Development of UJITS: challenges and perspectives

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1. Introductory note

This aim of this paper is to address issues of the development of the Unified Judicial Information and Telecommunication System (UJITS), which is provided by the laws and procedural codes as an instrument of e-services in court proceedings. The system had to be launched on January 1, 2019, later the launching was postponed till March, though after a year the system is still not ready for launching in all courts.

While a well-developed integrated information system in courts is a very important prerequisite of having effective case management, prompt access to all documents and court practice, relevant statistics, etc., the issue of under-developed UJITS should not be regarded as only a problem of not having relevant tools in courts activities. This inevitably impacts e-services to court clients and accordingly access to justice, which according to modern approach is not only a conventional understanding of "physical" access to court anymore. It is about the possibility to get justice services in the most convenient and accustomed way. People have legitimate expectations to have a possibility to communicate with courts the same way as with other public and private entities by using e-tools.

Moreover, recent common challenges, caused by COVID-19 crisis: restrictions for live communication, necessity to organise work remotely (in case of justice administration it means also remote court hearings and exchange of documents online, etc.), also have impacted courts' activities significantly and have proven the benefit of effective IT. Those countries, which have effective, safe, integrated information system in courts, have an opportunity: to provide secure access of judges and court employees to court documents and files; to ensure the flow of documentation and case management online; to receive applications, register files and submit documents to parties online; to provide possibilities to parties to read files; to handle a substantial part of the cases remotely (up to 40-60 percent of civil and administrative cases); etc. It will enable to get back to a normal work schedule without enormous backlogs.

Therefore, the development of UJITS is one of the key priorities of the Ukrainian courts in the short-term perspective and this paper is aimed at addressing challenges and perspectives of this development.

2. Regulation of e-services in courts and UJITS

The adoption of information technology in the operations of courts, bodies and institutions of the justice system is provided by the Strategy for the Reform of the Judiciary, Justice and Adjacent Legal Institutions for 2015-2020 (hereinafter referred to as the Strategy), approved by the Decree of the President of Ukraine of May 20, 2015. The Strategy aims to determine the priorities for reforming the judicial system, the judiciary and adjacent legal institutions in order to implement the rule of law in practice and ensure the functioning of the judicial system that meets the public expectations of an independent and fair court, as well as complies to European values and standards for the protection of human rights.

Among the main factors influencing the present failure of the justice system to set its tasks at the proper level, the Strategy identifies the lack or insufficient use of the capabilities of modern information systems (e-justice). In this regard, one of the areas of reform of the judicial system, the judiciary and adjacent legal institutions is the enhancement of the efficiency of justice and the optimisation of the powers of courts of different jurisdictions, the system of tasks, actions and results of this activity area includes:

- ➢ Ensuring the widespread use of information systems (IS) for the provision of further e-justice services;
- ➢ Creation of electronic management information systems in courts, including the introduction of high-grade electronic systems, including electronic document management systems, and case tracking (to higher instances), electronic communications, electronic calls, electronic case processing (in some cases), electronic payments, audio and video recording of meetings, the internal database information system, the legislative database information system, the improvement of the system of ensuring equal and impartial distribution of cases between the judges, particularly the judge and (or) the panel of judges at all stages of the proceedings;
- ➢ Step-by-step implementation of e-justice tools, enabling users to go to court, pay court fees, participate in proceedings and receive the necessary information and documents by electronic means.

E-justice is a modern trend in the development of both democracy and the rule of law. In 2016, the Venice Commission established the criteria for evaluating the rule of law, where, among other things, attention is paid to the importance of ensuring access to justice. E-justice, as one of the new formats for the organisation of the judiciary, can directly assist in this.

E-justice solves a number of global problems in the judiciary, such as: access to and accessibility to justice in general, streamlining of document flow in courts, issues of court communication with public authorities and litigants, saving resources (budgetary, administrative, time), speeding up case consideration, improving the quality of court services, simplifying justice, and other positive developments.

In late 2017, amendments to the procedural legislation of Ukraine entered into force, the introduction of the e-justice idea being one of the most innovative among them, which was regulated through the creation of the UJITS.

The UJITS aims to be the technical pillar of the Ukrainian judicial system, bringing together all courts and judicial authorities. Its mission is to make their collaborative work more efficient by incorporating state-of-the-art technology into their daily operations. The procedural codes stipulate the operation of the UJITS is governed by a relevant Regulation, which the SJA has to submit to the HCJ for approval after consultations. 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;
➢ centralised 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 the 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 HCJ, their bodies;
➢ audio and video recording of court hearings, sessions of the High Qualification Commission of Judges of Ukraine, the HCJ, 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 HCJ 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 is a centralised 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:

1. UJITS Central System:
   - E-Cabinet;
   - Unified State Register of Court Decisions;
   - Unified State Register of Enforcement Documents;
   - Judge's Dossier Subsystem;
   - Electronic Archive Subsystem;
   - Analytics, statistics, planning, reporting subsystem;
   - Judicial Practice Subsystem;
   - Automated Case Allocation Subsystem;
   - Electronic Document Exchange Subsystem;
   - Access Control and Information Security Subsystem;
   - Electronic Document Management Subsystem;
   - HR and Financial Management Subsystem;
   - Secured Videoconferencing Subsystem;
   - Contact Centre of the Judiciary of Ukraine;
   - Electronic Court Subsystem;
   - Web-portal of the Judiciary of Ukraine;
   - Open Datasets Module;
   - Subsystem of automated interaction with other automated systems.

2. Secure Telecommunications Network.
3. Information and Telecommunication Systems for Automation of Courts and the Justice Sector Institutions.
4. Integrated Information Security System.

3. Developments and current situation with UJITS. Challenges and achievements

According to the procedural legislation, the launching date of the UJITS was intended in 90 days period after the publication of the announcement by the SJA in the newspaper "Voice of Ukraine" and on the web portal of the judiciary. The publication was announced on December 1, 2018, the start of trial operation of the system was scheduled for March 1, 2019.

On December 22, 2018 the SJA adopted the order, introducing test functioning of the UJITS subsystem "E-Court" in 18 pilot courts.

The SJA order of March 2, 2018 "On Ensuring the Creation and Functioning of the UJITS" designated the State Enterprise "Court Information System" as the administrator of the UJITS, owned by the SJA.

On April 13, 2018, the UJITS Development Concept was approved as elaborated by the SJA in cooperation with other judicial authorities. The Concept has become the basis for the development of the e-justice system.

According to the provisions of Law on Judiciary and Status of Judges, the UJITS Regulation should be approved by the HCJ. For the purpose of effective coordination of the process, the Standing Commission and the UJITS Working Group were established.

The Commission is tasked to do the following: (1) identify the areas of UJITS development; (2) facilitate the interaction of the justice system bodies for the development and implementation of the UJITS; (3) make a preliminary review of the draft UJITS Regulation and prepare the HCJ recommendations regarding the approval of the UJITS Regulation; (4) analyse the state of UJITS implementation and submit recommendations before the relevant justice sector authorities aimed at improvement of its work.

The draft Regulation on UJITS was sent by the SJA to the HCJ 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 the SJA to be reviewed and proposed to withdraw the announcement of the launch of the system. It was done on March 1, 2019.

Currently, under the HCJ ruling of June 3, 2019, the WG for finalisation of the draft UJITS Regulation is established.

UJITS Concept was adopted by the Order of SJA of November 7, 2019 No. 1096 "On Ensuring the Creation and Functioning of the Unified Judicial Information and Telecommunication System".

There are 4 stages of UJITS development, each being characterised by certain tasks within the general system implementation, envisaged:

1. Stage 1 – design activities (Q4 2019-Q1 2020);
2. Stage 2 – start of development of the system of central infrastructure and models of subsystems (Q1-2 2020);
3. Stage 3 – completion of development, start of pilot operation of a number of subsystems (Q3 2020 - Q4 2021);
4. Stage 4 – implementation of the system in individual courts or jurisdictions (2021 - 2023).

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.

From June 1, 2020, the SJA started testing of the subsystems "E-Court" and "E Cabinet" in all local and appellate courts (except Kyiv Court of Appeal) and Cassation Administrative Court. From July 1, 2020, trial operation of the subsystems "E-Court" and "E Cabinet" was launched in the Cassation Commercial Court.

In early August 2020, the HCJ again asked local and appellate courts to analyse the draft Regulation on UJITS and provide comments and suggestions.

On August 13, 2020, the draft Law of Ukraine "On Amendments to Certain Legislative Acts Concerning the Gradual Implementation of the Unified Judicial Information and Telecommunication System" was submitted to the Verkhovna Rada of Ukraine (№ 3985). This draft is designed to ensure the functioning of the UJITS through its phased implementation. The draft law provides for amendments to the Commercial Procedural Code of Ukraine, the Civil Procedure Code of Ukraine, the Code of Administrative Procedure of Ukraine and the Law of Ukraine "On the High Council of Justice". According to the draft Law separate subsystems or modules of the UJITS should start functioning at each stage 30 days after the publication of the announcement by the HCJ in the "Voice of Ukraine" and on the web portal of the judiciary.

The Order of the SJA of September 18, 2020 № 418 approved the Action Plan to ensure the establishment and operation of the UJITS.

On October 28, 2020, the SJA and the Ministry of Digital Transformation of Ukraine signed a Memorandum of Cooperation, the purpose of which is a cooperation between the parties in the development and implementation of digital innovations in the justice system of Ukraine.

4. PRAVO-Justice Support activities to the development of the UJITS

Continuous support of the UJITS development is one of the main IT-related goals of the EU Project PRAVO-Justice. Numerous activities have been carried out by experts in this regard:

16.04.2019 – Round table "The EU E-Justice practice, advantages of E-Court", Kharkiv, Ukraine.

25.04.2019 – First ever technical assessment of the UJITS has been presented at the extended session of the Permanent Commission for the Unified Judicial Information and Telecommunication System under the High Council of Justice, Kyiv, Ukraine. It was discovered that development of the UJITS was still in the initial phases and that UJITS was not ready for production release in all the courts of Ukraine.

30.05.2019 – Conference "E-Justice as a part of modern Judiciary. First results and future steps", Odessa, Ukraine.

06.11.2019 – Round table "E-Justice, innovative means for organisation of Judiciary institutions", Khmelnystky, Ukraine.

06.12.2019 – the UJITS development strategy has been presented at the round table. Experts suggested the way to properly share responsibilities for UJITS development among HJC, SJA and ICS and introduce UJITS project office within the SJA.

19.12.2019 – Round table "E-Justice in Administrative Justice", Kyiv, Ukraine.

12.03.2020 – Round table "UJITS implementation: challenges and perspectives", Kharkiv, Ukraine.

30.04.2020 – International webinar "Remote administration of justice", Kyiv, Ukraine (online).

29.05.2020 - Video conferencing system analysis has been carried out and presented to the public. Easycon system proposed by the SJA has been compared against other existing video conferencing solutions.

26.08.2020 – Round table "Unified Judicial Information and Telecommunication System", Lviv, Ukraine.

24.09.2020 – Evaluation of UJITS implementation status in 8 pilot courts has been presented in the framework of the round table "Extended Session of Odessa Regional Council of Justice Reform. Unified Judicial Information and Telecommunication System", Odessa, Ukraine.

13.10.2020 – International webinar "Management of court IT systems: International experience", Kyiv, Ukraine (online).

10.11.2020 – International webinar "Court IT systems: implementation, management and functioning", Kyiv, Ukraine (online).

5. Best practices of other countries on e-services and IT systems of courts

This part of the report is dedicated to a short overview of IT developments in 5 EU MSs, 3 Eastern Partnership countries and Israel, having advanced IT solutions. It is based on a more comprehensive report "Management of court IT systems: international experience" on IT developments in these countries, which was produced by PRAVO-Justice experts in September 2020[1]. Hence, in this report only main aspects of functionalities and concept solutions as well as governance/management issues, which could be the most important in the context of UJITS development, are overviewed.

The developments and practices of the presented countries reveal the following aspects, which are important to emphasize:

➢ In the majority of the countries, all courts work using centralised information/case management system, which contains such modules as: 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; publication of information on court activities, hearing schedules; automatic distribution of cases.

➢ These systems in many countries, where they were developed 15-20 years ago, now are under the modernisation process, which usually comprise modernisation of architecture and technical platform of the system as well as new functionalities, such as integrations with other systems, e-services, etc.

➢ In most of the countries one of the focuses recently has been issue of interoperability /integrations of the courts IT with other state systems and registers (e.g. Prisons IS, Bailiffs IS, Residents' Register, Register of Legal Entities, Register of Attorneys, etc.) as a key precondition for development of digitisation of justice system.

➢ As one of the most important developments of courts IT tools, public e-service portals have been indicated. E-service portals (either as a part of a system or as a separate platform integrated with document management system) 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. This is also a key precondition for e-file (e-case) development.

➢ It is important to make access to e-services as convenient as possible. Therefore, examples of advanced solutions of authorisation of users must be taken into account, e.g. a choice of E-signature; E-banking; Identity cards; Specific login issued by the court.

➢ In most of the countries, e-case solutions have been implemented. It has to be noted that the high percent of civil cases are handled almost entirely digitally. The picture of e-justice criminal proceedings is much more fragmented, because of the specifics of the process, the complexity of the evidence, differentiation of IT systems used in pre-trial investigation, prosecution, etc.

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[1] see the text of the report – https://www.pravojustice.eu/storage/app/uploads/public/5fa/a5e/c2e/5faa5ec2e4c44093582941.pdf

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- ➢ Automation of simple procedures (payment orders, etc.) have been well developed and intensively used as allowing to save time, human and financial resources, to reduce length of procedures.
- ➢ Many countries admit the necessity for a strategic approach to the development of IT solutions in the judiciary. Therefore, the majority of countries have strategies, action plans, adopted by the governance bodies of the judiciary.
- ➢ IT systems usually are owned by the governance bodies of the judiciary. Management is performed either by the Ministry of Justice (its departments) or governance bodies, accountable to Judicial Councils (Courts Administration). In the majority of cases, for the management of projects of development of courts IT special structures are created (steering, working groups, etc.).
- ➢ While the daily support and maintenance of the system usually are performed by the in-house capacities, development of the IT is outsourced.
- ➢ All countries accept the necessity of engagement of judges, court staff, stakeholders in all developments of IT systems.

AUSTRIA

General information about court IT system

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 (BRZ), where all major applications of the justice system run. Since March 2010 every office belonging to the justice system is connected to the BRZ.

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.

The Case Automation is the backbone in the Justice System application. 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; etc.);
- ➢ automated mailing line in the Federal Computing Centre;
- ➢ 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, Criminal Records Authority);
- interface to the Database of Official Publications and other apps of the justice system;
- external electronic case search;
- online help.

Under the heading of the "Legal Tech" digitisation of legal services has been intensively discussed for quite a few years. Here, Artificial Intelligence 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 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; etc.

Governance/management of the IT system

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 (IT Law, Information and Communication Technology) summarises the goals and principles of this transformation in the form of an IT strategy.

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 e-Justice 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.

- 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.

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. 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. 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.

AZERBAIJAN

General information about court IT system

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). The system was established in 2014 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:

- 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 on 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).

In 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) 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.

From 2014 AZEMIS has 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 and others.

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);
- establishing Data Warehouse (DW) (introducing modern cybersecurity systems);
- etc.

Governance/management of the IT system

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

1. Strategic level – the Ministry of Justice and the other relative authorised state agencies (forms draft development strategy and main actions of development of IT systems; adopts internal regulations on business processes, instruction on using electronic information system of the judiciary; etc.)
2. Management level – working group of "Judicial Services and Smart Infrastructure Project" (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; etc.)
3. Operational level – specific user group of "Judicial Services and Smart Infrastructure Project" (reflects the expectations and demands of users; implements operational decisions; analyses processes and suggests solutions on e-tools embodying particular processes; guides services providers from a user perspective; etc.).

The MoJ is responsible for the implementation of the strategic goals in the development of IT systems and solutions in the court system. On behalf of this body, working group of JSSIP acts 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 the 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).

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).

ESTONIA

General information about court IT system

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 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 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.

The Court Information System (KIS) is a modern information management system for Estonian courts of the 1st and 2nd instance and the 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 the 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.

Digital Court File was the latest and final development in Estonian e-Justice IT system in order to introduce completely paperless proceedings in courts. An ordinary (court) case management system like KIS by itself is not a 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, enabling digital references between different documents or parts of documents and by enabling copy and paste functionality for the text inside all types of digital documents submitted to case, etc.

Governance/management of the IT 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 is obliged to present a comprehensive overview of the current status of IT developments to the Council of Courts quarterly.

In order to manage IT developments and related resource prioritisation and allocations in Estonian courts, the steering committee was established. Steering committee was formally an advisory body for the CEO, meaning that the CEO remained personally liable for IT-related matters before the Council of Courts. Steering committee was at first established as a temporary body for the first couple of development years, but it remained as a vital permanent body as it became evident that IT development and related resource prioritisation is more or less a permanent need of a complex organisation like the court system. Non-complete list of IT management questions that have been decided in the framework of steering committee are the 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) are always brought to the steering committee by project leaders with the support of working groups.

GEORGIA

General information about court IT system

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 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 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.
➢ Electronic case registration portal – 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. Case proceeding in the court begins by filing an application or lawsuit through the electronic case registration system (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. A unique barcode for differentiation is assigned to every application or lawsuit electronically submitted to the court. The court issues in an electronic form all documents and information that are produced through electronic case management program.

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 the penitentiary system be integrated into the unified court case management system. Integration of real estate and business registers as well as the integration of Police into the case management system is crucial.

Governance/management of the IT system

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 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.

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 the judicial system;
➢ Approve internal instructions regulating activities of the judiciary.

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 Body (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.

ISRAEL

General information about court IT system

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.

In the year 2003, the Israeli courts administration began to develop a new court management software which was based on e-filings (electronic court files). 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. Functionalities of the software:

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.

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 scheduled 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.

For limited viewing of cases and judgments, the access is through a link 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.

Governance/management of the IT system

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 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.

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

1. Project management committee – to address all aspects of the project management.
2. Administrative committee - responsible for guidance, monitoring, customer service and problem-solving.
3. Supreme Steering Committee – consisting of the IT companies' CEOs 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 discusses reporting of faults in the CMS among other issues. The second entity is the implementation committee 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.

ITALY

General information about court IT system

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.

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).

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 techno-legal 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.

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 triggers 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) allows each judge to handle the procedure through a dedicated system. It enables tasks such 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. 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.

Governance/management of the IT system

The Ministry of Justice 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 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. 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 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.

LATVIA

General information about court IT system

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 courts of Latvia.

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. 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".

Publicly accessible information:

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

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.

Authorisation is ensured with the:

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

The major developments in CIS are ongoing in the framework of E-case project launched in 2018, aimed at the development of E-case: interconnection with Prosecutors, Prison and Probation IS and the development of new software for CIS (CIS 2).

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 E-case portal is foreseen as a new Data Distribution Portal providing the unified access to the services related to judicial proceedings. 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 notifications published in the portal by entering the e-mail address.

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

1) E-forms;
2) possibility to access case materials;
3) possibility to receive electronic decisions;
4) payment of invoices;
5) lawyers calendar;
6) monitoring of court proceeding;
7) monitoring of court data.

Governance/management of the IT system

The development of software and e-services is outsourced and is not ensured by the staff of Court Administration.

According to the 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. Court Administration ensures daily CIS users support and the 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. 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.

In practice, the project manager (a member of the staff of Court Administration) is appointed, for example, as regards such 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.). 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.

LITHUANIA

General information about court IT system

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 July 2013 the portal of public electronic services of courts (EPP) as a separate LITEKO module was launched.

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 administered platform for public electronic services, using one of the following tools:

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

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 – a new, more advanced technological solution/platform of LITEKO was created.

One of the major developments is the integration with the 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.

Governance/management of the IT system

Strategic level – 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.

Management level – 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, cyber security 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.

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

- ➢ Supervises the progress of particular project;
- ➢ Evaluates risks of the project and reports/suggests solutions to the NCA;
- ➢ Adopts operational decisions.

Working group of the specific project:

- ➢ Reflects expectations and demands of users;
- ➢ Analyses processes and suggests solutions on e-tools embodying particular process;
- ➢ Guides services provider from user perspective;
- ➢ Provides intelligence support to the NCA.

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.

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.

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 an 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 portals; cybersecurity specialists; data protection experts; etc.). The individual composition of the working group depends on a particular task.

MOLDOVA

General information about court IT system

The Judicial Information System (JIS) of 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.

Integrated Case Management System (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.

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.

Governance/management of the IT system

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;
- presents proposals on drafting, amending and completing the legal framework and the realm of e-justice;
- 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, etc.

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.

The permanent working group has been created by the decision of the Superior Council of Magistracy in order to continuously develop and improve the e-justice instruments.

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, etc.

6. Expert findings and recommendations on development of the UJITS

6.1. Regulatory preconditions for development of e-services in courts

Development of e-services does not depend only on technical capacities, resources, good will or effective management. It is influenced by many factors, among which stereotypes, habits, rigid regulations play a significant role. Reluctance to IT development is often shielded by possible noncompliance with procedural rules, cyber security or data protection mantras. These concerns cannot be denied, they have to be addressed properly. In this regard the experts suggest taking into account the following recommendations on regulatory aspects:

➢ Procedural rules must be adjusted to the possibilities of e-solutions (identification of persons; notification of parties about events in the process, presentation of evidence during; etc.), at the same time taking into account procedural safeguards and principles. Hence, sometimes presumption of honesty of process participants should prevail instead of looking for all possible safeguards, which can become obstacles to effective use of technologies.

➢ Primary regulation should regulate only main principles and procedural safeguards, while all specific aspects are subject to secondary regulation (adopted by the judicial governance bodies). Moreover, much attention should be paid to the soft law as the source of detailed guidance for the system's users.

6.2. Technical aspects of UJITS development

The UJITS was designed to be an extremely complex IT system to provide a variety of services.

The UJITS setup envisages the automation of business processes, including general and procedural document flow, of case management, of operational and analytical reporting, of information support delivery to judges, as well as the automation of processes relating to financial, property, organisational, HR management, and information-telecommunication needs of the judiciary. This concept in general reflects tendencies in other countries, developing courts modern IT systems.

The UJITS model suggested will provide users with the opportunity to have distance communication between courts and participants and the exchange of procedural documents in electronic form.

A very important aspect of the development of the IT system is the operability with other state systems, especially those, participating in justice chain, and state registers, facilitating automatic exchange of information and documents. Institutions involved in the justice field have to be fully integrated into the unified electronic system of court proceedings, where the judiciary will play a leading role. It will significantly help to save time and human resources.

In this regard the experts suggest taking into account the following recommendations on technical aspects:

➢ The UJITS is built as a cloud-based solution and this approach should be preserved. There have been discussions and actions to migrate from the cloud to hybrid cloud solution, however hybrid cloud adds an extra layer of technical complexity to the already complex IT System, introduces new points of failure, requires more technical labour for proper support and increases the budget.
➢ Each of the UJITS modules should be transformed into the set of logically independent services, communicating with each over via a simple communication protocol. Having huge centralised databases among logically independent services or even modules, significantly increases overall system maintenance complexity.
➢ Use digital signature for authentication in the UJITS.
➢ Both software or hardware solutions may be used for secured remote access to UJITS.

6.3. Organisational preconditions for effective operation of the system

6.3.1. *Management of the developments of the IT system*

According to the Art. 15-1 on the Law on Judiciary two institutions are participating in this process – the SJA and the HCJ. There is no clear definition of responsibilities of the institutions in this process. Moreover, de facto development of the system is expected from the state enterprise ICS which operates under the SJA. Without relevant ownership, without clear project management mechanism, having spread responsibilities (ISJ as the administrator of the UJITS, responsible for development and SJA's officials responsible for "coordination, testing, development of modules, etc.") it is a great risk of losing control of the process as mandatory precondition for effective implementation of the project.

This affects the effectiveness of the process of the development of the UJITS. It is necessary to strengthen the position of the HCJ as the leader in priority initiatives, such as the UJITS project, in the judiciary. Also, it is important to clearly position the SJA as an accountable organisation with effective accountability mechanisms and institutional subordination allowing to channel overall stakeholders' demands and aspiration towards digital future through the HCJ to the SJA. The HCJ should have a mandate and capacities to steer IT development and the SJA should have the obligation to report to the HCJ on the progress.

Clear division of powers and responsibilities, accurately defined decision-making and project management scheme, effective involvement if the primary users of the systems (judges and court

staff) are still pending issues to be solved. Also, the scope of outsourcing (development of technical solutions or both business process analysis and technical solutions or all development, maintenance and administration of the system) has not been yet clearly defined.

As a practice of all countries, developing complex IT solutions, it takes years to properly develop an IT system of the scale of complexity similar to UJITS. Moreover, such systems have been under the constant development process conditioned by many factors, such as interconnection with other IT systems, general progress in IT solutions, changes in legislation, growing demands and expectations of users, etc. This raises a great risk of taking fragment solutions and losing "the consistent path of developments".

Development and maintenance of the IT system is subject to the prerequisite financial resources. Shortcomings of funding results in constant postponing of activities and delivery deadlines. Also, it directly negatively impacts the quality of the system and possibility to adequately address users demands and expectations.

What is also important in addressing users' expectations is prompt prioritisation of activities, relevant planning of expected results and setting realistic deadlines, based on dedicated resources.

Taking into consideration the abovementioned risks, the experts suggest considering the following recommendations:

- During the UJITS life cycle despite the possibility of changes in IT management or IT development it is extremely important to maintain the consistency and sustainability of development concepts and approaches laid in the foundation of UJITS. Trying to change these foundations in the later stages of the development will most probably result in wasted financial, human resources and even more importantly – wasted precious time.
- To foresee stable funding for developments and maintenance, preferably for several years.
- To set realistic priorities, expected results and delivery deadlines, based on dedicated resources.
- To agree on a joint vision of the justice chain on the developments of IT systems. The vision should be based on in-depth analysis of the needs of particular areas of the justice system.
- A specific vision for development should be reflected in the relevant policy document followed by the action plan of detailed activities focused on specific short-term and long-term outcomes.
- It is important that the functions are clearly separated between the bodies that define judicial policy, implement judicial projects and carry out supervisory functions. Clear definition of powers, functions and responsibilities in 3 main levels: strategic, management, operational is crucial precondition of effective governance of UJITS as any other complex projects.
- It is vital that the overall control on the development of IT Infrastructure and software be exercised by the judiciary policy-making body.
- Based on the advanced practices of the management of complex initiatives, mentioned in the overview of developments in other countries, a Steering Committee should be created based on the following principles: it should be chaired by the representative of the HCJ; acting on the basis of formally established Charter with clearly defined mandate to approve IT requirements, accept delivery and guide rollout; involvement of the representatives from

all stakeholders of the UJITS; governed by the HCJ and operationally supported by the SJA.

➤ It is crucial to strengthen IT management functions and capacities within the SJA, which has the responsibility fir IT development in the whole judicial system. Therefore, it must be supported by the effective IT management. The SJA be capable to fulfil the role of the UJITS owner organisation, i.e. to coordinate tasks for the UJITS development, manage contracts and control deliverables. The UJITS project office should be established for that with Project managers and/or contract managers.

➤ Service-oriented programs should be developed in consultation or by direct involvement of court users, including prosecutors, lawyers, representatives of the banking sector, etc. 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 (development of the software) is outsourced. The different forums and ways of engagement could be explored in practice – working groups, interviews, questionnaires, etc.

➤ Manager of the IT system and resources is the one, who always carries responsibility for the final result.

➤ In most of the analysed practices of court IT systems' development, in-house capacities and outsourcing are combined. It allows the purchase of the most advanced products and services, available in the market, while daily support, management and maintenance internally.

➤ 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.

6.3.2. *Communication*

Effective communication with system's users and stakeholders is a key factor of the successful implementation of the developments, as it *inter alia* allows:

➤ Reducing the resistance of users, who are stressed about new challenges in their daily work;

➤ Delivering relevant information to decision-makers;

➤ Informing state institutions, which develop other state IT systems, on solutions and progress for the purpose of effective coordination of synchronised developments.

Therefore, the experts recommend to take due respect to the coordinated communication of UJITS developments, i.e:

➤ To develop a separate UJITS project communication plan with planned communication activities (e.g. regular messages in the courts website, quarterly progress reports, awareness campaigns for external users, info packages, video, interview with key persons in UJITS development on the progress and the nearest plans, etc.), channels of communication, responsible persons, risks.

➤ To establish a clear mechanism of communication coordination from the NCA with clear personal responsibility.

➤ To monitor achievements, risks, changes and to communicate them promptly.

➤ To engage the leaders of judiciary governance into communication.

➤ To proceed further with promotion of UJITS developments through pilot courts network.

➤ To establish a network of contact persons on UJITS of all courts for prompt communication.

6.3.3. *Training of users*

Alongside with coordinated communication, the training of internal and external users is an essential precondition for the successful functioning of the UJITS. It should be emphasized, that training activities must be relevant (addressing issues raised by users, updates of the system, etc.), systematic, consistent.

➢ Development of consistent training programs for different groups of users addressing specific needs (judges and legal clerks, courts secretaries, registrars, etc.).

➢ Training of trainers and the establishment of a network of trainers for in-house training.

➢ Preparation of comprehensive user manual, which would be easily adjusted/amended according to developments and updates of the system.

➢ Preparation of user-friendly info-packages, including videos about functionalities of the UJITS (how to log-in, how to submit documents, how to work with personal accounts, etc.).

➢ Organisation of public round-tables/conferences for external users and stakeholders with Q/A sessions.

➢ Establishment of the centralised help-desk (at the NCA) as a daily support both for internal and external users.

7. Executive summary

Today the majority of well-developed judiciaries work in centralised information/case management systems, which provide for management and storage of electronic information and documents on every case; public register of court decisions; automatic generation of court statistics; storage of the audio and video records of court hearings; automatic distribution of cases and other functionalities.

Therefore, as a well-developed integrated information system in courts is a very important prerequisite of effective justice administration the development of the Unified Judicial Information and Telecommunication System (UJITS) in Ukraine should be regarded as the priority area for developments in the Ukrainian courts.

In implementing this complex project, the best practices and lessons learned of other countries, which have been overviewed in this report, should be considered, as for example, the necessity to give a particular focus on interoperability /integrations of the courts IT with other state systems and registers; to facilitate developments of public e-service portals with user-friendly approach; to work on automation of simple procedures (e. g. payment orders), etc.

The strategic approach, well-established governance scheme with clear powers and responsibilities of bodies, acting on the strategic level, management and operational level, are the key preconditions of effective planning and implementation of complex changes such as new IT system.

During the UJITS life cycle despite the possibility of changes in IT management or IT development it is extremely important to maintain the consistency and sustainability of development concepts and approaches laid in the foundation of UJITS. Trying to change these foundations in the later stages of the development will most probably result in wasted financial, human resources and even more importantly – wasted precious time.

The development and maintenance of the IT system is subject to prerequisite financial resources. Shortcomings of funding results in constant postponing of activities and delivery deadlines. Also, it directly negatively impacts the quality of the system and the possibility to adequately address users demands and expectations.

The role of communication with system's users and stakeholders as well as consistent training of internal and external users are other key factors of the successful implementation of the developments, as it *inter alia* allows to reduce the resistance of users, who are stressed about new challenges in their daily work; to deliver relevant information to decision-makers; to inform state institutions developing other state IT systems promptly for effective coordination of synchronised developments.