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Administrative Jurisdiction and e-Justice

Seminar of the Association of the Councils of State and the Supreme Administrative Jurisdictions of the European Union in cooperation with the Council of State of Greece and the scientific support of the Federal Administrative Court of Germany

Preliminary remark

The advantages of modern information and communication technologies are increasingly being used in EU Member States' judicial systems. Decision-makers in all EU countries have already looked into the question of "e-Justice", and in many Member States a legal framework permitting the use of modern technologies in the judicial system is already in place.

Given the multiplicity of judicial systems in the EU, there are inevitably many different concepts of e-Justice. At present, it is very difficult to give a comprehensive overview of the main technical concepts used within the Member States' judicial systems.

The purpose of this survey is to obtain a picture of the present situation not mainly on a country-wide level, but to obtain information about the e Justice developments within the member organisations of the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union.

Should you have any documentation (diagrams, tables, etc.) which illustrates aspects of the subject-matter of this questionnaire in relation to the situation in your institution, we would be grateful if you could make it available to us.

*Should you have any questions on how to reply to the questionnaire or require any assistance, please contact **Cornelie Butz**:*

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QUESTIONNAIRE

A. General information on the judicial system

A.1. Staff and bodies

Background:

The aim of questions A.1.1. to A.1.3. is to give an approximate idea of the size of your institution.

A.1.1. How many people are employed at your institution? Note: The employees envisaged are e.g. judges, other specialised legal staff, office employees or administrative staff. Persons working at your institution in roles which have no judicial content (for instance: caretakers, cleaning staff,) are <u>not</u> included.	
Number of persons:	35
A.1.2. How many judges are there?	
Number of judges:	9
A.1.3. How many other specialised legal staff are there?	
Number of other specialised legal staff:	3

Other remarks re questions A.1.1. to A.1.3.:

The Supreme Court Office provides administrative support to the Supreme Court. It processes appeals from decisions of the High Court, authenticates signatures of Notaries Public and Commissioners for Oaths on official documents where required, and keeps the Legal Diary up to date. The head of the Office is the Supreme Court Registrar, who is an experienced lawyer.

Each Judge of the Supreme Court of Ireland has (i) a personal secretary and (ii) a service officer (who helps with his or her robes, errands, meals etc). The Chief Justice of Ireland, who is President of the Supreme Court, also has an Executive Legal Officer, who provides legal and administrative support (conducting legal research, drafting documents, dealing with other courts and organisations etc). The President of the High Court, who is *ex officio* a member of the Supreme Court, also has an Executive Assistant, who provides additional administrative assistance.

A.2. Organisation

Background:

We assume that a country's organisational and administrative structures influence the implementation and development of e-Justice concepts. In many Member States the structure of the judicial system contains both centralised and decentralised elements. Question A.2.1. aims to obtain a general impression of the approximate form of the administration/organisation in your country. Please estimate which of the following forms predominates.

A.2.1. How are the individual judicial authorities and courts in your country administered and organised?	
Predominantly centralised administration/organisation of authorities/courts <u>Note:</u> This means that a central authority (e.g. a federal ministry) administers the individual administrative units (e.g. courts).	<input checked="" type="checkbox"/>

<p>Predominantly decentralised administration/organisation of authorities/courts</p> <p><i>Note:</i> This means that several higher administrative authorities which are independent of, and on the same level as, one another (e.g. regional ministries) each administer a number of individual administrative units (e.g. individual courts).</p>	<input type="checkbox"/>
<p>Predominantly autonomous administration/organisation of authorities/courts</p> <p><i>Note:</i> This means that there are no higher administrative authorities, and that the individual administrative units of the various judicial authorities in your country (e.g. the courts) are self-administering.</p>	<input type="checkbox"/>

Other remarks re question A.2.1.:

The Courts Service of Ireland is an independent body established by law in 1999 to provide administrative support to the judiciary. It manages the courts, provides, manages and maintains court buildings, provides support services to judges, provides facilities for court users and provides information on the courts to the public. Its website is at www.courts.ie.

A.3. IT facilities in the workplace and technical back-up

Background:

The aim of questions A.3.1. to A.3.3. is to ascertain what IT facilities workplaces in your institution are equipped with. This information should help to show the relationship between the IT facilities available in your organisation and the current state of development of concepts of e-Justice.

A.3.1. All workplaces

A.3.1. How many of the workplaces in your institution are equipped with		
Note: The employees envisaged are e.g. judges, other specialised legal staff, office employees or administrative staff. (cf. question A.1.1.)		
PCs:	< 10 % 10 % - 50 % 50 % - 90 % > 90 %	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
E-mail:	< 10 % 10 % - 50 % 50 % - 90 % > 90 %	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
Internet:	< 10 % 10 % - 50 % 50 % - 90 % > 90 %	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
Speech recognition:	< 10 % 10 % - 50 % 50 % - 90 % > 90 %	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Other remarks re question A.3.1.:

All Supreme and High Court judges have PCs in their chambers and portable Tablet PCs with unrestricted access to the internet and e-mail. All Judges' Secretaries, Supreme Court Office staff and the Executive Legal Officer to the Chief Justice have PCs at their desk providing e-mail and internet access. Digital Dictation software is installed on all Supreme and High Court Judges PCs and Tablet PCs, and is also installed on all PCs used by the secretaries working with these Judges. Speech recognition software is made available on laptop PCs where requested.

A.3.2. Judges

A.3.2. How many judges' workplaces are equipped with		
PCs	< 10 %	<input type="checkbox"/>
	10 % - 50 %	<input type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input checked="" type="checkbox"/>
E-mail	< 10 %	<input type="checkbox"/>
	10 % - 50 %	<input type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input checked="" type="checkbox"/>
Internet	< 10 %	<input type="checkbox"/>
	10 % - 50 %	<input type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input checked="" type="checkbox"/>
Speech recognition	< 10 %	<input checked="" type="checkbox"/>
	10 % - 50 %	<input type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input type="checkbox"/>
Other remarks re question A.3.2.:		
As well as having a PC in their office, all Judges of the Supreme Court are supplied with a laptop or tablet, and a Blackberry. All PCs and Tablet PCs used by the Judges of the Supreme Court have Digital Dictation software installed.		

A.3.3. Courtrooms

A.3.3. How many courtrooms are equipped with		
PCs	< 10 %	<input type="checkbox"/>
	10 % - 50 %	<input checked="" type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input type="checkbox"/>
E-mail	< 10 %	<input type="checkbox"/>
	10 % - 50 %	<input checked="" type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input type="checkbox"/>
Internet	< 10 %	<input type="checkbox"/>
	10 % - 50 %	<input checked="" type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input type="checkbox"/>
Speech recognition	< 10 %	<input checked="" type="checkbox"/>
	10 % - 50 %	<input type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input type="checkbox"/>

Other remarks re question A.3.3.:

There are two Supreme Court courtrooms: (i) the main courtroom and (ii) the Hugh Kennedy courtroom.

A PC is installed in the Hugh Kennedy courtroom which provides access to internet and e-mail. No user PCs are installed in the main Supreme Court courtroom.

Digital Audio Recording is installed in both the Supreme Court courtroom and the Hugh Kennedy Courtroom. This allows for all proceedings in these courtrooms to be recorded.

A.4. Networking (connectivity) of courts

Background:

Questions A.4.1. to A.4.3. aim to ascertain whether and how the workplaces in your institution are networked. "Networking" or "networked" means that the various computer workstations are linked to one another by a dedicated technical connection. This makes it possible, for instance, to access, or communicate with, computers which are connected. Use of the Internet and e-mail alone is not what is meant.

A.4.1. Are the computers in the various buildings in your institution networked with one another?		
Note: This refers to the internal networking of computer workstations.		
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Partially <input type="checkbox"/>
A.4.2. How are the administrative courts in your country networked with one another?		
Note: This refers to connections between different courts.		
The courts are not networked:		<input type="checkbox"/>
The courts are completely networked:		<input checked="" type="checkbox"/>
The courts are only networked regionally:		<input type="checkbox"/>
Other forms of network: Details: ...		<input type="checkbox"/>
A.4.3. If networking is in place, how is it implemented technically? Please explain:		
The Courts Service, which administers the courts, has a Microsoft Windows based network with a single domain, using active directory and access control lists to maintain appropriate access to data which provides networked IT services to all court offices. E-mail is provided using Lotus Notes to all staff and members of the judiciary. Document shares are stored on file servers with access limited to the relevant office (e.g. the Office of the Chief Justice). All staff of the courts service have access to a PC in their office with access to e-mail, the internet, Microsoft Office and business applications. All Supreme and High Court Judges have a PC in their chambers and a Tablet PC with remote access to the Courts network.		

Other remarks re questions A.4.1. to A.4.3.:
Please note that there is no system of separate administrative courts in Ireland. The High Court and Supreme Court act as administrative courts. The High Court is a court with full jurisdiction in all matters, civil and criminal. Administrative decisions of the High Court may be appealed to the Supreme Court.
Please note that all questions answered above concern the Supreme Court only. However, information on the High Court as well as the Supreme Court, is provided below, where relevant. In some responses, additional information is given regarding lower courts (e.g. District Court). This may be disregarded if considered irrelevant.

Note concerning the next question:

The next question, A.4.4., aims to ascertain whether the networking of courts corresponds to the organisational structure of the courts in your country or differs from it. This means, for instance, that there could be a centralised network structure although the courts are organised on a decentralised basis.

A.4.4. Does the networking of the courts correspond to the organisational structure of the courts in your country?	
Yes, predominantly <input checked="" type="checkbox"/>	No, predominantly <input type="checkbox"/>

Other remarks re question A.4.4.:

There is a single network domain providing networked services to all court offices, staff and judiciary. Access controls are in place which correspond to the organisational structure of the courts business to ensure that access is restricted only to the appropriate data for individuals and court offices.

A.5. Technical back-up

Note concerning the next question:

The following question, A.5., aims to ascertain who is responsible for technical back-up of the equipment at the workplaces in your institution.

A.5. Who is responsible for technical back-up of workplaces (administration, maintenance, trouble-shooting, replacement) in your institution?	
Predominantly employees of the institution within the IT-department	<input type="checkbox"/>
Predominantly employees of an external enterprise	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>
Please give details:	

Other remarks re question A.5.:

Technical back-up of workplaces in the Supreme Court (and all other courts in Ireland) is provided by an external enterprise, Fujitsu, which has a fixed-term contract with the Courts Service for the provision of this service.

B. Electronic documentation

Background:

Electronic documentation is an important element in concepts of e-Justice. This refers to technical solutions which replace, or supplement, traditional paper documentation in the judicial system with electronic documents. Apart from storing data, electronic documentation can also be processed and managed on a computer. The questions below aim to ascertain the nature of the legal framework in your country and the extent to which it has already been implemented technically within your institution.

B.1.1. Are there legislative or other rules in your country permitting judicial authorities and courts to maintain their documentation in electronic form?	
Yes, as a rule electronic documentation is permitted <input type="checkbox"/>	Exception: ...
No, as a rule electronic documentation is not permitted <input checked="" type="checkbox"/>	Exception: ...In the Supreme Court, written submissions and judgments are permitted. However, these are in addition to, and not an alternative to, paper submissions and judgments.
You may also wish to note that in the Commercial Court (High Court):	
(a) the lodgment by the parties with the Court of case documents or information electronically is permissible on such terms and subject to such conditions and exceptions as a Judge may in individual proceedings direct - Order 63A rule 6(1)(x), rule 14(11) and rule 21(3);	
(b) registers of proceedings, calendars and case files and records may be maintained electronically - Order 63A rule 26(2) and 27;	
(c) Electronic service, exchange and lodgment of documents may be permitted generally if authorised by practice direction of the President of the High Court: no such direction has issued to date - Order 63A rule 31	

Also, in the District Court an application for issue of a summons may be made to the Court office by electronic means by the Attorney General, the Director of Public Prosecutions, a police officer or any person authorised by legislation to prosecute proceedings for the offence and the summons may be issued by electronic means - section 1, Courts (No. 3) Act 1986 as amended by section 49, Civil Liability and Courts Act 2004

Note: If you have ticked this field and there are no exceptions, you can skip the next few questions. Please continue with the questionnaire from section C.

Other remarks re question B.1.1.:

Order 126 Rules of the Superior Court – Any court file or record may be kept in such form as may be approved by the President of the High Court.

Note concerning the next question:

When making legal provision for electronic documentation, there are essentially two different patterns to be taken into consideration:

On the one hand, only the "metadata" of a judicial document; this means that the document itself is not stored electronically in full, but only data containing information on the judicial procedure concerned (e.g. names / addresses of those involved in the proceedings, case numbers, dates).

On the other hand, the judicial documents may also be maintained electronically in their entirety. This means that all their component elements, i.e. including the actual contents of a judicial document (e.g. written submissions by legal counsel, grounds for a decision) can be managed and processed in an electronic documentation system. The next question, B.1.2., aims to ascertain what legal provision has been made for this in your country.

B.1.2. If documents can be maintained electronically, must the documents be maintained electronically in their entirety or is documentation consisting of both electronic and paper documents also legally permissible? More than one field may be ticked.

B.1.3. To what extent is electronic documentation already in use?

Legal provisions	Percentage use
Judicial documentation is maintained electronically in its entirety <input type="checkbox"/> Note: This means that documentation is paperless in your country	%
Only metadata are maintained electronically; the actual documents are maintained in paper form <input type="checkbox"/>	%
Judicial documentation is maintained electronically in its entirety, and also on paper <input type="checkbox"/>	%
Other option - <input checked="" type="checkbox"/> Please explain: In the Supreme Court, metadata is maintained electronically. All documentation is maintained in paper form. Written submissions and judgments are maintained electronically and in paper form.	100% of case records are maintained electronically

Other remarks (e.g. exceptions) re questions B.1.2. to B.1.3.:

Written Judgements made available by the Supreme Court since 2001 are available electronically and can be accessed via the Supreme Court website and the Courts Service website (www.supremecourt.ie and www.courts.ie). All Judges in Ireland have been provided with tablet/laptop computers which amongst other software contains the Microsoft Office XP productivity toolset and Lotus Notes.

Staff in the office of the Supreme Court use a Lotus Notes system to track the progress of cases through the Court and to generate and save standard type correspondence from system templates. The system is also used to record documents filed in the office but electronic copies of these are not saved to the system.

The Courts Service is currently working on a project concerning the implementation of a single and integrated Civil Case Management System. It is envisaged that electronic filing of documents enabling lawyers (and others e.g. amici curiae) to submit documents electronically to the Courts Service would be implemented as part of this initiative. This initiative is in its early stages and is currently addressing the standardisation of business processes.

B.1.4. Are there types of procedure in which documentation *must*, by law, be maintained in electronic form by the authorities or courts?

No

Yes in the following types of procedure: ...

Other remarks re question B.1.4.:

There are no rules for specific procedures.

Please note that according to legislation enacted in 2002 the Courts Service must maintain a Register of Reserved Judgments (a reserved judgment is one where the decision (or reasons for the decision, or both) are not announced by a court immediately following the end of the action). The regulations governing the register state that “the register shall be kept in an electronic or other non-legible form which is capable of being converted into legible form”

Note concerning the next question:

The next question aims to ascertain whether technical standards for electronic documentation exist in your country. This means, for instance, that technical standards governing the use of certain data file formats, data storage media or software applications may be prescribed by law.

B.2.1. Do technical standards exist for electronic documentation within the judicial system?

B.2.2. Is compliance with technical standards required by law or under other rules?

Mandatory technical standards exist Yes Examples: ...
No

Compliance with technical standards is required by law or under other rules
Yes No No uniform regulations

Other remarks re questions B.2.1. and B.2.2.:

A template is used to standardise the look and feel of judgments after they are typed but before they are posted to the Courts Service and Supreme Court web sites.

Note concerning the next question:

This question concerns the origin of technical solutions for electronic documentation. It aims to ascertain whether the software used in your institution was developed specifically for judicial use or is ordinary standard software.

B.2.3. What technical solution is used for electronic documentation? More than one field may be ticked.

Software developed specifically for judicial use

As stated in response to question B.1.3 a Lotus Notes system for tracking Supreme Court cases is used in the office of the Supreme Court. The system can be used to generate and save standard type correspondence from system templates.

Standard market software
 (Supreme Court - for written submissions) Examples: ... Word, generally (any format that allows the text to be copied for incorporation in judgments)

Other remarks re question B.2.3.:
 As indicated earlier the introduction of a strategic electronic filing solution will be considered as part of the implementation of the Civil Case Management System.

Note concerning the next question:

Question B.3. aims to ascertain to what extent the electronic documentation system directly influences the work of judges and whether they themselves work actively with the electronic documentation system or, for instance, leave this to their support staff.

B.3 If documentation is maintained electronically by your court: are judges personally involved in the maintenance of electronic documentation?			
not at all / hardly	partially	predominantly	throughout
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other remarks re questions B.3

Note concerning the next question:

The following question B.4. concerns the archiving of judicial acts which exist in both electronic and paper form. We would like to know whether you send only the electronic version for archiving and destroy the paper version.

B.4.1. When judicial documents which are kept in both electronic and paper form are to be archived, can the paper versions be destroyed?	
Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Other remarks re question B.4.1.:

Note concerning the next question:

A great advantage of electronic documentation systems is that they can be inspected from outside, as this can substantially reduce administrative effort. The following comments concern access to electronic documents by persons involved in proceedings who are not directly employed in the judicial system (parties, lawyers, etc.).

B.5.1. What possibilities are available under the law in your country for the inspection of electronic documents by persons involved in proceedings who are not directly employed in the judicial system (parties, lawyers, etc.)? Multiple replies are possible.		
A print-out made by the court or the judicial authorities	Yes <input checked="" type="checkbox"/> Judgments and court orders Exceptions: ...	No <input type="checkbox"/>
Electronic transmission of the document or extracts from it by the court or the judicial authorities (e.g. by e-mail)	Yes: <input checked="" type="checkbox"/> Informal arrangement for transmission of court orders by e-mail where request Exceptions: ...	No <input type="checkbox"/>
Direct access to the document via an internal network	Yes <input type="checkbox"/> Exceptions: ...	No <input checked="" type="checkbox"/>

Direct access to the document via a public network (e.g. Internet)	Yes <input checked="" type="checkbox"/> Judgments only Exceptions: ...	No <input type="checkbox"/>
Other inspection possibilities:		

Other remarks re question B.5.1.:

All written judgments made available by the Supreme Court from the year 2001 are available on the Supreme Court website and the Courts Service website (www.supremecourt.ie and www.courts.ie).

Information stored on the case tracking system is available over the internal LAN to all staff within the Supreme Court Office.

An online public search system was developed for the High Court and went live in 2007. It enables legal practitioners and the public to obtain details of High Court cases at any time from anywhere, using the internet. It can be accessed by a link through the Courts Service website. The data in the system is updated every day, and shows the position in each court action at the close of business the previous working day. Users can search and view High Court case records using a range of search criteria including the record number of the case, the name of any of the parties, the list number or the date the case was listed and the list type. The system does not provide access to actual case documents but to case details.

B.5.2. Is access to electronic documents for purposes of inspection by persons involved in proceedings but not directly employed in the judicial system (parties, lawyers, etc.) already technically feasible within your institution?		
Not feasible <input type="checkbox"/>	Completely feasible <input type="checkbox"/>	Partially feasible <input checked="" type="checkbox"/>

Other remarks re question B.5.2.:

As stated above, an online public search system was developed for the High Court and went live in 2007.

Judgments may be accessed via the the Supreme Court website and the Courts Service website (www.supremecourt.ie and www.courts.ie). Other information is available via the Courts Service website including the legal diary and court forms.

B.5.3. Are there technical standards for inspection of electronic documents by persons involved in proceedings who are not directly employed in the judicial system?		
B.5.4. Is compliance with technical standards required by law or under other rules?		
Note: This means that the technical means of electronic inspection are subject to specific rules. Technical standards may e.g. take the form of specific data file formats, data storage media or software applications that have to be used.		
Technical standards exist	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Examples: ...
Compliance with technical standards is required by law or under other rules		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Not uniformly regulated <input type="checkbox"/>

Other remarks re questions B.5.3. and B.5.4.:

While there is no particular technology required to view the Courts Service it is best viewed using Microsoft Internet Explorer 5+, Mozilla 5+ or Netscape Navigator 7+

The legal diary can be downloaded from the Courts Service website in Microsoft word or PDF format.

B.5.5. How often is document inspection by persons involved but not directly employed in the judicial system (parties, lawyers, etc.) already carried out electronically?

In the case of your institution	< 10 %	<input type="checkbox"/>
	10 % - 50 %	<input type="checkbox"/>
	50 % - 90 %	<input type="checkbox"/>
	> 90 %	<input checked="" type="checkbox"/>

Other remarks re question B.5.5.:

The response above relates to the position that over 90% of people not directly employed in the judicial system refer to the Supreme Court and Courts Service websites for judgments, court forms and other information.

B.6.1. What experience do you have of the introduction of electronic documents within the judicial system? (You may make general comments here)

The on line Small Claims system (used in the District Court, a court of local and limited jurisdiction) enables applicants lodge their claims online over the Internet and pay the associated fee online. The system was introduced on a pilot basis in November 2006 and has since been deployed to all District Court offices nationwide (approximately 45)

A strategic project currently being progressed by the Courts Service is the implementation of a single and integrated Civil Case Management System. It is envisaged that electronic filing of documents enabling practitioners etc to submit documents electronically to the Courts Service would be implemented as part of this initiative. This initiative is in its early stages and is currently addressing the standardisation of business processes.

B.6.2. What experience do you have of the introduction of access to electronic documents by persons involved in proceedings who are not directly employed in the judicial system (parties, lawyers, etc.)? (You may make general comments here)

As mentioned above on line small claims system (used in the District Court) enables applicants lodge their claims online over the Internet and pay the associated fee online. The system was introduced on a pilot basis in November 2006 and has since been deployed to all District Court offices nationwide (approximately 45). Applicants can track the progress of any claim they submit on line using a unique personal identifier (PIN)

As mentioned in response to B.5.2 an online public search system was developed for the High Court and went live in 2007. It enables legal practitioners and the public obtain details of High Court cases at any time from anywhere, using the internet.

The Courts Service website provides electronic access to written judgments made available by the Supreme Court from the year 2001, the Court of Criminal Appeal from the year 2004 and the High Court from the year 2004.

As stated above, a strategic project currently being progressed by the Courts Service is the implementation of a single and integrated Civil Case Management System. It is envisaged that electronic filing of documents enabling practitioners etc to submit documents electronically to the Courts Service would be implemented as part of this initiative. This initiative is in its early stages and is currently addressing the standardisation of business processes.

17-inch touch screen monitors and Plasma screens, linked to servers and video conferencing technology, have been introduced in the Commercial Court and selected courtrooms to facilitate use of proprietary evidence presentation applications by counsel.

Another initiative that the Courts Service plans to progress is the introduction of electronic registers which would provide automated fully searchable electronic registers, some of which would be available to the public.

C. *Electronic communication with persons involved in proceedings*

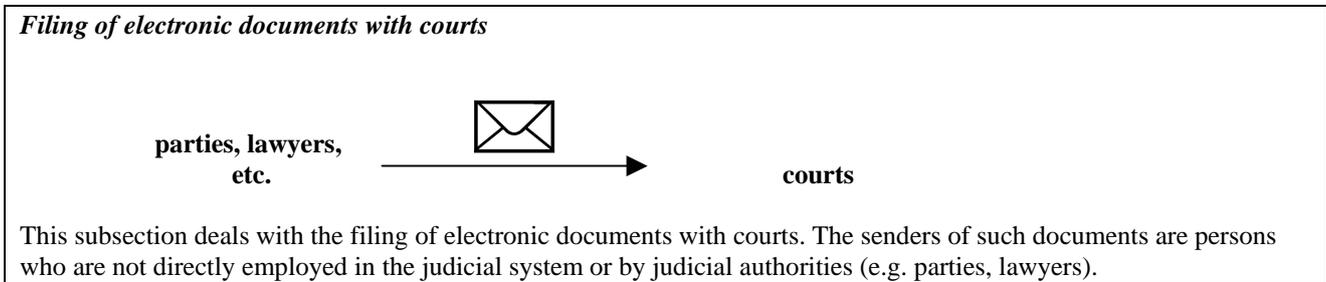
Background:

The advantages of electronic communication methods (e.g. e-mail) are utilised nowadays in practically all spheres of social and working life. These technologies lend themselves to use in the judicial sector as well, where multiple copies of extensive documents (e.g. judgments, charges, etc.) have to be distributed. Section C looks at the general legal conditions for electronic communication with the judicial system in your country, and how far they have already been met in technical terms.

Subsection C.1. deals with the electronic filing of documents with courts or by persons who are not directly employed in the judicial system or by judicial authorities (e.g. lawyers, parties, etc.): i.e. electronic submission of documents to courts (e.g. applications initiating proceedings).

Subsection C.2. considers the electronic "way back" for documents: i.e. the recipients of electronic documents are persons on the outside, while the senders are courts (e.g. judicial service of a judgment on the parties).

C.1. Transmission of documents: electronic submission



C.1.1. In which types of proceedings is it legally permissible, or are legislative or other rules planned, for documents to be filed with courts in electronic form? If already available: please indicate the rules or the law.							
C.1.2. Has this been implemented technically within your institution?							
C.1.3. Which percentage of documents are filed electronically?							
Proceedings	Admissibility			Technical implementation		Use in %	
Administrative court proceedings <i>No proceedings available</i> <input type="checkbox"/>	No <input type="checkbox"/>	Yes, since: Title:	Law / other rules planned <input type="checkbox"/> <i>Don't know</i>	Yes <input type="checkbox"/>	from	< 10 % <input type="checkbox"/>	10 % - 50 % <input type="checkbox"/>
Administrative enforcement proceedings <i>No proceedings available</i> <input checked="" type="checkbox"/> In Supreme Court	No <input type="checkbox"/>	Yes, since: Title:	Law / other rules planned <input type="checkbox"/>	Yes <input type="checkbox"/>	from	< 10 % <input type="checkbox"/>	10 % - 50 % <input type="checkbox"/>
						50 % - 90 % <input type="checkbox"/>	> 90 % <input type="checkbox"/>

Other remarks re questions C.1.1. to C.1.3.:

In the Supreme Court, written submissions may be filed in electronic form, but must also be provided in hard copy. In the High Court, the same applies.

In the District Court an application for issue of a summons may be made to the Court office by electronic means by the Attorney General, the Director of Public Prosecutions, a police officer or any person authorised by legislation to prosecute proceedings for the offence and the summons may be issued by electronic means - section 1, Courts (No. 3) Act 1986 as amended by section 49, Civil Liability and Courts Act 2004

C.1.4. For which types of individual proceedings not listed in the previous question is electronic filing of documents with courts and judicial authorities not permissible, and not planned?

Note: The question seeks to ascertain whether there are certain types of proceedings in your country which are generally considered unsuitable for the use of electronic communication methods.

This has not yet been addressed.

Other remarks re question C.1.4.:

As indicated earlier the introduction of a comprehensive electronic filing solution will be considered as part of the implementation of the Civil Case Management System. Before an electronic filing solution can be implemented a number of business decisions will need to be considered including that posed in question C.1.4.

C.1.5. Are there types of individual proceedings where electronic filing of documents with your institution is legally permissible in principle but where certain documents are excluded?

Note: The question seeks to ascertain whether there are certain types of documents which are generally considered unsuitable for electronic transmission in your country.

No <input type="checkbox"/>	Yes <input type="checkbox"/>

Other remarks re question C.1.5.:

This issue has not yet been addressed - As indicated earlier the introduction of electronic filing will be considered as part of the implementation of the Civil Case Management System. Before an electronic filing solution can be implemented a number of business decisions will need to be considered including that posed in question C.1.5.

C.1.6. Where proceedings were initiated electronically or by conventional means, is it still possible to change the method of transmission at a later stage?

Note: The question asks whether it is possible to switch from one communication method to another in the course of proceedings?

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Other remarks re question C.1.6.:

As indicated earlier the introduction of electronic filing will be considered as part of the implementation of the Civil Case Management System. The issue does not therefore arise at present.

Note concerning the next question :

There are often problems in getting new technical systems accepted: the people affected by the technical innovations either refuse to use them or fail to exploit their technical potential to the full. To overcome these difficulties it is worth offering inducements for the use of new technical systems. These could take the form of a reduction in the costs of proceedings, swifter processing or cash benefits. Questions C.1.7. and C.1.8. ask whether such inducements are offered in your country.

C.1.7. Are there types of proceedings where persons involved who are not part of the judicial system are offered inducements for transmitting documents to the judicial authorities electronically?

C.1.8. If so, for which types of proceedings does this occur and what inducements are offered?

No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
	Proceedings
	Type of inducement

Other remarks re questions C.1.7. and C.1.8.:

In the High Court and Supreme Court, no inducements are offered, given that files must be submitted in hard copy even if they are provided in electronic form.

In the District Court, the on line Small Claims system (described above) can be used to submit and track claims electronically. By lodging their small claims electronically customers can avail of the following benefits

- They can lodge a claim at any time i.e. any time of day, any day of the year – not only during office hours.
- They don't have to attend in person at the local District Court office to lodge a claim, they can do this from their own home or office saving them both time and travel costs.
- They can track the status of a claim any time (24/7/365) – not only during office hours.

As indicated earlier the introduction of electronic filing will be considered as part of the implementation of the Civil Case Management System.

C.1.9. What experience do you have of electronic transmission of documents to the judicial authorities by persons involved in proceedings who are not directly employed in the judicial system (parties, lawyers, etc)? (You may make general comments here)

Previous answers in relation to the on line small claims system refers. As mentioned previously a comprehensive electronic filing solution will be considered as part of the development and implementation of an integrated Civil Case Management System.

C.2. Transmission of documents: electronic "way back"

Transmission of electronic documents to outsiders

parties, lawyers,
etc.
←
courts

This subsection deals with the transmission of electronic documents to persons involved in proceedings who are not part of the judicial system (e.g. parties, lawyers). The recipients are therefore persons not directly employed by the judicial system or judicial authorities. Senders are courts.

C.2.1. In which types of proceedings is it legally permissible, or are legislative or other rules planned, for your institution to transmit documents in electronic form to persons involved in proceedings who are not part of the judicial system? If available: please indicate the rules or the law.

C.2.2. Has this been implemented technically?

C.2.3. What percentage of documents are filed electronically?

Proceedings	Admissibility			Technical implementation		Use in %	
	No <input type="checkbox"/>	Yes, since: Title:	Law / other rules planned <input type="checkbox"/> <i>Don't know</i>	Yes <input type="checkbox"/>	from	< 10 % 10 % - 50 % 50 % - 90 % > 90 %	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Administrative court proceedings <i>No proceedings available</i> <input type="checkbox"/>	<input type="checkbox"/>						
Administrative enforcement proceedings <i>No proceedings available</i> <input checked="" type="checkbox"/> In Supreme Court	<input type="checkbox"/>						
Other proceedings							
...		Yes, since: Title:	Law / other rules planned <input type="checkbox"/>	Yes <input type="checkbox"/>	from	< 10 % 10 % - 50 % 50 % - 90 % > 90 %	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
		Yes, since: Title:	Law / other rules planned <input type="checkbox"/>	Yes <input type="checkbox"/>	from	< 10 % 10 % - 50 % 50 % - 90 % > 90 %	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Other remarks re questions C.2.1. to C.2.3.:

Judgments and orders can be sent by e-mail if requested – there is no Superior Court rule in place governing this.

C.2.4. For which types of individual proceedings not listed in the previous question is electronic transmission of documents by judicial authorities to persons involved in proceedings who are not part of the judicial system not permissible in principle, and not planned?

Note: The question asks whether there are certain types of proceedings in your country which are generally considered unsuitable for the use of electronic communication methods.

Other remarks re question C.2.4.:

This issue has not been addressed.

C.2.5. Are there types of individual proceedings where electronic transmission of documents to persons involved in proceedings who are not part of the judicial system is legally permissible in principle but where certain documents are excluded?

Note: The question seeks to ascertain whether there are certain types of document which are generally considered unsuitable for electronic transmission in your country.

No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
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Note concerning the next question:

The following questions C.3.4. to C.3.6. ask whether documents transmitted are processed in such a way that "machine-machine communication" is possible, i.e. incoming documents can undergo further processing either fully or partially in computerised form.

C.3.4. Are data transmitted electronically transmitted in structured form for automated further processing?		
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
N.B. Please elaborate in your answer to question C.3.7.		
C.3.5. If so, which parts of the data sent are transmitted in structured form? More than one field may be ticked.		
The (meta-)data (e.g. names, addresses, dates, reference numbers, etc.)	<input type="checkbox"/>	
The documents (e.g. reasons for a judgement, grounds for a claim, etc.)	<input type="checkbox"/>	
C.3.6. How is structuring of the data implemented technically?		
Through the use of an electronic form <input type="checkbox"/>	Sending of the data files in a data-exchange format, such as XML <input checked="" type="checkbox"/>	Other solution (Please indicate): <input type="checkbox"/>

Other remarks re questions C.3.3. to C.3.6.:
Since November 2008 data is exchanged electronically between the Courts Service Criminal Case Tracking System and An Garda Síochána's (national police) PULSE system.

Note concerning the next question:

Points C.3.7. and C.3.8. deal with the origin of technical solutions for electronic communication. They aim to ascertain whether the software used in your country/institution was developed specifically for judicial use or is the ordinary standard software.

C.3.7. Which technical solution is used for the electronic transmission of documents between the judicial system and persons involved in proceedings who are not part of the judicial system? More than one field may be ticked.			
C.3.8. How widely used is the software?			
Origin of the technical solution			Extent of its use
Standard market software	<input type="checkbox"/>	Examples: ...	%
Software developed specifically for judicial use	<input type="checkbox"/>		%
Other software	<input type="checkbox"/>	Please give details: ...	%

Other remarks re questions C.3.7. and C.3.8.:
This has not yet been addressed.
However, please note that Court forms and the legal diary can be downloaded from the website in PDF format.

C.4. Signatures

Signatures Directive :

<http://eur-lex.europa.eu/JOIndex.do?year=2000&serie=L&textfield2=13&Submit=Rechercher&submit=Rechercher&ihmlang>

C.4.1. How does your institution ensure the authenticity and integrity of the data sent in the course of electronic communication between courts, judicial authorities and persons involved in proceedings who are not part of the judicial system? For what types of document are such protection techniques particularly used (e.g. applications initiating proceedings)?			
	No	Yes	Type of document / Procedure
Simple signature within the meaning of Article 2, point 1, of the Directive 1999-12-13 of the European Parliament and of the Council on a Community framework for electronic signatures (Signatures Directive).	<input type="checkbox"/>	<input type="checkbox"/>	
Advanced electronic signature within the meaning of Article 2, point 2, of the Signatures Directive.	<input type="checkbox"/>	<input type="checkbox"/>	
Advanced electronic signature within the meaning of Article 5(1) of the Signatures Directive (qualified signature)	<input type="checkbox"/>	<input type="checkbox"/>	
Other protection techniques:			
		<input type="checkbox"/>	
		<input type="checkbox"/>	

Other remarks re question C.4.1.:

Since November 2008 data is exchanged electronically between the Courts Service Criminal Case Tracking System and the PULSE system used by the national police (An Garda Síochána). The Courts Service uses an encrypted network to send and receive messages from An Garda Síochána. The Courts Service uses police issued certificates (client/server) issued by the Garda Síochána Certificate Authority. All certificates are valid for 24 months.

No legal standard has been set for transmission to the court by e-mail attachment of documents where permitted, but such transmission would in practice require to take place from authenticated e-mail addresses of legal practitioners

C.5. Video-conferencing

Background:

One reason why court proceedings are often costly and time-consuming is that those involved in the proceedings usually have to appear in person before the court. Video-conferencing is a way of improving the situation. Section C.5. investigates the legal framework-conditions for use of video-conferencing in your country's judicial system and the extent to which this has already been implemented technically.

C.5.1. In which types of proceedings is it legally permissible, or are legislative or other rules planned, for courts or public prosecutor's offices to use video-conferencing so that proceedings can be conducted without some of the persons involved being physically present? If already available, please indicate the law or rules.

C.5.2. Has this been implemented technically?

C.5.3. To what extent is this actually used?

Proceedings	Admissibility			Technical implementation		Use in %	
	No	Yes - In High Court and Supreme Court	Law/other rules planned <input type="checkbox"/> Legislation?	Yes	from	< 10 %	<input type="checkbox"/>
Administrative court proceedings <i>No proceedings available</i> <input type="checkbox"/>	No <input type="checkbox"/>	Yes - In High Court and Supreme Court	Law/other rules planned <input type="checkbox"/> Legislation?	Yes <input type="checkbox"/>	from	< 10 %	<input type="checkbox"/>
						10 % - 50 %	<input type="checkbox"/>
						50 % - 90 %	<input type="checkbox"/>
						> 90 %	<input type="checkbox"/>
Administrative enforcement proceedings <i>No proceedings available</i> <input type="checkbox"/>	No <input type="checkbox"/>	Yes, since: Title:	Law/other rules planned <input type="checkbox"/>	Yes <input type="checkbox"/>	from	< 10 %	<input type="checkbox"/>
						10 % - 50 %	<input type="checkbox"/>
						50 % - 90 %	<input type="checkbox"/>
						> 90 %	<input type="checkbox"/>
Other proceedings							
.....		Yes, since: Title:	Law/other rules planned <input type="checkbox"/>	Yes <input type="checkbox"/>	from	< 10 %	<input type="checkbox"/>
						10 % - 50 %	<input type="checkbox"/>
						50 % - 90 %	<input type="checkbox"/>
						> 90 %	<input type="checkbox"/>
.....		Yes, since: Title:	Law/other rules planned <input type="checkbox"/>	Yes <input type="checkbox"/>	from	< 10 %	<input type="checkbox"/>
						10 % - 50 %	<input type="checkbox"/>
						50 % - 90 %	<input type="checkbox"/>
						> 90 %	<input type="checkbox"/>

Other remarks re questions C.5.1. to C.5.3.:

Details on internal legislation regarding the use of video conferencing are as follows:

A. Primary Legislation:

- (i) Section 13 of the Criminal Evidence Act 1992 provides for a person other than an accused, whether within or without the State, to give evidence via television link;
- (ii) Section 21 of the Children Act, 1997 provides for a child (whether within or outside the State), to give evidence by television link;
- (iii) Section 33 of the Prisons Act, 2007 makes provision for certain applications in criminal proceedings to be made using videolink. The accused or convicted person must be in prison (defined in the Act as a place of custody administered by or on behalf of the Minister (other than a Garda Síochána station);
- (iv) Section 51 of the Civil Law (Miscellaneous Provisions) Bill provides for the participation of a party or the giving of evidence by a witness, in any civil proceedings, from a location other than the court itself, whether from within or outside the State, by means of a live television link. This Bill is due to resume in Committee stage shortly.

B. Secondary Legislation:

The rules of court in respect of Commercial Proceedings provide that a Judge may allow a witness to give evidence whether from within or outside the state, through a live video or by other means.

Video conferencing facilities are available in the Four Courts (5 courtrooms), Cloverhill District Court, Cork, Tullamore Circuit Court, Limerick District Court, Cavan Circuit Court, Castlebar Circuit Court and Dundalk Circuit Court.

C.5.4. Have you any experience of cross-border use of video-conferencing in the judicial system? Example: Have there been court proceedings in your country where video-conferencing was used to link up with witnesses, experts or other persons involved from other countries?	
No – Not in the Supreme Court	<input checked="" type="checkbox"/>
Yes <input checked="" type="checkbox"/> In the High Court	
<p>The High Court has four courts in which video conferencing facilities are available.</p> <p>Over the past two years approximately 20 live video conferences have taken place whereby witnesses have given evidence from a remote location in another jurisdiction (the U.S. being the most common). Most if not all of the witnesses involved have been expert witnesses who could not have travelled to Ireland and accordingly could not have given evidence without the use of this facility.</p>	

C.5.5. What experience do you have of the use of video-conferencing in the judicial system? (You may make general comments here)
<p>Video conferencing/link has been used in the following circumstances and has proved to be very useful:</p> <ul style="list-style-type: none"> ▪ The use of video link equipment to enable vulnerable witnesses give evidence from a location within a courthouse or complex but remote from the actual courtroom itself. ▪ The use of video conferencing equipment to take evidence from witnesses based abroad in Civil and Family Law cases. <p>It is anticipated that the Courts Service will soon be in a position to commence video conferencing with prisons.</p>

D. Presence on the internet of the judicial system

Background:

Many EU Member States post information about their judicial systems on the internet by way of an additional service to their citizens. The following questions investigate the extent to which there is such internet provision in your country.

D.1.1. Is there a national home page on which the courts make information available		
No <input type="checkbox"/>	Planned <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>
		URL: http://www.courts.ie/
D.1.2. Is there a national home page on which the Ministry of Justice (or other Ministries) makes information available?		
No <input type="checkbox"/>	Planned <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>
		URL: http://www.justice.ie/

<p>Other remarks re questions D.1.1. and D.1.2.:</p> <p>The Supreme Court since May 2008 has its own website, at http://www.supremecourt.ie/.</p> <p>The Judicial Studies Institute provides its academic journal free of charge at http://www.jsijournal.ie/.</p>
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D.1.3. If courts and the Ministry of Justice (or other Ministries) do have national home pages, what information is made available electronically?			
Content:	No	Own editorial contributions	Links to foreign websites
Structure of the judicial system	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lists of courts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Lists of other judicial institutions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legislative measures	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judgments	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Literature (essays and the like)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Register databases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Forms for printing out	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Forms for electronic transmission	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Literature (essays and articles) are available only on the Judicial Studies Institute Journal website, referred to above.</p> <p>Links are provided to the websites of foreign courts.</p>			

D.2.1. Insofar as court judgments are posted on the internet, are they first rendered anonymous? N.B.: This means that the names and addresses of the persons involved in the proceedings are removed/rendered unrecognisable.	
Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

D.2.2. Insofar as court judgments are posted on the internet, are they accessible free of charge by the public? N.B.: This means that the complete text of the judgments can be viewed and downloaded free of charge.	
Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Other remarks re question D.2.1.:

The general rule is that the parties to a case before the courts are not removed or rendered unrecognisable. Notable exceptions are family law cases (e.g. concerning divorce or the guardianship of children) and cases concerning certain sexual offences (e.g. rape).

E. Prospects

Background:

The following question looks to the future. It seeks to ascertain whether there are plans for the development or implementation of new e-Justice concepts in your country.

E.1. General remarks on the situation regarding IT use in the judicial system or on planned e-Justice concepts in your country

As indicated above, there are various e-Justice projects in place in Ireland.

One of the most important is the introduction of a comprehensive electronic filing solution, referred to above, which will be considered as part of the implementation of the Civil Case Management System project being managed by the Courts Service.

As stated, innovations such as the online public search system developed for the High Court and the online Small Claims system in the District Court have been developed in recent years.

In addition, a pilot project under development, managed by a Judge of the Supreme Court, is the Irish Sentencing Information System (ISIS) which is investigating the feasibility of establishing an electronic database on sentences and other penalties imposed for criminal offences. This will assist judges when considering the sentence to be imposed in an individual case. The objective of a sentencing information system is to enable a judge, by entering relevant criteria, to access information about the range of sentences and other penalties imposed for particular types of offence in previous cases.

The Courts Service website is continually being improved and expanded.

Electronic submissions to the Supreme Court are becoming more common.

The Judges of the Supreme Court communicate via e-mail and use IT software proficiently. The use of IT is increasing in other courts also.

It can be expected that the use of IT in all areas of the Supreme Court's work will increase in the coming years.

F. Other remarks

Background:

In case we have any queries concerning your replies to this questionnaire, please give details of a contact person.

F.1. Please state in this field who replied to the questionnaire for your institution and give that person's contact details (name, address, tel. number, e-mail address)

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This questionnaire is based on a survey made by the European IT Academy of Law (Europäische EDV-Akademie des Rechts GmbH) in Merzig, Germany, during the German Presidency of the EU in 2007 for the Working Party on Legal Data processing (e-Justice). We kindly thank the authors Daniela Freiheit and Michael Hensen for permission to adapt the questionnaire.