court Information System (CIS)** of Latvia is state-owned information system developed by Latvian Government (Ministry of Justice). The objective of the system is to ensure automatic record-keeping within the court proceeding, proving the possibilities to register the case, process and store the data, to control in an operative manner the progress of the case, effective exchange

of information (data) between the courts and other institutions, as well as automatic preparation of statistical reports.

There is **one centralised CIS in Latvia**, that has been developed in 1998 and launched in 1999 (in all courts of the country in 2003). The system is maintained and developed by Court Administration of Latvia and currently is moved to the new platform in the framework of E-case project.

The system is used by all court of Latvia (district courts, courts of appeal and Supreme Court).

**Court Administration of Latvia** is an institution subordinated to the Minister for Justice, established in 2004 and provides centralised administrative support (management of human resources, planning of budget and finance, material-technical support, development of IT, projects and cooperation) to all district (9 courts) and courts of appeal (6 courts) of Latvia.

There are 550 judges and 1700 court staff in Latvia.

The staff of Court Administration is 100 person and institution located in Riga, capital of Latvia.

Director of Court Administration is directly subordinated to the Minister of Justice and has an observer status in Judicial Council.



CIS is accessible with the web browser and has the module system. The following modules are introduced:

- ✓ registration and storage of information (data), documents;
- ✓ case management (sample decisions are available);
- ✓ random distribution (allocation) of the cases;
- ✓ registration and control of the enforcement of decisions;
- ✓ registers (exchange of data);

- ✓ case Law;
- ✓ search of information (data);
- ✓ statistics;
- ✓ quality control;

The Government (Cabinet of Ministers) determines the minimum amount of information to be registered in the system. Mentioned data (information) is the following:

- ✓ information regarding the case or material;
- ✓ information regarding the participants of the case;
- ✓ information regarding the hearing;
- ✓ information regarding the written process;
- ✓ information regarding the course of the examination of the case or material;
- ✓ information regarding applications or claims received within the scope of the case or material;
- ✓ information regarding decisions taken within the framework of a case or material with which the matter is not decided on the substance;
- ✓ information regarding the transfer of the file or material;
- ✓ information regarding the separation of a case or material and merging the cases or materials;
- ✓ information regarding the result of the examination of the case or material;
- ✓ information regarding the decisions taken;
- ✓ information regarding the complaint (protest);
- ✓ information regarding the addition of a decision in the case-law database;
- ✓ information regarding references to norms of international law;
- ✓ specific information to be included in civil, criminal, administrative and administrative violation matters.

**Distribution (allocation) of the cases** in CIS could be done automatically or manually (by Court President). Modul has been introduced in 2007 and currently the cases are allocated according to the “Order on the Basic Principles for Judges Specialisation and Determination of Workload” approved in 2016 by Judicial Council.

The basic principles are the following: judge is specialised in one or number of procedures: civil, criminal, administrative or administrative violation procedures, the specialisation is determined in percentage points – 100 per cents in total. The cases are distinguished as: specialised, non – specialised and proportionally distributed cases. The judge workload is taken into account and the “allocation ceiling” for the maximum number of cases allocated per day could be set. The absence of a judge is indicated, and the cases shall not be assigned to the judge during his or her absence.

**The system is interconnected with the following registers:** State Unified Computerised Land Register, Passport and Unified Migration IS, Cadaster Information System, Prison Department IS, Road Traffic Safety Directorate IS, Commercial Registers and other registers.

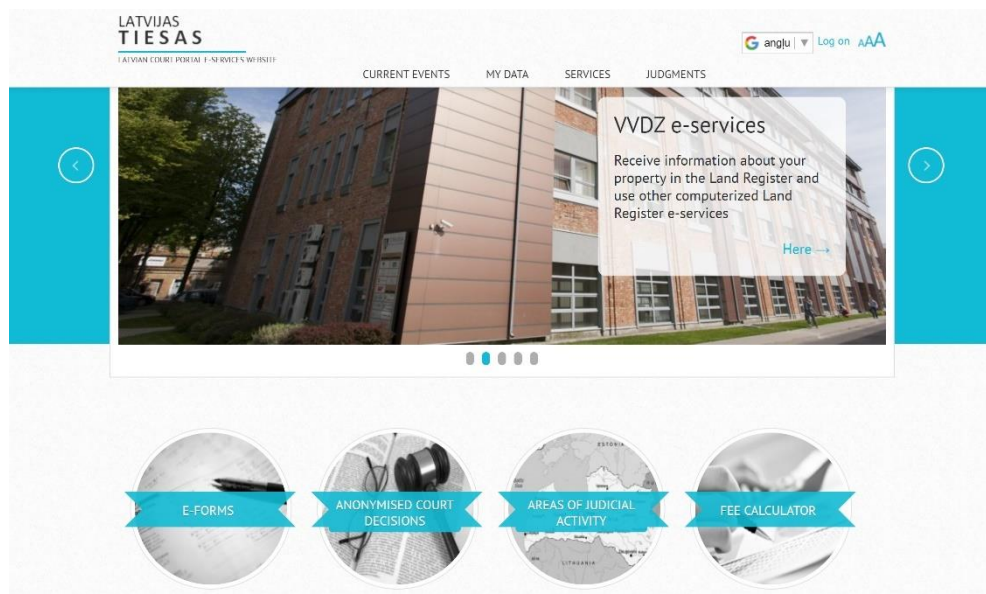
Data (information) is transferred to the other IS: Insolvency IS, Prison IS, Register of Penalties, Prosecutors IS.

**Data Distribution System and E-services** are introduced in 2012 as the data dissemination solutions within the CIS in the framework of the project “Modernisation of Courts in Latvia”.

The solutions are available at the <https://manas.tiesas.lv> (translation: "my courts"). Data Distribution System has the following components:

- ✓ Publicly accessible information
- ✓ Additional solutions (e-services), available for authenticated (authorised) system users.

Target audience is the following: lawyers, prosecutors, students, parties.



Publicly accessible information:

- ✓ Court finder;
- ✓ Fee calculator;
- ✓ E-templates;
- ✓ Court calendars;
- ✓ Anonymised decisions;
- ✓ Case Law (database of the Supreme Court);
- ✓ Legal advice online.

**Lawyer calendars** are synchronised with CIS in order to ensure planning of the court hearings.

**Audio protocols are integrated** into CIS. The system of marking audio protocols of court hearings was introduced in 2013 in the framework of project "Recording of court hearings with technical means". In 2015 the project has been shortlisted as one of the initiatives for Crystal Scales of Justice Prize. The data is automatically acquired from CIS.

**Database of anonymised judicial decisions** is available free of charge. The aim of the database is to make Latvian court practice public, thus facilitating the function of courts as well as improve the availability of judicial decisions for those interested in case law. In the database, there are available decisions of Administrative court published from January 2007, decisions of District, Regional and Supreme court published from September 2013. Court decisions prior September 2013 are issued based upon an application by Court Administration or Court.

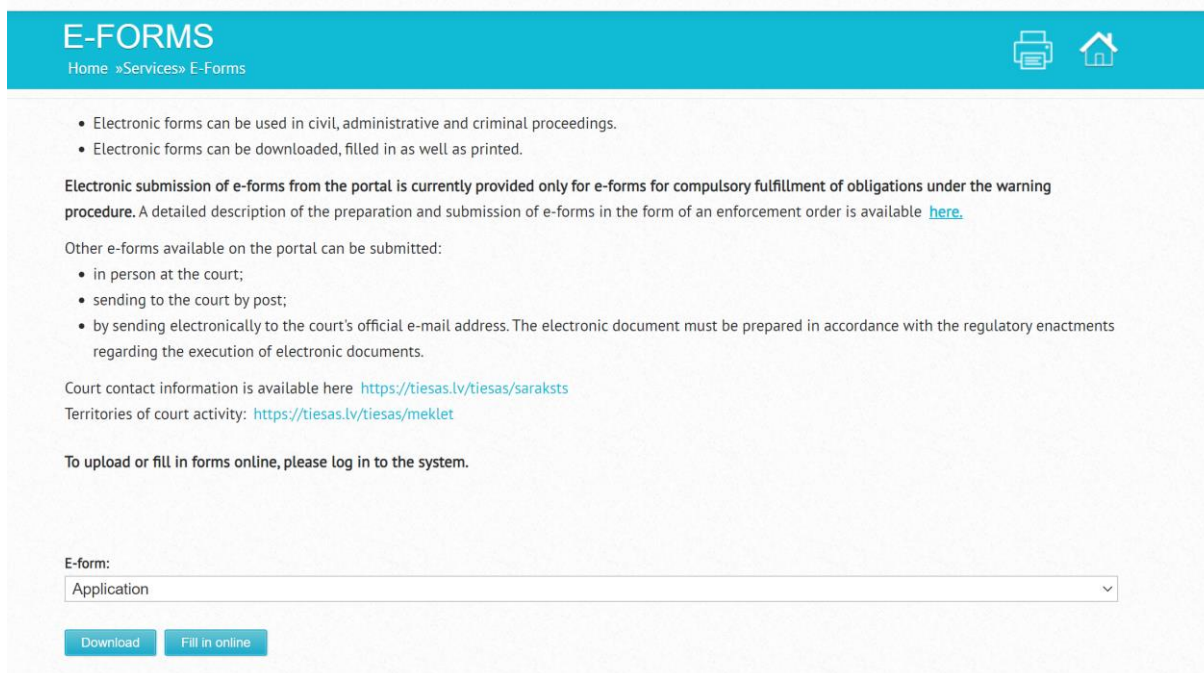
**Legal advice online** is the new tool available online and introduced in the public portal and interlinked with the e-forms in case the user decides to go to court to resolve the dispute. The objective is in the manner of a quiz to guide the potential court user via legal situation to provide legal advice online. The tool is free of charge and available in the following areas:



- ✓ money claims;
- ✓ claims in a simplified procedure;
- ✓ maintenance claims;
- ✓ termination of the lease agreement;
- ✓ termination of undivided property;
- ✓ distribution of joint property of spouses;
- ✓ divorce;
- ✓ rights of access;
- ✓ wage claims.

For authenticated (authorised) users the following e-services are available:

- ✓ My Cases (possibility to follow the case, for the parties in case, possibility to access the documents and audio protocols);
- ✓ E-template, E-forms to be submitted online.



**E-FORMS**  
Home » Services » E-Forms

- Electronic forms can be used in civil, administrative and criminal proceedings.
- Electronic forms can be downloaded, filled in as well as printed.

Electronic submission of e-forms from the portal is currently provided only for e-forms for compulsory fulfillment of obligations under the warning procedure. A detailed description of the preparation and submission of e-forms in the form of an enforcement order is available [here](#).

Other e-forms available on the portal can be submitted:

- in person at the court;
- sending to the court by post;
- by sending electronically to the court's official e-mail address. The electronic document must be prepared in accordance with the regulatory enactments regarding the execution of electronic documents.

Court contact information is available here <https://tiesas.lv/tiesas/saraksts>  
Territories of court activity: <https://tiesas.lv/tiesas/meklet>

To upload or fill in forms online, please log in to the system.

E-form:  
Application

Download    Fill in online

Authorisation is ensured with the:

- ✓ password (provided by Court Administration);
- ✓ E- signature, eID card;
- ✓ Internet Bank (via Latvija.lv portal).



## Usage of BI and open court data

In addition, it should be mentioned that in order to facilitate the preparation of the statistical reports on the basis of the data (information) extracted from the CIS and other IS managed by Court Administration the business intelligence (BI) solutions are used (MicroStrategy) by the staff of Court Administration.

The access is ensured to the staff of Court Administration, Ministry of Justice and Court Presidents. Currently, the Court Administration is working on the visualisation of court data

(creating dashboards) with the view to ensure the broader usage of the court data by Court Presidents.

From 2019 the court data (extracted from CIS by BI solutions) are open to the public and could be accessed at the portal <https://dati.ta.gov.lv>.

As the focus of this review is not to provide the information on the usage of BI and open data, the in-depth information related to the experience of Court Administration of Latvia could be provided in addition.

### Development perspective: E-case and CIS 2

The major developments in CIS are ongoing in the framework of E-case project launched in 2018. Court Administration of Latvia is responsible for the leadership and management of the project at all levels:

- ✓ Development of E-case: interconnection with Prosecutors, Prison and Probation IS
- ✓ Development of new software for CIS (CIS 2)



The following shortcomings should be mentioned as preconditions for development of E – case and launching CIS 2:

- ✓ As the information system is developed in 1998 and has been constantly developed, *inter alia* Data Distribution System has been introduced - the current platform is technologically outdated, thus the further development of the system is difficult.
- ✓ The current CIS was not developed to ensure the interconnection with other IS and it is not possible to ensure the joined storage of materials within the system, thus it is not possible to move to the fully electronic proceeding.
- ✓ Decisions in the CIS are uploaded and not all data (information) is available in the structured way. Thus, is not always possible to introduce templates for the decisions.
- ✓ High costs, useless time resources to re-register the data (information) in the system, safety issues and other aspects.

**Once the joined E-case is introduced and interconnection with Prosecutors, Prison and Probation IS ensured, it is foreseen to ensure interconnection with other IS: registers of Ministry of Interior, State Police, Forensic Medicine registers.**



The most important aspects in the development of CIS is to ensure the full electronic cycle within the procedure, reduce the length of the proceeding and ensure the access to information, including the fully electronic exchange of information between court, parties and other involved in the judicial proceeding.

According to the strategical vision (concept) of the E-case the solution under development foresees both – development of current IS and launching the new solutions.

**The E-case portal** is foreseen as new Data Distribution Portal providing the unified access to the services related to judicial proceeding. The users of the portal: parties, lawyers, experts, employees and clients of probation services, prisoners and their relatives. The new portal will provide the broader range of services currently introduced at the Data Distribution Portal, thus it will be possible to submit the procedural document via one-stop-shop portal also to prosecutors, probation, and prison services. It will be possible to access the court calendars, follow the case, as well as to apply to monitor of notifications published in the portal by entering the e-mail address.

**Electronic case catalogue** will be developed with the objective to ensure centralised management of the cases, control of access rights and exchange of data related to the case between the IS integrated into the E-case (at 1 Stage of E-case the IS of prosecution, probation, prison, courts (CIS2) and E-case public portal will be interconnected). Electronic catalogue will serve as the point for the exchange of information, but case materials will be stored in the system where they will be registered at first. For example, if prosecutor office will register evidence in video format, the evidence will be stored in prosecutors office IS, but with the support of electronic case catalogue the judges and court staff will access evidence via CIS 2, parties via E – case portal.

**Joined calendars** to be introduced in order to ensure the possibility to plan in the centralised manner events related to judicial proceeding, usage of video conferences, examination, escort of prisoners.

**7 e-services** to be introduced in the framework of E-case project:

- ✓ E-forms;
- ✓ possibility to access case materials;
- ✓ possibility to receive electronic decisions;
- ✓ payment of invoices;
- ✓ lawyers calendar;
- ✓ monitoring of court proceeding;
- ✓ monitoring of court data.

With the view to ensure implementation of E-case in practice the courtrooms are equipped with additional screens for judges and parties (see the photos).



### **Management, support and development of CIS, legal framework and practical lessons learned**

**According to the Law on Judicial Power (Article 28.<sup>6</sup> Court Information System) in line with ownership of the Latvian state as regards CIS, it is foreseen that the maintenance and development of the information system shall be financed from the State budget. In practice, the development of CIS is broadly supported in the framework of the implementation of EU funds and other support instruments. The development of software and e-services is outsourced and is not ensured by the staff of Court Administration.**

According to the mentioned Law, the Court Administration is the manager and holder of the CIS. The Cabinet of Ministers determines the procedures for the establishment, maintenance, and use of the CIS, as well as the minimum amount of information to be included, taking into account the restrictions specified in laws and regulations. The information included in the CIS is the restricted access information, except for the case law database in which the included information is generally accessible.

**In a practical manner Court Administration ensures:**

- ✓ daily CIS users support;
- ✓ development of CIS.

The management, support and development of CIS are ensured by Department of IS and Technology of Court Administration led by Director of the Department of IS and Technology.

The Director of the Department of IS and Technology is directly subordinated to the Director of Court Administration. There are 3 divisions in the framework of the Department: IS Development division (13 staff members); IS Users Support division (12 staff members); IS Technology division (3 staff members). The other divisions of Court Administration (Projects and International Cooperation) are involved in the development of CIS.

The IS User Support division on the daily base is responsible for technical support for the users of CIS, providing access rights, users support advice, training on the usage of CIS. IS

Development division - responsible for planning and managing the development of the system, establishes and leads the working groups related to the development of CIS.

In practice, the **project manager (a member of the staff of Court Administration)** is appointed, for example, as regards such the initiatives as the development of E-case. **At the operational level project manager** is responsible for communication with the IT professionals responsible for the development of software, communication with users (judges and court staff), with other institutions involved (for example, Prison department, Prosecutors office etc.). Project manager plans the budget of the project, communication activities and other issues, coordinates the aspects related to the project with other divisions of Court Administration (Finance Department, Communication Officer etc.). Project manager usually is not the Director of the Department of IS and Technology – but has the position at the IS Development division. Project manager is supported by project coordinators (also members of the staff of Court Administration).

At the **management level, the project manager cooperates** with the Director of IS and Technology Department and Director of Court Administration with the view to take the management level decisions related to the financial and interinstitutional cooperation aspects.

**At the strategic level – the cooperation** is ensured with the Ministry of Justice (MoJ supervises the implementation of development initiatives, State Secretary of the MoJ leads the Steering Committees of CIS development initiatives). The involvement of the Judicial Council is ensured however the representatives and members of the Secretariat of Judicial Council are not constantly represented at the forums of the different level related to the development of CIS.

The following lessons learned could be mentioned for further consideration:

- ✓ **The importance of involvements of users** at all stages of development of CIS, especially at the planning stage. Experience of Court Administration shows that it is of the crucial importance to engage users (judges and court staff) at the early stage possible. Especially in the case when practical development of CIS (development of the software) is outsourced. The different forums and ways of engagement could be explored in practice – working groups, interviews, questionnaires etc.
- ✓ **The importance of the involvement of key partners responsible for the development of judicial policy.** Another important precondition is the involvement of all the partners responsible for the development of judicial policy in general – Judicial Council, Supreme Court, Ministry of Justice. The functionalities of the IS should be aligned with the strategical objectives in relation to the development of judicial policy (for example, if the case weighting solutions are discussed within the judiciary - the respective technical mechanism for the distribution of case on the bases of case weights should be put in place in due time). The development of horizontal strategical document (IS and technology strategies) with the involvement of all partners could support the mentioned objective.

## AUSTRIA

As a modern and innovative organisation, the Austrian justice system provides an indispensable service for society. It generates annual revenues of EUR 1,6 billion and employs a staff of around 11,900 members.

A glance at the income figures reveals that the justice system is managed efficiently: approximately 84 per cent of its expenses are covered by income. And in this context, it has to be kept in mind that the justice system's responsibilities include duties (e.g. in the area of prison administration) from which obviously no income can be generated.

This is mainly based on a high level of automatisation. This was not established overnight but by a step by step approach over the last almost 40 years.

The following will give an overview of the main modules of which the system is set up.

### Case Automation in the Justice System

The Case Automation in the Justice System (VJ) application is the backbone. It supports all courts and public prosecutors' offices in keeping the registers of more than 66 different types of proceedings. Some types of proceedings (e.g. the order for payment procedure) are fully automated; court decisions are issued automatically and dispatched via a centralised mailing line. Submissions and decisions are transmitted via the Electronic Legal Communication (ELC) system and court fees are collected as cashless payments.

#### Tasks:

- ✓ case administration including internal access control and logging of access;
- ✓ administration of organisational data (court, public prosecutors' office, prison, etc.; departments; users; ...);
- ✓ automated mailing line in the Federal Computing Centre [Bundesrechenzentrum/BRZ];
- ✓ statistics (key performance indicators);
- ✓ administration and collection of court fees;
- ✓ Austria-wide name search;
- ✓ scheduling, search and administration functions;
- ✓ integrated text processing (text module system);
- ✓ social security search (in particular identifying the third-party debtor/employer in connection with an attachment of earnings);
- ✓ connection to the Electronic Legal Communication system (ELC in civil and criminal proceedings, Central Register of Civil Status [Zentrales Personenstandsregister/ZPR], Criminal Records Authority [Strafregisteramt];
- ✓ interface to the Database of Official Publications [Ediktsdatei] and other apps of the justice system;
- ✓ external electronic case search;
- ✓ online help.

#### Key figures for 2019:

- 8,000 users within the justice system (thereof approx. 2,000 judges and public prosecutors)
- 2.84 million cases (thereof 340,000 justice administration cases)
- 8.7 million documents served electronically
- 7.3 million documents served by post

## Electronic integrated assistance for the public prosecutors (EliAs)

The EliAs - electronic integrated assistance for the public prosecutors - IT solution is intended to facilitate file administration in preliminary criminal investigations and to replace the vast number of physical files (about 600,000 per year) to a large extent. After completion of an initial development stage cases against unknown offenders (uT) will be processed via EliAs (about two-thirds of all cases). For this purpose, clearly-structured EliAs files are created on the basis of the incoming (via ELC) reports and presented to the (district) public prosecutors. Following simple menu prompts they may directly discontinue proceedings pursuant to Section 197 of the Austrian Code of Criminal Procedure [StPO] in an electronic (paperless) way (about 90% of cases against unknown offenders). To date approx. 2 million cases have been closed exclusively digitally.

Thus, the benefits that can be achieved already in this stage include savings in terms of paper and space, a reduction in the clerks' offices' workload regarding manual routine tasks, leaving more room for supporting (district) public prosecutors and resulting in shorter processing times and electronic receipt of files from other cases.

In the subsequent project phases, the application was extended to discontinuation of cases against unknown offenders, including the dispatch of notifications about the discontinuation to victims and the criminal police. An application implemented in the incoming mail offices allows scanning of additional documents that are received by post and integrating them into the EliAs file. This fully electronic file management system now also allows support of the service of file copies on petitioners, which is accomplished via a separate delivery application. Such and other applications may now be filed via ELC and integrated into EliAs files.

## IT in prison administration

### *Integrated Prison Administration (IVV):*

The objective of the IVV is the comprehensive automated administration of the inmates. This application, which has been in use since the beginning of 2000, includes inmates' records with the core areas of prison administration and term calculation. In the last few years the entire inmate administration has *de facto* been replaced by electronic administration through module expansions (e.g. administration of monies, work and scheduling), and most recently the focus has been on the care of the inmates (e.g. social and medical service).

For electronic transmission of documents (e.g. start of term reports or reports of the prison administration) to the courts internal electronic delivery has become part of IVV.

### *Electronic Enforcement Management (eVM)*

Incorporating the Strategic *Justiz 3.0* Initiative, an initial module of the successor application eVM was developed in 2016. Apart from replacing IVV, the objective of that application is to realise the electronic inmate file. Currently, the components for a petition for electronic surveillance of inmates and the complaints register have been realised. The two IVV modules "*Sozialer Dienst* - Social Service" and "*Klassifizierung* - Classification" will be available to users in the Electronic Enforcement Management (eVM) application from 2019. Upon introduction of the Classification module, the foundation for an electronic inmate file will be laid by the integration of the *Justiz 3.0* filing system and the *Justiz 3.0* task management system.

### **Integrated Business Management (IWV)**

Integrated Business Management has been developed to support the processes in business enterprises. Apart from parts of the accounting tasks, it comprises warehouse management of the merchandise as a central component. This functionality has also been used in the management of medicines (including, but not limited to narcotic drugs). Finally, the IWV has been upgraded by functions in the security area through the administration of arms and locks & keys.

In addition, in certain cases there is a possibility to use video conferencing technology to examine inmates, by which unscheduled transfers have been considerably reduced.

In addition to those described above, numerous other IT applications (e.g. e-learning, electronic admission procedures, interpreting via video conferencing, duty roster and working time accounting) are used in the area of prison administration.

### **Electronic legal communication (ELC)**

Electronic legal communication with the courts was introduced as early as in 1990 as a means of communication with the parties that would be on the same footing as submissions in hard copy. In introducing this system Austria was the first country in the world to establish electronic legal communication.

Electronic legal communication enables electronic transmission of submissions and an automatic receipt of the details of the case in the IT applications of the justice system. This means an estimated reduction of 130 staff members and suggests further optimisation due to the increased use of ELC.

In 1999 also the opposite lane on the "justice system's data highway" was opened, which enables electronic service of process documents in the so-called "*Rückverkehr* - return communication". Yearly savings on postage worth more than EUR 12 million will be made in this way.

In 2007 electronic legal communication was migrated to web service technology using MTOM. ELC, which is secured by SSL and certificates, can be accessed via several transmission points and *inter alia* allows the sending of exhibits in the form of attachments in pdf/A format together with the electronically submitted brief in the form of XML data. Since early 2009 courts and public prosecutors' offices have been transmitting judgments, transcripts and other documents as pdf attachments via ELC. Currently, ELC has more than 10,000 subscribers with a total volume of approx. 14 million messages.

Since 2013 Austrian citizens using the mobile phone signature application called citizen card [*Bürgerkarte*] have been able to send all submissions to all courts and public prosecutors' offices online via a web portal providing secured communication; foreign nationals using eIDAS-compliant identification have been able to do so since 2018. As one of the outstanding e-government applications in Europe, Electronic Legal Communication was awarded the EU e-government label in 2001.

#### **Key figures for 2017:**

- 4.9 million electronic submissions (this accounts for more than 94% of civil actions and 76% of the petitions for enforcement) and
- 8 million electronic submissions plus 2.2 million case number replies.
- In total 15,1 million transactions.



## Online submission application for expert witnesses and interpreters

By means of this application, court-appointed and certified expert witnesses and interpreters are able to submit expert opinions or translations, including attachments, in a secured electronic way to the offices of the justice system. Analyses have shown that every year approx. 150,000 expert opinions are delivered; 48% thereof concern social-law cases (Cgs), another 31% civil cases (C), guardianship cases (P), committal cases (Ub) and criminal cases. Based on the assumption that two-thirds are suitable for electronic transmission, about 100,000 potential transactions are to be expected every year. The integration of expert witnesses and interpreters is effected via smart card/activated citizen card or mobile phone signature. Thanks to the connection to the list of court-appointed and certified expert witnesses and interpreters users are provided with a personalised workflow. Apart from connecting this service to the Case Automation in the Justice System application, future use in the Business Register and the Land Register is also planned.

The benefits of this solution include, without limitation, cost savings (reduction in mailing, copying and handling costs), faster processing of dispatching, standardised transmission via secured connections and availability in digital formats for further processing.

## Land Register [Grundbuch]

In the early 1980s the land database was set up at the Federal Computing Centre in cooperation with the Federal Ministry of Science, Research and Economy (at that time: FM for Buildings and Technology) and with the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice, which has enabled automated keeping of the Land Register by the courts and automated keeping of the cadaster by the surveying offices. As early as in 1986 "external searches" of the migrated Land Registers were possible. Since 1 July 1999, the Austrian Land Register can be inspected via the internet from all over the world. For external searches of the Land Register database so-called clearing offices [*Verrechnungsstellen*] were established.

In order to take account of the technological development of this application and to meet, in the best possible way, the constantly increasing requirements of the economy and the public administration as well as those of the justice system itself, a project aiming at fundamental technological reformation of the Land Register database in all of its applications was initiated. In the first step towards the realisation of the New Land Register, the Electronic Collection of Documents was set up in 2006. By now more than 90% of the documents are submitted electronically. Since 2006 all documents have been available for inspection on the internet via the clearing offices. Following other milestones, such as connecting the Land Register to Electronic Legal Communication, processing of court fees in the Land Register and automated issuing of decisions, a technically updated version of the application including new features was made available as of 7 May 2012; since mid-2013 partitioning plans have been registered in the Land Register automatically in cross-departmental cooperation with the surveying offices. Since 2016 structured processing of titles and liens has been possible; since October 2017 condominium ownership rights have been registered systematically and automatically as well.

### Key figures for 2019:

- 3.3 million valid Land Register folios (=registration unit in the Land Register);
- 10.2 million plots of land in the main register;
- 678.967 applications (thereof 65% by way of ELC);
- 17 million documents.

## Business Register [Firmenbuch]

The change from commercial register law to the Business Register Statute [*Firmenbuchgesetz*] on 1 January 1991 laid the foundation for the central electronic Business Register. This has been in operation since 17 July 1991.

The Business Register contains the data of all Austrian business entities that are subject to registration (main register). The documents which are relevant to registration are stored in the electronic archive of documents of the justice system (Collection of Documents – *Urkundensammlung*).

The Business Register is constantly upgraded and technologically adapted to recent developments and current conditions. It has been integrated into the service landscape of the justice system. Applications may be filed electronically or as a hard copy.

Public announcements of the Business Register Courts are made fully automatically in the Database of Official Publications [*Ediktsdatei*].

The 16 Business Register Courts issue their decisions and bills of fees in automated processes via a central register.

Business Register documents are served via Electronic Legal Communication (ELC), via the justice systems' delivery service or via a central dispatch office ("mailing line") by post. Apart from those internal applications and facilities the Business Register also uses *FinanzOnline* for communication with parties.

Electronic submission of annual financial statements to the Business Register was introduced in 2001.

Since mid-2005 all applications and documents received by the Business Register Courts have been recorded and stored electronically.

Since 2009 all orders and decisions issued by the Business Register Courts have also been stored electronically. Thus, all relevant documents are available electronically, which allows completely digital file management in Business Register proceedings.

Business Register data may be retrieved by everybody through "clearing offices" via the internet from everywhere in the world

Public authorities may access the Business Register via the portal of the Federal Computing Centre; the Member States of the European Union may do so via the European Business Register (EBR).

Since mid-2017 the Business Register has been linked with a number of other European registers via BRIS (Business Registers Interconnection System). Focused on corporations the system features Europe-wide search functions and document queries as well as interconnections between registers for notifications of insolvencies, liquidations or mergers.

Apart from those access points, authorised licensees also have the possibility to purchase Business Register data in a machine-readable format as embodied in the Austrian Statute on Further Use of Information [*Informationsweiterverwendungsgesetz*].

In addition, the Business Register offers numerous interfaces with other (partly external) applications, which are supplied with data by way of a notification procedure or a change service.

**Key figures for 2019:**

- 276.886 validly registered legal entities;
- 317.294 transactions;
- 5.6 million external Business Register excerpts via clearing offices;
- 10.9 million search products (retrieved internally by the courts or externally via clearing offices), including excerpts, searches, documents, etc.

**Database of official publications [Ediktsdatei] (publications of the Business Register, real property auctions, insolvency database, etc.)**

At first, the Database of Official Publications (<http://www.edikte.justiz.gv.at>) was limited to publications from the area of insolvency but every year other matters were included in addition.

Since 1 January 2000 insolvencies (bankruptcies, compositions, debt regulations) have been exclusively published on the internet and are legally binding as such. This has led to a reduction in publication costs of 95%. Via the internet, every internet user can view the current status free of charge. "At the touch of a button" data is transferred automatically from the insolvency register of the Case Automation in the Justice System (VJ) application to the Insolvency Database. As of the next day, the opening of insolvency proceedings becomes legally effective.

Since 2002 official publications about auctions of real property and announcements of the Business Register Courts can also be retrieved from the database.

At the beginning of 2003, the Database of Official Publications was expanded by the inclusion of auction edicts regarding movable items and by the option to search for property owners in criminal cases. Since 1 January 2005, all publications prescribed for legal proceedings have exclusively been made in the Database of Official Publications. Examples worth mentioning are: publications in probate proceedings, invalidation proceedings, proceedings for declaring a person dead, and appointment of curator proceedings.

In the subsequent years, notaries were provided with the option to publish voluntary offers for sale; notaries and lawyers were provided with the option to publish merger agreements and spin-off plans.

The Database of Official Publications was presented with the Ökomanager Award 2000 of the Austrian Economic Chamber, the Justitia 2000 award and, at the European level, with the e-Government Label for Good Practice 2005 as well as with the Crystal Scales of Justice Prize 2006.

**Key figures for July 2019:**

- 14.7 million searches of the insolvency database;
- 7.3 million searches for judicial real property auctions.

**Execution data request**

Since January 2019 creditors can judge whether they should initiate a legal dispute or a or continue enforcement proceedings by checking certain data about enforcement proceedings against their debtors for pecuniary claims electronically, if they certify the creditworthiness of the debtors. The execution data request is available for this purpose (EXDA) via the Internet.

Lawyers and notaries as representatives of creditors as well as local authorities and social security agencies as creditors may execute the query.

## Justiz-Auktion

Since March 2015 Austrian bailiffs have been provided with the possibility to auction moveable items on the internet auction platform of the justice system: <https://www.justiz-auktion.at>. in accordance with the provisions of the Austrian Enforcement Code [*Exekutionsordnung/EO*]. In this way items that have been attached in enforcement proceedings, as well as seized, confiscated or forfeited items may be auctioned. The bailiff is responsible for choosing the place of the auction. The most important advantages of internet auctions compared to on-site auctions include a much larger group of bidders, no (prohibited) price-fixing agreements on-site, presumably higher gains, a higher auctioning rate and an individual length of the different auctions.

As with other online auctioning platforms, *Justiz-Auktion* also offers the option of "immediate purchase". This means that an item can be purchased at a price that is 25% higher than the estimated value before the first bid is made, with no auction being conducted.

The Competence Centre at Higher Regional Court (OLG) Innsbruck, which was specially established for this purpose, technically processes the auctions for the whole of Austria.

Items that are regularly being auctioned include motor vehicles, home electronics (e.g. mobile phones, personal computers, video games), jewellery (e.g. watches, necklaces, charms) or sports articles (e.g. bicycles, skis); and even a rough cutting mower found a new home once.

Regarding *Justiz-Auktion* the Austrian justice system has worked together with the online auction platform [justiz-auktion.de](https://www.justiz-auktion.de), which has been successfully operated by the German justice system for many years. *Justiz-Auktion Deutschland* is an online platform which was established by the Ministry of Justice of North Rhine-Westphalia in 2006 and has been operated by the same to date with the purpose of auctioning off all movable property that is suited for (online) auctions and has to be sold by the (judicial) authorities.

### Key figures for 2019:

- 2,000 auctions;
- 2.7 million EUR in auction proceeds.

## Advances on maintenance

This IT solution supports the Higher Regional Courts [*OLG*] in processing disbursement and collection of advances on maintenance as defined in the Statute on Advances on Maintenance [*Unterhaltsvorschussgesetz/UVG*].

The IT process includes the following transactions:

- ✓ recording and processing of court decisions/orders;
- ✓ monthly payment orders;
- ✓ processing of electronically transmitted refunds;
- ✓ correspondence with parties involved in the proceedings and with public authorities;
- ✓ electronic migration of data from other proceedings in the justice system (court decisions, curatorship register, insolvency register and probate register; collection office, etc.);
- ✓ entering items into the federal budget accounting system;
- ✓ settlement of accounts with the Family Burden Equalisation Fund [*Familienlastenausgleichs-fond*];
- ✓ keeping a business calendar;
- ✓ statistics and analyses;
- ✓ DWH statistics and checklists;

- ✓ JUTA web service (youth welfare offices are able to retrieve master data from the advances on maintenance application).

The advances on maintenance process was the first IT application in the justice department (in 1976). The process is being constantly developed further with a special focus on the integration of manual work processes and implementation of electronic interfaces with other proceedings. In 2009 an electronic search option for the youth welfare offices was implemented. In the medium term the application will be integrated into *Justiz 3.0* (see chapter 31).

### The Collection Office

This IT process supports the Collection Office [*Einbringungsstelle/EBSt*] in the Austria-wide collection of court fees, costs, fines of all kinds, advances on maintenance and in the granting of easier payment terms as defined in Section 9 of the Statute on Collection by Court [*Gerichtliches Einbringungsgesetz*] 1962. The main purpose of the *EBSt* is effective collection of outstanding receivables of the justice system by identifying the best collection method.

The IT process includes the following transactions:

- ✓ Transmission of all enforceable payment orders in an electronic, structured form from the applications VJ, Advances on Maintenance, and Land Register to the Collection Office.
- ✓ Collection in the best possible way.
- ✓ Request for payment.
- ✓ Easier payment terms.
- ✓ Lodging of claims in insolvency or probate proceedings.
- ✓ Search for third-party debtors.
- ✓ Search at the registration office.
- ✓ Land Register search.
- ✓ Enquiry to the prison administration.
- ✓ Enforcement measure(s).
- ✓ Automatic search for third-party debtors with the Main Association of Social Security Institutions [*Hauptverband der Sozialversicherungsträger*].
- ✓ Automatic data reconciliation in the Insolvency Register [*Insolvenzregister*] and the Probate Register [*Verlassenschaftsregister*].
- ✓ Entering of payments received.
- ✓ Automated business calendar.
- ✓ Preparation of reports and statistics.
- ✓ This IT process is being constantly developed further by integrating manual work processes and the creation of electronic interfaces with other proceedings.

### Family and Youth Court Support Register

This recording application for statistical key figures at the locations of the Family Court Support Service [*Familiengerichtshilfe/FGH*], which was introduced in 2014, was upgraded to a single nationwide register application (Family Court Support Register).

At the end of 2015, the Family Court Support Register was expanded by functionalities for the Youth Court Support Service so that the register is now called Family and Youth Court Support Register.

Since then the application has been recording relevant key figures and order data on the orders for all offices of the Family and Youth Court Support Service [*Familien- und Jugendgerichtshilfe/FJGH*] and of the Vienna Youth Court Support Service. Clear search and

filtering functions allow the display of orders according to various criteria (person concerned, subject matter of the order, court/public prosecutors' office placing the order, etc.) and location-specific criteria.

In addition, in location-based reporting and staff controlling team leaders are supported by a separate controlling functionality.

The key figures on the Family and Youth Court Support Register are available in the periodical statistics of the Data Warehouse of the Justice System (DWH).

### **Electronic Certification Register**

In line with the requirements of the Austrian Act Amending Professional Rules and Regulations [BRÄG] of 2010 this project migrated the Certification Register of the Austrian Justice System, which had been kept in writing and on a non-central basis till then, to an automated data processing system. This system enables court staff to electronically record and manage data of parties and documents in certification proceedings. Transcripts which are required for the transaction process can be archived electronically and documents to be certified may be entered into the Documents Archive of the justice system.

### **List of expert witnesses, interpreters, mediators, insolvency administrators and official receivers, and the Lobbying and Interest Group Register**

These databases contain the above persons in their relevant capacity, including special qualifications. They are primarily available to the courts for selection for legal proceedings but may also be searched by the public via the internet.

Since early 2004 the lists of expert witnesses and court interpreters have been offered on the intranet of the justice system and on the internet at <http://www.sdqliste.justiz.gv.at>. Expert witnesses, interpreters, insolvency administrators and official receivers are able to update certain details in the lists (address, phone number, email address, etc.) themselves by means of an appropriate certificate and to publish a description of their business.

Since 2005 new ID cards for expert witnesses and interpreters have been available which are in line with the standard of the citizen card. Real property experts also need their expert ID for electronic transmission of expert opinions plus photos to the courts. Likewise, insolvency administrators are able to announce sales and rental transactions in insolvency proceedings by means of their ID card. Mediators in civil cases may be found at <http://www.mediatorenliste.justiz.gv.at>.

Since 1 January 2013 searching for lobbying enterprises, including the areas of their activities, for entities that employ business lobbyists, self-governing bodies and interest groups at <http://www.lobbyreq.justiz.gv.at> has been possible.

### **Electronic Documents Archive**

At the time of the migration of the Land Register and the Business Register to IT-based systems those responsible decided against also migrating the collections of documents of those court registers to electronic storage and documentation. However, the technology for archiving documents has made considerable progress in the meantime; voices from among those practising law have shown the necessity of modernising the court system with the assistance of information technology also in this area.

A central archive of documents has emerged, which can be used for all types of applications, proceedings and procedures. There will be a possibility to archive documents (e.g. electronically

signed contracts) from the court in a database in any application and in any type of proceedings, and to establish a link to the same. In this way, a document once stored in the archive could be used in different legal proceedings.

Since 2005 the collections of documents of all Business Register courts have been kept exclusively electronically; since 2006 the same has been true for the Land Register. The data content stored in the electronic documents archive is deemed the original of the document (fictitious original) until the contrary is proved. The electronic documents archive was awarded the first prize in the "*Amtsmanager Wettbewerb*" - the Public Office Manager Competition of the Austrian Federal Economic Chamber in 2006 and the Good Practice Label of the EU in 2007. In this way, another step towards optimised and service-oriented legal proceedings was implemented as planned.

#### **Key figures for 2019:**

- 2.1 million documents retrieved from the Collection of Documents of the Business Register;
- 1.1 million documents retrieved from the Collection of Documents of the Land Register;
- Documents stored in the archive: 7.5 million in the Business Register; 17 million in the Land Register.

#### **Electronic signature**

Electronic Legal Communication with the courts has proved to be working well since it was introduced in 1989. However, electronic transmission of original documents and exhibits of petitions or applications to the courts by way of ELC has not been possible so far. To promote Electronic Legal Communication notaries, civil engineers and lawyers were provided with the option to draw up (public) electronic documents by the Statute Amending the Professional Rules and Regulations [*Berufsrechts-Änderungsgesetz/BRÄG*] 2006 and through the setting-up of an electronic documents archive of the justice system plus an authorisation of public-law corporations to keep such archives. For this purpose, an electronic "professional signature" [*Berufssignatur*] was introduced for those persons. In this way, they are enabled in connection with their occupational activities to sign documents electronically with the legal effects of a personal signature. In addition, notaries and civil engineers possess an electronic "certification signature" [*Beurkundungssignatur*], which allows them to use an electronic signature also when they act in the sovereign area of their occupation.

The *BRÄG 2006* also introduced the electronic signature of the justice system, by which the court decisions that will be sent via ELC will be signed in future. The initial practical application of the electronic signature of the justice system has been in use since 1 January 2007. Since then the electronic signature of the justice system has been confirming that Business Register excerpts and documents from the Land Register's and the Business Register's electronic Collections of Documents are in conformity with the data stored in the database. Since 1 January 2010 also certifications by the courts have been done using the electronic signature of the justice system.

In addition, electronic signatures have been in use in the justice system for ID cards of expert witnesses and court interpreters since 2005.

Since 1 November 2009, an online form has been available by which authentication is done by means of the citizen card.

## Statistics/Data Warehouse

The manifold IT applications cover the entire area of responsibilities of the justice department. This has led to a comprehensive nationwide database, which has turned out to offer an enormous advantage, in particular when preparing statistics, which are required for many different purposes.

The justice system's statistics products may be roughly categorised as follows:

- ✓ workload statistics, which show the cases processed by the justice system;
- ✓ statistics to control the staff employed;
- ✓ statistics to support staff supervision;
- ✓ statistics to document procedural facts (e.g. length of proceedings, alternative measures imposed instead of punishment);
- ✓ ad-hoc analyses, including, without limitation, upon instruction by parliament or scholars;
- ✓ statistics to plan the use of IT.

The said analyses are carried out by means of Data Warehouse technology. This technology makes it possible to carry out the analyses in a more flexible, cost-efficient way with no interference with the ongoing operation of the underlying applications. In addition, it offers the option of providing certain users with the possibility to search for analyses that have been designed individually by the relevant user.

Analyses which are of interest to a larger group of addressees are published in a statistics database that has been set up on the intranet. This database is equipped with an authorisation concept and therefore provides for the option of making selected products accessible only to certain user groups.

In addition, guidelines and documentations are also published in the statistics database for specific statistics, which offer users the possibility to understand the data shown. A limited user group can directly access the raw data by means of the Cognos Online access in the Data Warehouse and for certain displayed parameters to also identify the case numbers from the specific applications behind the same. Every month approx. 6,100 different parameters are being identified, plus another 4,800 or so in the course of drawing up quarterly and/or yearly statistics. If one also takes a look at all calculation levels, this means approx. 27 million potentially calculated figures per month for brief statistics alone. As of August 2018 approx. 190,000 pdf files and approx. 98,000 MS Excel files were archived in the statistics database. The growth is around 3,000 files per month.

Since July 2013 three data cubes (incoming files, decisions and parties) have been in use to prepare special analyses in the criminal section of the justice system, to which the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice has direct access.

Data cube is a term used in data warehouse terminology for the logical display of data. In this process, the data is arranged as elements of a multi-dimensional cube. The dimensions of the cube describe the data and allow easy access. Data may be selected via one or more axes of the cube.

The cube is loaded on a monthly basis; access has been implemented in a user-friendly way via MS Excel 2010. In this way key figures regarding, e.g., sections of a law or statute, types of decisions, sex, nationality, etc. can be analysed quickly by the users themselves at all hierarchy levels.



Due to the positive experiences gained from the data cube in the criminal justice section this technology will also be used in other areas in future.

### Form sheets

Forms designed for submissions to courts or public prosecutors' offices are available on the internet at [www.eingaben.justiz.gv.at](http://www.eingaben.justiz.gv.at) The form sheet service was extensively revised in 2014 and 2015 and the new system was put into operation in April 2016. The form sheet service of the justice system offers a number of forms from the different areas of the justice system (e.g. application form in an order for payment procedure, application for legal aid, petition for enforcement, etc.). Many of those forms are available as accessible web forms including enhanced help texts and in foreign languages.

By means of the text processing application upgrade **Mein Office Vorlagen Editor (MOVE)** [My Office Template Editor] data from applications of the justice system can be included in text files (forms) that are made available centrally or created by the users themselves. For this purpose only the case number needs to be entered and, where applicable, the correct reference must be selected (e.g. which one of several parties involved in the proceedings is actually concerned).

In mid-October 2015 MOVE was installed on all workstations of the justice system. Since then four MOVE functions have been available, by which new forms may be created or existing forms may be filled with case data.

### Mail Processing Service of the Justice System

The Mail Processing Service [*Poststrassenservice/PSS*] serves as the justice system's central service for processing letters that are sent by post and for providing them to the Output Competence Center of the Federal Computing Centre (BRZ) for printing and physical dispatch.

Both the master document and any number of supplementary documents are delivered by the application as pdf files. All other functions are controlled via XML meta-data. All return advice is sent electronically in XML or pdf format.

The major functionalities of the service include:

- ✓ putting into and dispatch via (standard) window envelopes;
- ✓ putting into and dispatch via hybrid return receipt envelopes (Hybrid RSa and RSb);
- ✓ producing cover sheets for local dispatch via hybrid return receipt letter (Hybrid RSa and RSb);
- ✓ putting into and dispatch via international return receipt letter (IntRS);
- ✓ printing at a (future) time that may be selected;
- ✓ dispatch and service in Austria, the EU or third countries;
- ✓ enclosing any number of written documents in pdf format;
- ✓ enclosing any number of money transfer forms (including "pay per code");
- ✓ regular reports;
- ✓ provision of processing and dispatch information;
- ✓ provision of status information;
- ✓ provision of digital proofs of service;
- ✓ automated notification in the case of automatically identified defects in service of process;
- ✓ bundling of several services of process deliveries to one addressee (bundle).

The Mail Processing Service was put into operation for the first time in 2007. Since then numerous upgrades have been implemented and performance of the service has been

optimised. Upgrades include the processing of hybrid return receipt letters, international return receipt letters and producing of cover sheets for dispatch via local HRSB.

#### Key figures for 2019:

- Total number of decisions: approx. 9.5 million (thereof approx. 1.5 million were bundled in approx. 0.6 million envelopes).
- Window envelopes: 3.6 million;
- RSa letters: 0.2 million;
- RSb letters: 4.25 million,
- international return receipt letters: 0.1 million,
- cover sheets for local HRSB: 0.3 million.

#### Electronic Paperwork Management

Due to the staff cuts resolved by the Federal Government the justice department had to lay off 246 public officials [*Beamte*] and employees [*Vertragsbedienstete*] in 2006. In order to cope with the massive impact on the special typing services, staff on parental leave possessing a computer plus internet access were offered the opportunity, on a volunteering basis, to do typing work for the justice department within the limits on additional income while on parental leave.

For this purpose, a Lotus Notes-based database was programmed, which allows secure transmission of digital dictations and automatic return of the typed texts with optimal use of the typing capacities available at the same time. Clearing offices were set up at the Higher Regional Courts [*OLG*], which are in charge of supervision of the Electronic Paperwork Management application and of registration and supervision of the typists being part of the project. Dictations that cannot be typed at a District Court [*BG*] within a reasonable period of time will be put into a database and automatically transferred to the pool of the special typing service set up at the superior Regional Court [*LG*]. If dictations cannot be typed within 48 hours they will be automatically forwarded from there to the pool of the relevant clearing office. The typists on parental leave may access the pool of their clearing office via the internet and download dictations onto their home computer. Electronic dictations may also be allocated to certain typists by the clearing offices.

Once the text file has been transferred to the database by the typist, the person who entered the dictation into the database will be informed via email and can then download the text file from the database. At the same time, the clearing office will receive the information required for billing the typing fee and will then be able to do the billing by way of automation.

Due to the large demand also full-time and (temporarily) part-time staff of the justice system have been offered the opportunity to do typing work from home. On average, dictations are typed within one day. In the first half of 2019 the home typists typed more than 50.000 dictations.

#### Voice recognition systems in the justice system

Since 1997 the Austrian justice system has been testing voice recognition systems. Back then a group of ten volunteer judges and public prosecutors were equipped with voice recognition systems which consisted of a notebook including headset and the Voice Type Simply Speaking Gold IBM software. Since then technology has rapidly developed both in the area of hardware and in that of software. For example, since 2005 the standard equipment at a workplace in the

justice department has been so powerful that voice recognition programs can be used at the workplace and no additional hardware needs to be bought.

Out of all tested programs the best results were obtained by Dragon Naturally Speaking (DNS). Currently around 300 staff (judges, public prosecutors, *Rechtspfleger* [paralegals/senior court officers], office staff/clerks, etc.) have access to version 15 of that software at their workplace, which has turned out to be a quasi-quantum leap with respect to the recognition rate. For use within the justice system a specific glossary has been integrated into Dragon Naturally Speaking, which includes the RIS documents as at 26 January 2001, the rulings of the Austrian Supreme Court [*Oberster Gerichtshof/OGH*] of 2004 and around 16,000 transcripts and decisions of Regional Court [*LG*] Eisenstadt. In addition, users feed additional vocabulary into the overall glossary on a regular basis in order to constantly optimise the recognition rate. Presently we are working on updating the specific glossary of the justice system.

In the last few years, use of the voice recognition tool has also been included in the training program for trainee judges, which has resulted in an increased interest among judges. Since 2016 training in voice recognition software has become a fixed part of the training schedule of trainee judges.

### Video conferencing

Since 2005 the procedural law requirements have been fulfilled for use of video conferencing equipment in examinations of witnesses and defendants in preliminary criminal proceedings, of witnesses at trials, and of witnesses, parties, interpreters and expert witnesses in civil proceedings.

Video conferencing technology offers the judges a possibility to summon persons who would otherwise have to be examined by a different court by way of judicial assistance to the court equipped with a video conferencing system which is the closest to their home and to directly examine him or her via video conferencing. This means much less time and costs for the persons being examined due to the fact that the distance they have to travel is much shorter. Moreover, the length of the proceedings can be cut significantly short because there is no need for judicial assistance proceedings.

For fixing examinations via videoconferencing the judges have been provided with a room reservation system via the intranet of the justice system. This allows user-friendly booking of all courtrooms required in one step, with all persons involved automatically receiving a reservation confirmation including all relevant information via e-mail.

Since March 2011 all courts, public prosecutors' offices and prisons have been equipped with video conferencing systems. In 2017 a total of around 4,000 video conferences were held Austria-wide, of which approximately 12% were with foreign courts.

Expansion of the area of application of video conferencing technology in court hearings (e.g. to counsel) is currently being considered with regard to the current law-making and infrastructural conditions.

### Internet presence of the justice system – [www.justiz.gv.at](http://www.justiz.gv.at)

The website of the justice system was completely revised in 2020, to offer information on the Ministry and on the services provided by the judiciary in a neat design with the best possible accessibility. Since 2013 the website is regularly enhanced and expanded. Today every court,

every public prosecutors' office and penal institution has its own area and, thus, virtually its own internet presence.

Within the new area of "*Strafvollzug*/prison administration". In this area, every prison in Austria has its own webpage. In addition to general information, you will also find visitor information for every prison and details about products and services offered by the same. For buying these products and/or services a specially designed webshop has been available since 2017, which can be accessed at [www.jailshop.at](http://www.jailshop.at). In addition, a career portal was set up in this area in 2016, where interested parties can not only find out about the job description of a prison guard and current calls for tenders, but also complete a mock test and apply for a job online.

Another important area is the "Citizens Service [*Bürgerservice*]". This includes the most important information for individuals.

### Justiz intranet

The intranet of the justice system is the internal information portal for all staff of the department and an important work tool. The intranet is based on the same concepts and technologies as the internet; however, the content is only available within the department ("intra" means inside in Latin.) Thus, the intranet is a central access point to all internal and to selected external web applications and information for the staff of the justice system. Internal web applications such as the Integrated Prison Administration, Webmail, the Collection of Forms, the Collection of Ministerial Orders, international judicial assistance or maintenance of the Database of Official Publications [*Ediktsdatei*] may be retrieved quickly, easily and in a structured manner. External applications, including but not limited to the Federal Law Information System RIS, the Land Register, the Business Register or the Central Register of Residents, may be reached via these applications as well.

### Federal Law Information System (RIS)

The Federal Law Information System operated by the Federal Chancellery has become indispensable in daily court work as a medium for fast searches for court decisions, mainly in the *Judikaturdokumentation Justiz* database, and also for finding sources of law and academic writing. This tool is available to the staff of the justice system at all workplaces.

The new RIS, which is based on internet technology, allows for an even more efficient search for desired information and, therefore, for a faster decision-making process. Important parts of the RIS system, such as, e.g., the statutory provisions or the rulings of the Supreme Administrative Court [*Verwaltungsgerichtshof*] or of the Supreme Constitutional Court [*Verfassungsgerichtshof*] and those of the ordinary courts of law are available to the general public free of charge on the internet (<http://www.ris.bka.gv.at>).

### Third-party applications

Apart from the IT solutions developed by the Austrian justice system itself it also uses applications of other software providers, in particular for matters concerning several ministries/departments, including the following:

- ✓ As the standard file management and workflow solution of the federal government ELAK im Bund, which is based on Fabasoft Components and is operated by the ELAK Joint Venture (a subsidiary of BRZ GmbH), supports fully electronic management of files in the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice.
- ✓ For the area of budget accounting and HR management the Ministry uses the HV-SAP and PM- SAP applications, which are also operated by BRZ GmbH.

- ✓ In some areas of the justice system the search functions of databases of other departments which are principally not freely accessible are being used, such as the Central Register of Residents (ZMR) and the Electronic Information System of the Criminal Investigation Department (EKIS).

### The Justiz Network

At the beginning of the 1980s the Austrian justice system started to build a comprehensive IT network. This network (Corporate Network Austria/CNA) supports Austria-wide use of information technology by all courts, public prosecutors' offices, prisons and by the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice via a dual-node called the Federal Computing Centre [*Bundesrechenzentrum/BRZ*], where all major applications of the justice system run. Communication with the other ministries, other government agencies and, ultimately, the citizens is also effected by the BRZ.

Since March 2010 every office belonging to the justice system is connected to the BRZ at least by an 8 MBit line (CNAx). Using Voice over IP, also phone calls and video conferences can be made via those lines. The network is also the basis for the email system of the justice system (using Lotus Notes) and for access of all staff of the justice system to the internet.

Currently the Justiz Network comprises 180 routers, 340 servers, 12,500 PCs, 180 video conferencing systems, more than 6,000 VoIP telephone connections and 1,600 notebooks. As early as in February 2001 every member of the justice system's staff was equipped with a computer workstation. The standard operating system of the justice system is still Windows 7, but upgrading to Windows 10 in the near future is being worked on. LibreOffice is used for text processing and spreadsheets.

Since the beginning of 2007 all bailiffs have been integrated into a virtual private network (VPN) via laptops including mobile internet cards. The mobile VPN allows online access to the applications running in the BRZ, independent of the location of the bailiff.

Since mid-2012 all workplaces have been gradually equipped with card reading devices, which means that staff members of the justice system can only log into the Justiz Network by means of their electronic staff ID.

### User management

The Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice has started to introduce a standard comprehensive user management system for all applications. The system allows linking of the staff of the justice system and their access authorisations with both internal applications of the Austrian justice system, and with external applications belonging to the portal network. This is a network of management portals for joint utilisation of existing infrastructure and applications. The objective of the same is to amalgamate personal data, user rights and roles, as well as passwords which are currently stored in different registers, lists or applications in a central meta register.

Through the introduction of this user management system the personal data of the justice department is replicated by the Staff Management System [*Personalverwaltungssystem/PMSAP*] onto the meta register on a daily basis. This is to ensure that changes in the human resources of the justice department are also made in the meta register on a daily basis.

This means that the user management system does the following:

- ✓ work as a central register for managing users of the justice system;
- ✓ synchronise personal data from existing registers or lists with the overall register;
- ✓ role-based access authorisation for internal and external applications within the portal network;
- ✓ delegate the management of access authorisations to non-central agencies of the justice department;
- ✓ Enterprise/Legacy/Web access (to internal and external applications via a portal);
- ✓ single sign-on (SSO) for internal and external applications within the portal network.

### IT application for the European Payment Order

By Regulation (EC) No. 1896/2006 the European order for payment procedure was introduced on 12 December 2008, the objective of which is to establish a uniform rapid and efficient mechanism for the recovery of uncontested pecuniary claims. In Austria the District Court for Commercial Matters Vienna [*Bezirksgericht für Handelssachen Wien*] is responsible for all claims (applications) in the European order for payment procedure. The cases are processed by means of standard forms that are available in all EU languages. An unopposed order for payment is directly enforceable in all EU Member States. Austria and Germany have jointly developed an IT application sponsored by the EU for electronic processing, which uses large parts of the Case Automation (VJ) application and possesses the following functions:

- ✓ easy processing of applications by taking over the data from the application form (form A) and the creation of other forms and procedural steps in the system.
- ✓ Important data of the procedure is available in the form of a "file cover sheet" (spreadsheet) at any time.
- ✓ All procedural steps are shown in a "register" (spreadsheet) in a structured manner. All other work steps, like letters or notes/memoranda, are made out of the register.
- ✓ Text modules may be freely created and stored for any and all purposes.

Standard forms and court documents may either be printed and sent by post or served electronically via ELC. The IT application has been developed in a form that can essentially be used in all Member States and in the European e-Justice Portal. The IT project was awarded the e-Government Award 2009 in the e-Government supporting the Single Market category from among 259 participants.

The European order for payment procedure is one of the pilot procedures of the e-CODEX project (see chapter 30). Since 2017 the European order for payment procedure has been operated for Austria and Germany by the (Austrian) Federal Computing Centre [*BRZ*]. Since August 2018 the product has been maintained and enhanced.

#### Key figures for 2019:

- 5.251 claims (applications) in Austria; thereof 81% filed electronically
- opposition rate: 17%

### European Business Register (EBR)

Since 1 April 1999 (start of the test run on 1 April 1998) the EBR has been enabling access to the official commercial or business register data of (currently) France, Italy, Germany, the United Kingdom, Belgium, Luxembourg, Spain, Ireland, Latvia, Lithuania, Estonia, Finland, Sweden, Denmark, Norway, Greece, the Netherlands, Malta Jersey, Guernsey, Ukraine, Slovenia, Serbia, Macedonia and Austria via the relevant national provider (in Austria: MANZ'sche Verlags- und Universitätsbuchhandlung GmbH) as part of a European Economic

Interest Grouping (EEIG). In total more than 20 million business entities can be retrieved online via the EBR.

Since June 2017 a second, parallel system has been available for EU-wide linking of companies. The Business Registers Interconnection System (BRIS) was established by the European Commission and provides the possibility to search for companies and corporations and to obtain commercial or business register excerpts and documents free of charge. In addition, the registers exchange information about changes regarding parent companies.

### **E-Codex – ME-Codex**

e-CODEX (e-Justice Communication via Online Data Exchange) was an ambitious and trend-setting project supposed to enable citizens and business entities in all of Europe to electronically communicate with the courts of other Member States in a secure and easy way in cross-border cases. In addition, it was supposed to enable electronic communication among judicial authorities of the Member States. The project was funded by the EU and had a volume of around EUR 25 million.

Living up to its pioneering role in the area of e-justice Austria intensively contributed to the work on e-CODEX. As a consortium partner the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice headed one of the seven working groups. As the e-CODEX project ended in May 2016, the sustainability of e-CODEX (ongoing operation and maintenance also beyond the project term) is of major importance and should be warranted by way of a European agency solution. Until the project will be operated and maintained by an existing European agency, presumably from 2022, the duties are being fulfilled by the bridging project me-CODEX until November 2018 and presumably by the follow-up project me-CODEX II from February 2019.

The European order for payment procedure (see chapter 23), which is of special importance to Austria, has already been successfully set up as a pilot project for e-CODEX in Germany, Estonia, France, Greece, Italy, the Netherlands, Poland, Portugal, Spain and in the Czech Republic; the European small claims procedure, transmissions in the area of the commercial or business registers, administrative penalties, cross-border exchange of sensitive data regarding conventions on mutual judicial assistance and the European arrest warrant are other pilot projects currently running. The special thing about e-CODEX is, therefore, also the aspect of electronic communication among the courts and authorities.

In Austria submissions may be made via the Austrian ELC application (Chapter 4) and, in future, also via the e-Justice Portal (<https://e-justice.europa.eu>).

Currently, connecting the first criminal procedure is being implemented by another project funded by the EU, namely the request for mutual assistance and related electronic transmission of evidence. Also here the infrastructure is implemented via the elements developed in e-Codex.

### **Strategic Justiz 3.0 Initiative**

For the purposes of a holistic view of the operations of the justice system this initiative aims to find best possible IT support for all the different user groups up to fully electronic handling of procedures in the light of current trends and opportunities.

Together with justice system staff from a large number of user groups and sectors areas such as "Incoming and Compilation of Files", "Decisions and Orders" and "Workplace of the Judge"

were considered in detail, with the most important business processes of the justice system being considered and/or designed as "Actual" or "Target".

The future architectures of information systems and technologies were designed in addition to and based on the results formulated in the specialised working groups.

An overall report concluding phase 1 was published in mid-2014.

Based on that report and the implementation plan contained therein, phase 2 of *Justiz 3.0* has been started, with several parallel projects running to establish and optimise the bases of digital file management. Among other things, the prerequisites for a viable Austria-wide scanning process and text recognition, a file document management and workflow system are being created.

By the end of 2016, a pilot project for completely digital file management was started in four regional courts, which will provide the basis for future upgrading and enhancement steps. Over the course of 2017 progress has been made in terms of stability, performance and functional assistance. In 2018 Commercial Court Vienna [*HG Wien*] was included as another pilot site. For 2019 a broader rollout and an in-depth analysis is planned, in particular in the area of criminal procedure.

2019 was a broader rollout for other courts and an in-depth analysis, especially in the area of criminal proceedings. From the second half of 2019, a pilot of digital file management in the preliminary criminal procedure is planned at a public prosecutor's office and a criminal court.

Direct, secure and electronic access to files for the parties is planned as well.

### IT support in criminal proceedings

Due to the progress of digitisation in all areas support tools are increasingly required for efficient analysis, evaluation and processing of data in criminal cases. In addition, more and more often the investigating authorities need supplementary support from highly specialised expert staff to process cases efficiently.

The Austrian department of justice has responded to this development at a very early stage and, apart from calling in external experts, has employed internal IT experts and assigned them to the Central Office of Public Prosecutors for Prosecution of Business Offences and Corruption [*Wirtschafts- und Korruptionsstaatsanwaltschaft*]. Due to the positive experiences made it was decided to expand this model. Since 2017 the internal IT experts of the justice system may now be assigned also to other public prosecutors' offices and criminal courts, if necessary.

Thanks to its own "large criminal cases environment" the justice system now also possesses an exclusive server infrastructure to process cases involving a large volume of data. The software and hardware used has been configured to warrant not only short computing times but also the handling of complex special requirements (e.g. decryption). At the same time, very high-security standards ensure data protection and prevent unauthorised access.

In order to structure and process large files efficiently, courts and public prosecutors' offices may use the "*Normfall Manager*" [standard case manager] software, which is intended to facilitate coping with large amounts of data (keeping an overview, creating and identifying links, compiling information on a topic, etc.). The justice system also uses various other supplementary "in-depth" analysis and evaluation tools. Due to the increasing options offered by the use of artificial intelligence the justice system intensely focuses on evaluating and testing the products offered in this area as well. Close coordination with the software manufacturers



and exchanging information with other organisations combating fraud and crimes in Austria and abroad is intended to further enhance potential areas of application in the years to come.

### **Digitisation and artificial intelligence**

Due to the increasing use of IT for business processes the requirements of the different professional groups and interest groups continue to grow. Accordingly, the demands for information technology are growing constantly. So-called digital natives grow up using IT and, as staff members of the justice system, expect adequate IT support to accomplish their job-related tasks and, as citizens, they expect digital access to the law.

Avoiding and/or targeted elimination of media breaches leads to significant efficiency growth in the processing of legal proceedings. Digitisation of procedures is ensured through a holistic approach (files, IT equipment in the courtroom, involved user groups and interfaces) with a special focus on the specific requirements of the case and digital inclusion of the parties involved in the proceedings. Digital assistants and artificial intelligence (AI) ease the routine workload of the staff and leave leeway for knowledge work. Under the heading of "Legal Tech" digitisation of legal services has been intensively discussed for quite a few years. Here, AI technologies constitute a (or maybe the) key technology. The potential areas of application reach from legal research based on facts and circumstances, recognition of meta-data and structures in briefs, correct allocation of incoming documents and cognitive analysis of investigation data up to an intelligent analysis of video data (e.g. recordings of hearings) and predictive analysis of movement data of prisons.

Since 2018 an AI service that has been "trained" to meet the specific requirements of the justice system has been in use, which can be expanded step by step to other areas.

Currently, AI is used with algorithms from the areas of machine learning and deep learning being used in particular:

- ✓ analysis of files to facilitate processing (detection of documents, metadata extraction; planned: generation of data entry suggestions, Recognition of responsibilities, decision support through contextual legal research).
- ✓ Support for the anonymisation of court decisions (in preparation) and thus increasing transparency in the future through wide-area publication options
- ✓ Analysis of huge amounts of data in the investigation of the public prosecutor's offices in cooperation with the police and in extensive legal proceedings structured preparation of the facts
- ✓ Support for citizens through "JustizOnline" with targeted guidance from a Chatbot.
- ✓ The principle when using artificial intelligence techniques in the judiciary is to offer optimal support for work and to support citizens in their concerns. However, the final decision should always be made by a human being.

### **Electronic Procedure administration**

The electronic procedure administration (eVA) is one on the requirements of the Administrative jurisdiction tailored IT application and supports the complete process life cycle of the Federal Administrative Court (BVwG), including most of its business processes.

### **eJustice strategy**

Digitisation increasingly accelerates the process of change in the ICT landscape of the justice system, which has become highly developed over the years and requires guidelines and strategies for a controlled transformation. Since 2006 the department responsible for use of ICT

in the justice system (III 3: IT Law, Information and Communication Technology) summarises the goals and principles of this transformation in the form of an IT strategy. The whole document can be retrieved free of charge from <http://www.justiz.gv.at> under "e-Justice"). The keynotes can be summarised as follows:

### **IT Mission**

The justice system's IT as a central and competent partner sees itself as the lever for modernisation of the justice system and as a modern and internationally recognized service provider and continues its development within the Austrian justice system to increase the value contributed by IT by use of innovative solutions and technologies.

### **IT Vision**

The justice system's IT uses digitisation to accelerate and simplify procedures and to provide modern services and access channels by at the same time ensuring an optimised cost-benefit-ratio. For that purpose highly specialised and motivated IT staff ensure fast fulfilment of requirements of the necessary quality and in compliance with the specifications of the business architecture.

### **Strategic Goals**

- ✓ modern service for justice system staff, citizens and party counsel;
- ✓ acceleration and simplification of procedures by digitisation;
- ✓ increase in efficiency and effectiveness;
- ✓ co-designing the European eJustice strategy and the Austrian eGovernment;
- ✓ implementation of IT projects with the necessary quality according to plan;
- ✓ security and other qualitative requirements of IT solutions;
- ✓ innovative and competent partner of the departments;
- ✓ positive image of the justice system.

### **IT Guidelines**

- ✓ Ensuring an autonomous justice IT system ("interoperability").
- ✓ Court decisions and official decisions are not to be replaced but should be given optimum support ("cognitive assistance").
- ✓ Maximum benefit for the entire justice system ("holisticity").
- ✓ Long-term planning when defining goals and drafting solutions ("sustainability").
- ✓ Inclusion of new user groups without putting existing ones at a disadvantage ("digital by default")
- ✓ Case data to be recorded only once; expansion of int.

## GEORGIA

### About Electronic Court Case Management System of Georgia (ECCMS)

In 2017, for the first time in the history of independent Georgia, the representatives of the judicial power, developed and approved the Judiciary Strategy and Action Plan for 2017-2021. Based on the strategy and action plan, the activities of the High Council of Justice will be implemented in a specific direction and will ensure the further development of the judiciary by carrying out pre-planned activities.

The Judiciary Strategy and Action Plan were elaborated by a **Strategic Committee** created specifically for this purpose within the framework of obligations taken under the Association Agreement between Georgia and the European Union. Work on the documents was carried out with the involvement of civil society, international organisations and interested agencies. The Strategic Committee consisted of representatives from the following state and non-state institutions: High Council of Justice; Corps of Judges; Parliament of Georgia, Ministry of Justice; Ministry of Finance; Ministry of Internal Affairs; Secretariat of the Administration of the Government of Georgia for Human Rights Issues; Office of the Ombudsman; Presidential Administration; Bar Association; Coalition of Non-Governmental Organisations; And representatives of international organisations (including international experts).

The Judiciary Strategy and Action Plan contain 5 main strategic directions, namely:

1. Independence and Impartiality;
2. Ensuring Accountable Justice;
3. Ensuring Quality of Justice and Professionalism;
- 4. Ensuring the Efficiency of the Judiciary and**
- 5. Access to Justice.**

The strategy reflects real challenges of each direction, a special place is given to the development of the electronic system of court proceedings, accordingly, a specific development plan is introduced.

The main tool for the implementation of the strategy is an action plan that is fully in line with the set objectives. The major programs of the plan are divided into relatively small activities. The term of the action plan activities has been established, the necessary resources and the bodies responsible for their implementation have been identified. The system has relevant working groups for the implementation of the priority areas envisaged by the Action Plan and Strategy, headed by a competent member of the High Council of Justice.

### Development of the IT management and Material-Technical Base

#### Action Plan

<b>Indicators</b>
<ol style="list-style-type: none"> <li>1. Conducted audit of Material-Technical base and IT;</li> <li>2. The Department of Common Courts works in accorders with the elaborated IT Policy, Strategy and Action Plan;</li> <li>3. Technical and technological base of renovated buildings;</li> <li>4. Satisfaction of the Court Staff and external users with updated software and infrastructure.</li> </ol>
<b>Means of Measurement</b>
<ol style="list-style-type: none"> <li>1. Activity report of LEPL Department of Common Courts;</li> <li>2. Satisfaction survey of staff working in the Judiciary System;</li> <li>3. Court User satisfaction survey.</li> </ol>

<b>Programs</b>	<b>Activities</b>	<b>Duration</b>	<b>Responsible Bodies</b>
<b>Complex audit of Material and Technical Base</b>	<ol style="list-style-type: none"> <li>1. Assessment of the condition of buildings;</li> <li>2. Assessment of the quality of Court Room equipment;</li> <li>3. Assessment of safety standards.</li> </ol>		<b>HCoJ, Department of Common Courts</b>
<b>Maintaining the Material and Technical Base of the Court System</b>	<ol style="list-style-type: none"> <li>1. Organise research on access to courts in terms of infrastructure and elaborate an appropriate plan;</li> <li>2. Equipping courtrooms, waiting and working spaces with appropriate material base, taking into account creation of comfortable environment for citizens;</li> <li>3. Improving the standards of waiting rooms for advocates.</li> </ol>		<b>HCoJ, Department of Common Courts</b>
<b>Elaborate an effective Strategy for the Development of Information Technology</b>	<ol style="list-style-type: none"> <li>1. Conducting complex IT Audit;</li> <li>2. Elaborate Policy, Strategy Document and Action Plan on development of Judicial Information Technology, together with individuals enrolled in the process;</li> <li>3. Conduct appropriate training for IT staff.</li> </ol>		<b>Department of Common Courts, HCoJ</b>
<b>Improvement of Information Technology (IT) Infrastructure</b>	<ol style="list-style-type: none"> <li>1. Maintenance of internal and external network;</li> <li>2. Ensure minimum standards of IT security;</li> <li>3. Placement of adequate volume servers;</li> <li>4. Provide technical maintenance of websites</li> </ol>		<b>Department of Common Courts</b>
<b>Judicial System Software Development</b>	<ol style="list-style-type: none"> <li>1. Improvement and enactment of Electronic Court Case Management program in all instances on civil, criminal and administrative proceedings;</li> <li>2. Improvement and development of the System on Electronic Case Distribution based on the principle of randomness;</li> <li>3. Modul on the Electronic Document Flow;</li> <li>4. Elaborate and implement the Modul on internal budget development and financial analysis;</li> <li>5. Introduction the Modul on e-HR management;</li> <li>6. Improving the electronic archive program;</li> <li>7. Introduction the Modul on Court Statistics;</li> <li>8. Development the program on automatic publication of court decisions and introduction the e-search system of court decisions;</li> <li>9. Further refinement of Court e-Library.</li> </ol>		<b>Department of Common Courts</b>

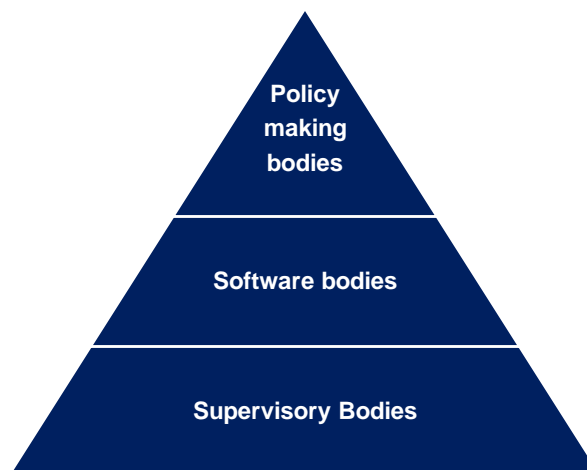
The effective management and development of the court IT system are directly related to the priority areas of judicial strategy, such as ensuring the efficiency of the judiciary and ensuring access to justice.

## Management and decision-making of the IT system

### Scheme of Bodies responsible for the development of Court IT Policy and Software

**1. Policy Making Bodies** (The High Council of Justice and Strategic Committee established under the judicial reform):

- ✓ Approve policy documents and action plans on the development of the judicial system and IT infrastructure;
- ✓ Elaborate important legislative proposals for the development of judicial system;
- ✓ Approve internal instructions regulating activities of the judiciary;
- ✓ Exercise overall control on the administration of judiciary system.



**2. Software Bodies** (Judicial Reform Working Group and LEPL Department of Common Courts):

- ✓ Elaborate specific proposals and draft documents for the High Council of Justice;
- ✓ Elaborate and develop specific action plans for the effective functioning of the court IT system;
- ✓ Perform specific budget calculations;
- ✓ Carry out technical management of the court IT system;
- ✓ Select private companies and order them to develop specific programs for the court IT system;
- ✓ Develop and conduct trainings for users of court information programs together with the High School of Justice;
- ✓ Submit a progress report to the High Council of Justice and the Strategic Committee.

**3. Supervisory Bodie** (Newly created Department of Management at the High Council of Justice):

- ✓ Examines information related to the case management and quality of service provided to citizens;
- ✓ Oversees the functioning of the electronic case management program and submits recommendations to the High Council of Justice for further improvement;
- ✓ Oversees the efficient and targeted use of common court resources and coordinates activities of courts of Georgia and the Department of Common Courts.
- ✓ Develops specific proposals and recommendations on the above issues and submits to the High Council of Justice and common courts.

## The role of information technology in ensuring efficiency and accessibility of judiciary

The judiciary system of Georgia has a long-term vision for the development of IT infrastructure, which should help to ensure the efficiency and accessibility of courts. A comprehensive IT audit was conducted in the judiciary to develop an effective information technology policy and strategy document, as well as an action plan. The study, in addition to other issues covered by the technical assignment, focused on the following important issues:

- ✓ functioning of electronic case management and diagnosis of relevant technical problems;
- ✓ identifying challenges on the full implementation of the electronic distribution of cases;
- ✓ ensuring publicity of court decisions through an electronic case management program.

Based on the research, the Department of Common Courts elaborated a **Policy Instrument** on IT development and court software. The document is approved by the High Council of Justice.

In the courts of Georgia, the unified electronic case management system is in place, which is composed by important programs and modules for the efficient functioning of the judiciary. Like in many European countries, in the Judicial system of Georgia all the information about each case (procedural documents of parties, data of participants in the proceedings, information about procedural activities and events, procedural documents of courts, audio records) is stored in the **centralised information system** of all courts called **Electronic Court Case Management System of Georgia (ECCMS)**. All documents related to the ongoing litigation are received in the courts through the electronic case management system. In Georgia, this system is implemented at all levels of courts, in all three instances and throughout the country. The involvement of the parties in the electronic case management system is limited to access to their cases. At the commencement of the proceedings, the court clerk assigns a username and password to the court user. As a result, the party is able to get acquainted with his/her case and with the documents submitted to him/her, which have already been certified as a final document.

The purpose of the electronic case management system is to fully automate a court proceeding, which includes the following:

- ✓ creation an electronic version of the case - which will assist the judge and other court staff involved in the proceedings (assistant to judge, clerk, etc.) to obtain any information related to the case, as well as to assist them in their day-to-day operations. Audio and video files can be added to the electronic version of the case.
- ✓ Full automation of case storage, processing and retrieval of all types of case-related materials. (this refers to documents submitted to the courts as well as documents issued by the courts).
- ✓ Ability to "move" the electronic version of cases between courts.
- ✓ Development and use a new case numerating system that allows each case to be assigned a unique number for the duration of that case.
- ✓ Facilitated reporting, which includes generation of statistical data in various context.
- ✓ Remote access to case information for any person involved in a particular case (citizen, organisation, advocate, prosecutor, etc.).



The Electronic Court Case Management System of Georgia (ECCMS), like the Lithuanian Information System, includes the following main modules:

- ✓ registration, management and storage of electronic information and documents on every case;
- ✓ public register of court decisions on the internet;
- ✓ automatic generation of court statistics, statistical reports;

- ✓ storage of the audio and video records of court hearings;
- ✓ search of the documents and other data for the courts process in ECCMS;
- ✓ publication of information on court activities, hearing schedules;
- ✓ automatic distribution of cases;
- ✓ public e-service portal.

Some of these modules are intended to be used directly for internal purposes in order to simplify and make more efficient the work of judges and court staff, while some of them are focused on improving services to court users and court-related parties.

#### **Indoor Programs:**

- ✓ Electronic Court Case Management Program;
- ✓ Electronic Case Distribution Program;
- ✓ Program on Electronic document flow;
- ✓ Modul on Court Statistics;
- ✓ Modul on Electronic Archive.

#### **Customer-Oriented Programs:**

- ✓ Platform on Electronic communication with citizens - [service.court.ge](http://service.court.ge).
- ✓ Electronic case registration portal - [ecourt.ge](http://ecourt.ge).
- ✓ Electronic program for calculating state duty - <http://library.court.ge/fee/index.php>

**Electronic Court Case Management Program** facilitates the accumulation of information on civil, criminal and administrative proceedings in all instances of courts. This program is operated by the Department of Common Courts. In the courts of Georgia, electronic case proceedings are carried out through the **electronic case management program**. Electronic case proceedings of relevant court mean - electronic movement of documents (cases), from their receipt in the court to archiving or in case of appeal to send to a higher instance court. Case proceeding in the court, begins by filing an application or lawsuit through the electronic case registration system ([ecourt.ge](http://ecourt.ge)). In order to register in the electronic system, the user must fill in the user registration application, agree to the terms of use of the electronic system and use the user activation link received on the phone. Receipt-registration of cases submitted to the court and their first processing is carried out by the relevant court chancellery or citizens' service center. The initial case processing means checking the formal side of the electronically registered case. A unique barcode for differentiation is assigned to every application or lawsuit electronically submitted to the court. If the document meets the legal requirements, the further step is a registration and electronic allocation to the judge. The court issues in an electronic form all documents and information that are produced through electronic case management program.

The system of electronic recording of protocols was introduced in parallel with the electronic case management system. The new system replaced paper protocols and made it possible to store/issue protocols in an electronic form. In addition, new system for conducting online trials was installed in the courtrooms.

#### **Electronic Case Distribution Program**

In order to ensure impartiality of judges and their equal workload, in the framework of the Judicial Reform, in 2017, an amendment was made to the Organic Law on Common Courts of Georgia. According to the amendment, cases are distributed automatically between judges in district (city), appellate and supreme courts.

In the same year, based on the amendments to the Organic Law, the High Council of Justice approved the “rule of automatic distribution of cases in the common courts of Georgia through the electronic system.” The instruction describes in detail how the program distributes cases among judges. Cases are distributed among judges through an electronic system, following the principle of random distribution, based on a number generation algorithm. Cases in common courts are allocated according to the specialisation of judges. Under the program, court presidents have limited access to cases, they can only see the cases distributed among judges. Accordingly, any interference by the Court Presidents in the process of distribution of cases as well as any influence on a particular judge is excluded.

In accordance with the changes made in the legal acts, **the program on electronic distribution of cases** was created by the Information Technology Service of the Department of Common Courts and its requirements are based on modern programming standards. The security features of the system ensure its reliability, security and inaccessibility by a third party.

The Department of Management at the High Council of Justice is in charge to monitor and promote smooth operation of the electronic case management and case distribution programs.

### **Program on Electronic document flow**

In 2018, the Program was introduced in the court system by the Department of Common Courts. The documents (except for court cases) prepared or issued at the Department of Common Courts as well as at the courts of Georgia are transmitted electronically through the program. The program helps to save time and material resources, the case transmission process is simplified and accelerated, the quality of case management is improved.

### **ECCMS of Georgia and Services provided to Court Users**

Innovative service-oriented software is introduced in the courts of Georgia, that ensures access to justice. Mechanisms for electronic transparency and proactive disclosure of information are in place, as well as a **platform for electronic communication** with citizens is installed ([service.court.ge](http://service.court.ge)). By integrating the platform, the public has an opportunity to establish direct interaction with the responsible persons from the institution, to request and receive public information electronically.

### **Platform on Release of Public Information**

The Platform explains to the citizens their Constitutional Right to request information related to them from state institutions, as well as request other public documents (such as courts statistics, court practice and some others) if they do not contain state, professional or commercial secrets.

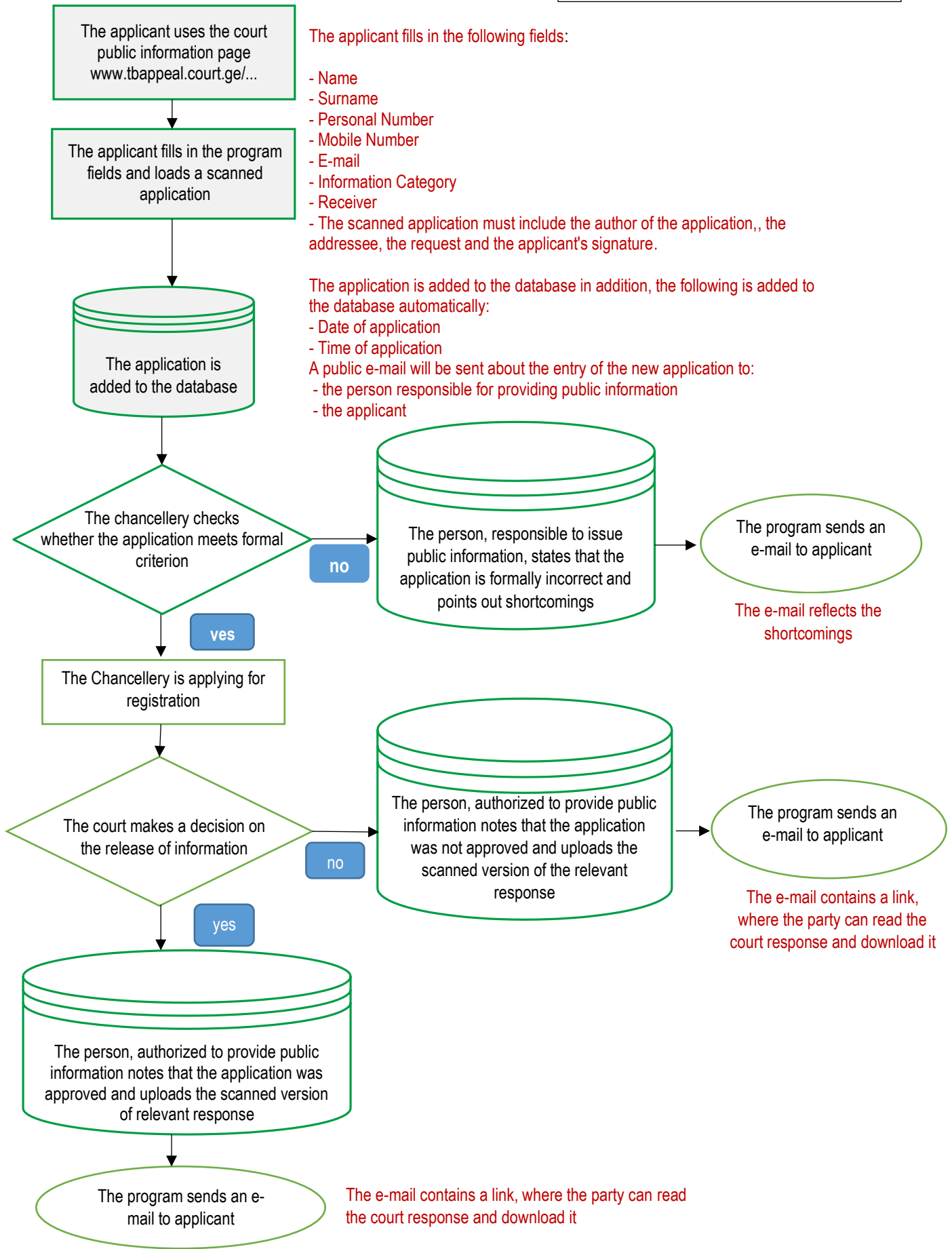
When filling the electronic application form, the citizen fills in the following fields: Name of the

Applicant; Surname; Personal Number; Mobile number; E-mail; Category of Information (Court Practice or Court Statistics); Addressee Organisation (High Council of Justice or Courts of all three instances); Scanned Application.

The procedure for issuing public information is illustrated on the platform, as well as on the websites of the High Council of Justice and the courts. Below you can see the example:



Retrieval Scheme of Public Information



The applicant fills in the following fields:

- Name
- Surname
- Personal Number
- Mobile Number
- E-mail
- Information Category
- Receiver
- The scanned application must include the author of the application,, the addressee, the request and the applicant's signature.

The application is added to the database in addition, the following is added to the database automatically:

- Date of application
- Time of application
- A public e-mail will be sent about the entry of the new application to:
  - the person responsible for providing public information
  - the applicant

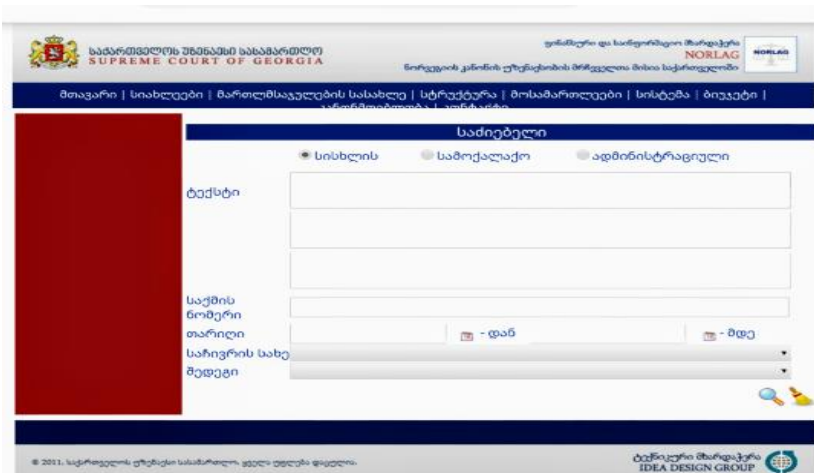
**Electronic case registration service** ([ecourt.ge](http://ecourt.ge)) was introduced by the Department of Common Courts, in order to automate case proceedings in the common courts of Georgia. The electronic case registration service allows users to communicate with the court in an online format (Submit an application, receive information about the registration and progress of the case, upload case-related materials). The service is available to both the banking sector and the bar, as well as to individuals.

### **Electronic program for calculating state duty**

In order to develop fast, efficient and accessible justice, the electronic system of calculation of state duty operates in the judicial system of Georgia (<http://library.court.ge/fee/index.php>). The program allows the user to easily calculate the amount of state duty without performing the corresponding arithmetic operation. The program is especially useful for self-defence individuals who do not have any lawyer. The program is designed for individuals as well as for legal entities. For certain categories of cases, the program sets a fixed fee in accordance with the law, and in some cases the program calculates the state fee based on the cost of the claim indicated by the applicant. The program allows the customer to be informed in advance what will be the presumable cost of case trial.

### **Electronic access to court decisions**

The ECCMS, in particular, the software which is a component of this system takes a special place in terms of ensuring access to courts. The software is directly customer-oriented. After registering in the program, the user has access to the following information: **1. Judicial decisions** - where the user can find court decisions of all three instances, documents which contain the covered personal and identification data of the participating parties; **2. Judicial Acts** - In this section, the user can search for acts issued by the court (except for a court decision) through a unique number (barcode), which contain uncovered personal and identification data



of the participating parties; **3. Public notifications** - where the user can view all current public notices published by the court (order, decision, ruling, decree, etc.). **4. Court hearings** - where the customer can see what hearings are scheduled in the court system across the country.

In addition to the electronic case management system, which accumulates court decisions, the Supreme Court decision search program operates on the website of the Supreme Court of Georgia (<http://prg.supremecourt.ge/>). The program is especially popular among court users and legal community. In the software, decisions of the Supreme Court are placed in a dashed form without personal data (name, surname, age, address, education, place of work, profession, etc.). The program opens with a search engine, which according to the fields of law gives case selection buttons and search options: Case number, time period, type of appeal, results of the case hearing, three search fields in the text of the decision.

In addition, it is possible to search Civil and administrative decisions according to the category and type of disputes. Any desired combination from the search options can be selected. The full text of the decision can be searched with the three phrases for which three fields are used. Following the search setting bar, the user selects the search button, after which a register of selected decisions appears on the screen.

Among the customer-oriented services established in the courts of Georgia, it is important to mention a web-site of the Tbilisi Citi Court. On the website, the user can see a window for scheduling a visit as well as a window for electronic payment of administrative fines imposed by the court. This service allows the customer to arrange a visit to a court clerk remotely, and if necessary, to pay an administrative fine imposed on him by the court. The court user is allowed to pay an administrative fine by indicating his personal identification number, case number and bank details. The user can download the files from the court website and submit the relevant procedural documents (appeal or cassation counterclaim, etc.) to the relevant court through the court case registration portal.

### ***Integrated Services***

Integration of institutions in the ECCMS speeds up hearing of cases, exchanging data and correspondence. This in turn ensures effective and fast implementation of justice. To date, several services have been integrated into the case management program. It is also essential to address those services whose integration is vital to ensuring the quality of justice.

### ***Modul of the Advocate***

The Module was introduced in 2014, it allows the customer to file a lawsuit remotely. This service is paid and the cost is calculated according to the volume of material sent. The service is of great benefit to legal entities as well (such as banks; microfinance organisations, etc.) that are constantly involved in litigation. So-called "user name" and password is assigned to the user organisation. This mechanism is used to enter into the electronic case management system and to see all the news on the cases filed by the user (eg, the objection filed by the other party, court rulings, meeting schedule, etc.).

### ***Modul of the Prosecution Service***

Involvement (integration) of various state institutions in the electronic case management program will simplify the work of the judiciary as well as operation of those institutions. Until 2013, Criminal Law judges were working in the electronic criminal case management program established by the prosecutor's office (hence, all documents were stored in the servers of the prosecutor's office), which was perceived as a threat to the independence of the judiciary. Since 2013, the judiciary has also been working only on its own criminal justice program and storing documents on its own server. However, this has led to the fact that instead of electronic proceedings, the prosecutor's office still has to communicate with the court on paper. Integration into the program will have a positive effect on the prosecution bodies, as they will be able to find generalised case law, which will also improve the quality of the prosecution work.

It is essential, that some other important justice institutions like penitentiary system be integrated into the unified court case management system. Integration of real estate and business register as well as the integration of Police into the case management system is crucial.

## Principle Recommendations

1. It is important, that the judiciary has a **clear vision of development**. The vision should be based on in-depth analysis of the needs of particular areas of the judiciary (such as IT infrastructure and court software) as well as a whole system;
2. A specific vision for development should be reflected in the relevant **policy document**. Detailed activities should be reflected in a short-term and long-term action plan focused on specific outcomes;
3. It is important that the **functions are clearly separated** between the bodies that define judicial policy, implement judicial projects and carry out supervisory functions;
4. The Policy Document on the Development of Judicial IT Infrastructure; IT Security and court Software, should be elaborated with the **involvement of both judicial internal actors and parties related to the courts**;
5. It is vital that, the **overall control** on the development of IT Infrastructure and Software be exercised by the judiciary policy-making body;
6. The Court IT service should be in charge to develop IT Infrastructure and Software, **set up working groups** as needed where the involvement of judges as well as judicial assistants, court officials, managerial court officials and court-related parties is important;
7. The electronic **programs of Internal use** should be developed with the involvement of IT Service, judges and court officials. Programs should simplify and make the work of courts more flexible, save human and financial resources. Electronic Programs should be as simple as possible and should not consist of complex functionalities;
8. **Service-oriented programs** should be developed in consultation or by direct involvement of court users (Includes: prosecutors, lawyers, representatives of the banking sector, etc.). Such an engagement ensures, that court programs are as user-friendly as possible. These programs should promote court transparency, increase efficiency and consequently, increase court users' trust towards judiciary;
9. It is necessary to **monitor the operation** of both internal and external electronic programs in the judiciary. This role is important for the oversight body within the judiciary. Its main function should be to control the quality of service provided;
10. It is important that the institutions involved in the justice field are **fully integrated** into the unified electronic system of court proceedings, where the judiciary will play a leading role. In this way, the administration of justice in the country will be fast and efficient, financial and human resources will be saved.

# ISRAEL

The task of designing, implementing, managing and advancing IT systems in the service of the courts poses many challenges. However, a successful state-wide unified IT system results in multiple advantages that overcome these challenges. The most notable advantages of such systems include streamlining processes, shortening timeframes, increasing the efficiency of the courts and above all, increasing access to justice.

The following is the review of the Israeli experience in Courts digitisation and Moving away from a paper-based system to an online case management system (hereinafter, CMS).

## Overview of the Israeli Courts system

### Structure

The courts system in the state of Israel includes the general law courts system, the military courts system and the religious courts system (i.e. the Jewish rabbinical courts, the Muslim courts, the Druze courts and the Christian courts).

The general law courts system is divided into three general instances:

- ✓ The Supreme Court,
- ✓ The District Courts and the National Labor Court
- ✓ The Magistrates' Courts and the Regional Courts.

The Magistrates' Courts in the general system include: The Traffic Courts, the Family Courts, the Juvenile Courts and the regional Courts of the labour law system. The courts of the general system are spread across the country, and are divided into six counties: Northern, central, southern, Jerusalem, Tel-Aviv, and Haifa. In addition, the proper operation of the general law courts is managed and supervised by the courts administration (chart 1).

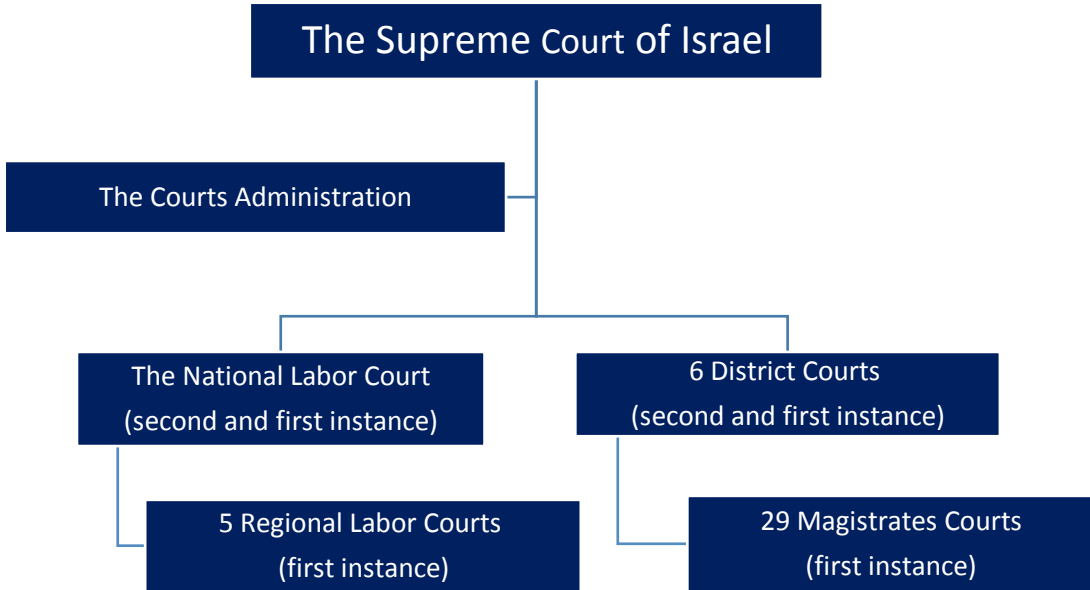


Chart 1: Structure of the Israeli general law courts system

## Judicial staffing and Caseload

**Table 1: FTE professional judges per 100000 inhabitants (2016 data)<sup>11</sup>**

State/entity	Judges per 100000 inhabitants
Israel	9
Ukraine	15
European average	22
European median	18

**Table 2: Annual incoming cases in the general courts system**

Year	Number of incoming cases	Number of full-time equivalent judges <sup>12</sup>
2019	853,244 <sup>13</sup>	815
2018	854,196	815
2017	858,813	798

**Table 3: Annual incoming cases and FTE judges per each instance in 2019**

	Number of incoming cases	Number of FTE judges (January 2019)	Cases per judge
The Supreme Court	8,768	16	548
District Courts	62,303	200	311.5
Magistrates' Courts	727,680	516	<b>1410.2</b>
National and Regional Courts	54,493	83	656.5
Total	853,244	815	1,047

## The digitisation of the Israeli Courts system

### First generation

The integration of a computerised system in the Israeli courts began in the early 1990s. Initially, the computerised system was designed for the use of the courts' secretariats alone. Later on, the Israeli courts started using word processing to transcribe court hearings and document all decisions of the judge, and the spoken arguments by the litigants' lawyers during court hearings. However, this word processing system was not integrated with the secretariat's system and required retyping of the minutes into the secretariat's system.

### Next generation - "Net Ha-Mishpat" CMS Project

In the year 2003, the Israeli courts administration has begun to develop a new court management software which was based on e-filings (electronic court files). This CMS is called "NET-HA- MISHPAT" (in English: "Justice-net").

<sup>11</sup> European judicial systems Efficiency and quality of justice, CEPEJ STUDIES No. 26, 2018 Edition (2016 data)

<sup>12</sup> Not including the 4 judges in managerial positions that are not case related: two judge positions in the courts administration, and two in the center for judicial education and training and another judge position in the center for judicial education and training.

<sup>13</sup> The annual report of the Courts administration for the year 2019 states that the total number of incoming cases is 853,154. However, summing up the incoming cases per each instance shows that the correct number seems to be 853,244.

The design and full implementation of this software in the general courts system was scheduled to end by February 2006. In reality, by September 2009, this software was implemented in about 60% of the first and second instance courts, and by the end of May 2010 in all courts except the Supreme court which uses different software.

## Main features and advantages of Net Ha-Mishpat

### *Main features of the system*

1. Tracking of both present and historical cases as well as judgments, simply by typing-in the case number or identifying the presiding judge or representing lawyer in the case. Additionally, court decisions search can also be done by court type, type of legal procedure, type of decision and keywords.
2. Performing online actions in the CMS such as:
  - ✓ opening a court case – scanning and attaching the relevant legal documents to initiate the lawsuit (complaint/petition/Statements of claim/indictment etc.)
  - ✓ logging in and updating the details of the representing lawyers in the case.
  - ✓ e-filing of all court documents in the case (responses, motions, opening statements, summation statements, evidence, testimonies and all other legal documents).
  - ✓ Payment of court fees.
  - ✓ Rendering court decisions (final and non-final decisions and orders).
3. Searching and viewing of all dockets – tracking court hearings schedule by: judge, date of hearing and/or cases handled by the specific user.
4. Generating and assigning electronic tasks to: judges, judicial officers and the secretariats, based on court proceedings in each case – for example, once the complaint and the response to that complaint are logged into the CMS, the system will automatically generate a judicial task to schedule a hearing in the case, or render a decision in the case. This task will appear in the electronic task board of the judge presiding in the case, with a deadline to complete the task.
5. Reviewing the content of the electronic case - the content of each case is visualised in the CMS through a menu of 15 folders. The menu is located on the right side of the computer screen and on the left side, the user can view the content of each folder in the specific case. The list of folders includes the following:
  - ✓ general information on the case – this folder presents the: case value, classification of the confidentiality level of the case (public, non-public), case status (open/resolved), manner of disposition etc.
  - ✓ People and entities involved in the case – this folder present the details of the: parties, prosecutor, privet attorney, public defender, welfare officers, probation officers and other entities involved in the case.
  - ✓ Activities performed by the parties
  - ✓ Court hearing scheduled in the case
  - ✓ Lawsuit documents – this folder presents only the legal documents that initiated the lawsuit (complaint, petition, Statements of claim) and the responses to these specific lawsuit documents.
  - ✓ Motions in the case – this folder gropes the motions and the responses to them.
  - ✓ Decisions rendered in the case – this folder includes all types of judicial decision (final decisions that resolve the case, as well as non-final decisions of all sorts).

- ✓ Final Judgments and orders – this folder focuses on the final judgments that resolve the case.
- ✓ Minutes (transcriptions) – this folder includes the standard minutes recorded by the court transcriber which are listed in chronological order. Additionally, in cases involved in the pilot of audio-recording of hearing, this folder stores the audio recording of the hearing as well as the speech to text minutes.
- ✓ Evidence filed in the case.
- ✓ Related cases.
- ✓ Financial portfolio of the case.
- ✓ Secretary messages in the case.
- ✓ Delivery of court decisions and orders.
- ✓ Paper file – this folder presents the entire content of the case organised by chronological order.

### ***Main benefits of the system***

- ✓ Easy access for multiple users at the same time: There is no longer a need to wait for access to the only hard copy of the court case. Once documents are filed electronically or scanned into the system, judges, attorneys, litigants, and court officials can access the case simultaneously, from different locations (the judge's chambers, other workplaces or home), 24/7, simply by typing in the docket number of the case or keyword search.
- ✓ Speeding up communication and reducing the length of court procedures: this software provides faster, and more responsive services through: electronic filing; automated case flow; standardising procedures, automated forms, lists and schedules; automated assignment of electronic tasks based on court proceedings; and other e-services. Court officials don't have to receive paper files from law enforcement, attorneys, and court staff. Additionally, once a motion is submitted to the case via e-filing, the presiding judge can access it and render a decision which the parties will receive immediately after it was electronically signed by the judge.
- ✓ Managing and improving the performance level of the courts: the software generates Customisable real-time reporting and live dashboards based on the user's role including sharing features and click to filter options (by case type, court type, type of legal area, year etc.) as well as an option to export the data in an excel format. These dashboards are a tool to understand, manage and improve the performance level of the entire court system, the single court, and the individual judge.
- ✓ Protecting personal information and preventing data loss: Data is stored securely in the cloud and cannot get lost like hard copy cases can. Additionally, the database is protected by electronic access control (key card and password) and prevents unauthorised changes in the content of the case.
- ✓ Saving costs: Going paperless minimises the costs of paper (multiple photocopies of the same document are no longer necessary), and save paper storage space and costs as well as staffing costs. Additionally, Electronic services create a positive environmental impact by reducing the use of paper as well saving travel costs by allowing attorneys and court users to file documents, pay postage and defray courier costs without the need to travel to the courts.



## Access and IT services

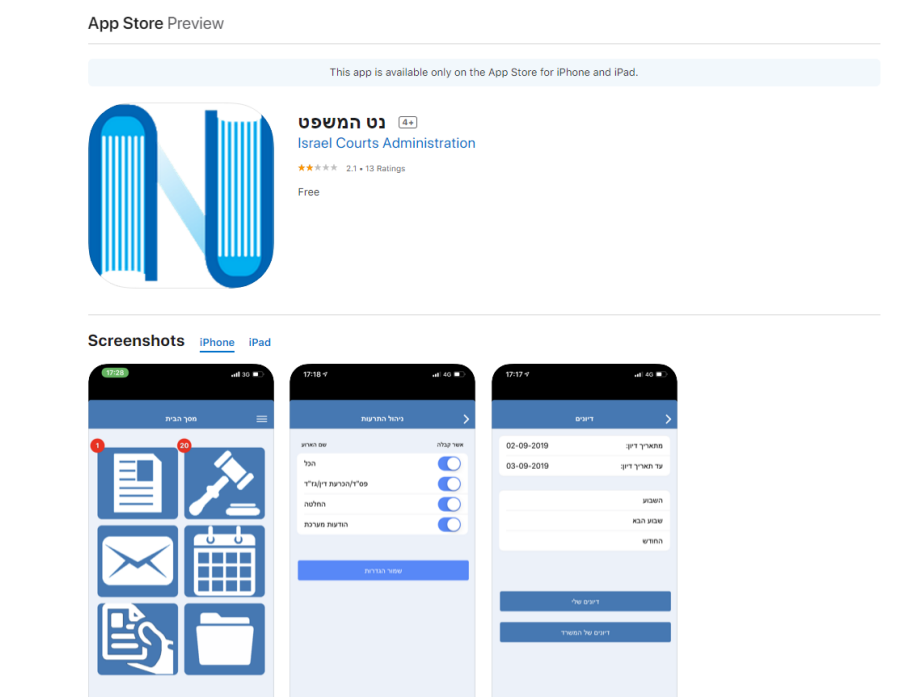
### How to access the system?

For limited viewing of cases and judgments, the access is through a link to the **CMS via the online website** of Israeli judiciary: <https://www.court.gov.il/ngcs.web.site/homepage.aspx>. This website allows access to general information such as: the daily docket of all courts; public decisions and judgments and the list of pending cases in all courts (sorted by date). The same website will also allow parties involved in a specific case to view the following data items in that specific case: general details about the case, hearing dates and public decisions.

To perform actions in the system by lawyers, the office computer system in the law firm will require adjustments (XML interface) and the access to the CMS will require a **smart key card**. The smart key card enables the identification of the user when logging in to the system and the certification of electronic signing of documents. The smart card access allows full use of all processes supported by the CMS including:

- ✓ Viewing all of the files and documents that exist in the CMS, and which the cardholder is authorised to view (by virtue of his or her status in the case and office affiliation).
- ✓ Opening new files.
- ✓ Submitting documents in pending electronic files.
- ✓ Managing the attorneys, interns and administrative personnel belonging to the legal firm.

To clarify, without a smart card it is not possible to open new files or submit documents in the CMS, and the ability to view files or documents is limited. Additionally, a smart key holder can access the CMS via a **mobile app**.



### Internal IT services

The internal IT services are provided by the Computerisation and IT Division in the courts administration. The division supports the advancement and realisation of the strategic and operational goals of the judiciary, and designs the infrastructure and tools for improving and

streamlining work processes, decision-making and resource allocation through advanced technological solutions.

This division is responsible for planning, establishing, managing and operating the computer systems of the courts; the judiciary's websites, the supreme court's CMS; the Net Ha-Mishpat CMS; the communication infrastructure; the information and cybersecurity; the fixed and mobile telephone communication, and advanced communication solutions (Audio and Video recording of hearings) etc.

### **External IT services**

At the beginning of the NET HA-MISHPAT project, the operating IT company was EDS Israel. Later on, the operation of the software was handled by three IT companies: Ness Innovation & Technology, IBM and Taldor. In August 2012 the courts administration issued a public tender for the operation, maintenance and development of Net Ha-Mishpat and the winning IT company in November 2013 was HP. The payment to the winning company was estimated at more than 100 million NIS, for a period of 4 years, and in addition, the tender included the option to extend the contract with HP for up to 12 years.

### **Budgeting and estimated costs of the project**

By the year 2009, the estimated cost of the project was about 65,567,765 Euro (358 million NIS, based on the exchange rate of Euro to NIS which was 5.46 in 2009). This cost includes operating and maintenance costs as well.

By the end of 2013, the overall cost of the project (since 2003) was estimated at over 104,166,666 Euro (over half a billion NIS based on the exchange rate of Euro to NIS which was 4.8 in 2013).

Analysing the annual approved budget of the Courts in the year 2017 shows that the annual budget of the computerisation and IT department in the courts constitutes 22% out of the total budget of the courts, and is second highest to the budget of the Construction and Logistics Division (48% of the total budget). In this respect, the total budget of the courts in 2017 was approximately 143,839,565 Euro.

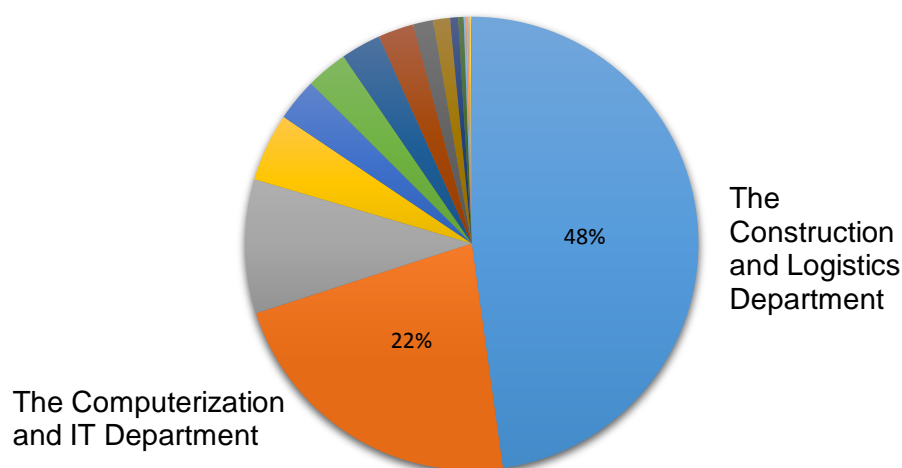


Chart 2: Segmentation of the approved budget of the courts in 2017

## Governance

In the original design, the project included three steering committees:

1. The project management committee – scheduled to meet every two weeks and address all aspects of the project management.
2. The administrative committee - responsible for guidance, monitoring, customer service and problem-solving;
3. The supreme steering committee – consisting of the IT companies' CEO's and the heads of the project management team in the courts administration.

Currently, the supreme steering committee convenes once a year and the responsibilities of the other two committees are carried out by three entities that were established in May 2011. The first is a forum of the 14 chief secretaries of the courts. This forum convenes once in two to three months and discusses reporting of fault in the CMS among other issues. The second entity is the implementation committee that convenes every two weeks, and the third is the monitoring committee headed by the director of the courts administration and is responsible for correlating the recommendations of all committees, identifying the needs of all users, and determining the necessary course of action.