



The Court Administrator

OFFICIAL PUBLICATION OF THE INTERNATIONAL ASSOCIATION FOR COURT ADMINISTRATION



INTERNATIONAL ASSOCIATION FOR COURT ADMINISTRATION

“Celebrating 20 Years”

12th International Conference

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Please see <https://www.iaca.ws/organizational-chart-officers> for additional updates.

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The President's Message



Luis Maria Palma, IACA President

Greetings! I hope this message finds you well. I am thrilled to share with you the 16th edition of “The Court Administrator” (TCA). Within its pages, you will discover thought-provoking articles by esteemed authors from Argentina, France, Latvia, Malawi, Singapore, and the US, offering cutting-edge insights into judicial modernisation and global developments.

I extend my heartfelt congratulations to our Executive Editor Eileen Levine for her exceptional efforts in bringing this issue to fruition, as well as to the generous authors who contributed their expertise.

Some experts showcased in this edition also served as speakers at our International Conference “Access to Justice, Administration and Innovation in a Changing World,” which took place in Buenos Aires, Argentina from October 25-27, 2023. With over 250 attendees from more than 40 countries worldwide, the conference was a resounding success. The new TCA edition includes captivating photos from the event, serving as a cherished keepsake of this momentous occasion.

On December 12, 2023, we hosted the online conference titled “Implementation of a Gender Approach in the Justice System of Ukraine”. This marked the fifth session of our program, which was organized collaboratively by IACA and the State Judicial Administration of Ukraine, with generous support from the EU Project Pravo-Justice and USAID Justice for All Activity, and the participation of All-Ukrainian Association of Court Employees. We were thrilled to welcome over 130 attendees from across the globe, who joined us with great enthusiasm.

There is another exciting achievement from last year that I want to share with you: IACA launched its YouTube Channel @IACA_World (https://www.youtube.com/@IACA_World). There, you can access a treasure trove of audio-visual content created by IACA in collaboration with experts from around the globe. This includes recordings of online conference sessions hosted by IACA since February

2023, plenaries, breakout sessions, and highlights from the International Conference held in Buenos Aires.

Registration for the channel is free!

IACA is thrilled to announce a series of online conferences that will cover a range of topics, including access to justice, innovation, and human rights.

Our first session, “Judicial Administration, Innovation, and AI. Developments and Opportunities,” is scheduled for April 30, 2024, organized by IACA and the World Bank. This session will feature the expertise of Nail Akhmetzakirov, IACA’s VP for Central Asia, Aslambek Mergaliyev (Chairman of the Supreme Court of Kazakhstan), Zamirbek Bazarbekov (Chairman of the Supreme Court of the Kyrgyz Republic), Dhananjaya Y. Chandrachud (Chief Justice of the Republic of India), Bakhtiyor Islamov (Chairman of the Supreme Court of Uzbekistan), Shermuhammad Shohiyon (Chairman of the Supreme Court of Tajikistan), Inam Karimov (Chairman of the Supreme Court of Azerbaijan), Francesco Contini (Research Director, Institute on Legal Informatics and Judicial Systems, National Research Council of Italy), Dory Reiling (Retired Senior Judge, International Justice and Digital Transformation Expert), Klaus Decker (Senior Public Sector Specialist, World Bank), and myself.

We are also excited to announce an upcoming session to be conducted in Spanish, that will explore “Women’s Rights in Latin American Jurisprudence” with the valuable insights of Associate Justices from Latin American Supreme Courts.

Additionally, we are proud to launch a program focused on “The Fight against Organized Crime in Latin America,” featuring judges, prosecutors, and experts from Argentina, Brazil, Ecuador, El Salvador, and Mexico.

Finally, the upcoming IACA International Conference will take place in Singapore from November 11-14, 2024. The conference’s theme is “Trust in the Judiciary,” and we recently published the Call for Presentations on the IACA Website <https://www.iaca.ws/>. We have received an impressive number of proposals that we will evaluate to compose an exciting program.

We sincerely hope that you will find this latest issue of TCA enjoyable.

Thank you so much for your continued support!

Luis Maria Palma

EDITOR'S MESSAGE

Dear IACA membership, friends, and supporters!

Welcome to *The Court Administrator*, Edition #16. This is our special IACA conference edition, highlighting some of our presenters and sponsors. My heartfelt thanks and sincere appreciation go out to the authors who submitted articles for this edition.

For those IACA member attendees who traveled to Buenos Aires, Argentina in October 2023 to participate in and to experience, truly, a once in a lifetime event, I think that you will agree with me that this conference extended the boundaries of topics a court administrator could need and want to enhance the court administration profession as well as your personal career education. This edition provides you the opportunity to share vital conference information with your colleagues all over the globe; those in attendance and those who, unfortunately, could not attend.

The conference speakers and classes were diverse; incorporating varied subject matters of interest to membership. The venue, "The Buenos Aires School of Law," offered each of us a personal walk back in time to our own academic days as we mingled with professors, students, judges, and court administrators alike and walked through those historical marble halls. This conference was held in three languages; Spanish, Portuguese, and English, a first for an IACA conference. I know that attendees and presenters are always excited to share their thoughts and take-aways with IACA membership.

I would also like to personally thank the official interpreters who sat in those small booths in the back of classrooms during each and every session. Several of the interpreters were law professors and teachers who currently teach at the Buenos Aires Law school or who work in local courts!

For those IACA members who were unable to attend this conference, you are still able to review the conference materials that have been posted on the IACA website. I invite you to log into the IACA website to view class materials and



Eileen Levine
Court Administrator
Eastern and Southern Districts of New York

presentations that were offered during the conference so that you may take a first, second or even a third look, and listen to all of the valuable materials that this conference offered attendees. You can download, save, and print these valuable Power Point slides and notes located on the 2023 Buenos Aires Conference Materials page:

<https://iaca.memberclicks.net/2023-conference-presentations>

If you haven't yet had the opportunity to view the conference videos here is your chance!

The IACA YouTube Channel is waiting for you!

The following YouTube links will take you to the IACA YouTube Channel* to see all of the available conference items in English, Spanish & Portuguese:

<https://www.youtube.com/playlist?list=PLKeWzFbDIBPja3vkjEtJvNB7VmKhAaZPP>

<https://www.youtube.com/watch?v=OIfdBe5p-I80&list=PLKeWzFbDIBPja3vkjEtJvNB7VmKhAaZPP>

Conference Gala: https://www.youtube.com/watch?v=m-Rg_10oXfLc&list=PLKeWzFbDIBPja3vkjEtJvNB7VmKhAaZPP

For videos in Spanish and Portuguese:

Day 1: <https://www.youtube.com/watch?v=5jtcvHHTi-hk&list=PLKeWzFbDIBPja3vkjEtJvNB7VmKhAaZPP&index=6>

Day 2 (Plenary session): <https://www.youtube.com/watch?v=ihLXuxTFeS0&list=PLKeWzFbDIBPja3vkjEtJvNB7VmKhAaZPP&index=7>

Day 2: <https://www.youtube.com/watch?v=ta9ARqBPF-N8&list=PLKeWzFbDIBPja3vkjEtJvNB7VmKhAaZPP&index=8>

Day 3: <https://www.youtube.com/watch?v=3pv182OtJQg>

I again wish to thank our conference sponsors and sponsor attendees:

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Sponsors of conference interpreters

Together, you have helped to educate conference attendees about products available to assist local, regional and district courts, judges, staff, lawyers, litigants, as well as court visitors- each and every person who has a vested interest in judicial systems around the world. You brought the technology to this conference with you, to inform and to demonstrate products that are available and that could be modified to fit global court systems. What amazing opportunities for both our attendees as well as the sponsors!

We are grateful to all of our conference sponsors for their collaborations, support, and loyalty to IACA.

Another immediate and relevant subject matter issue for all of us right now- whether or not you are currently working in the courts- is the hot topic of Artificial Intelligence, (AI), no longer a futuristic phenomenon. AI is taking the world by storm and every day reads like a completely new chapter in our respective lives. Evoking a sense of wonderment and amazement, AI is taking on tasks and affecting all of us from health care and travel to legal procedures and possible judicial opinions. For those of us old enough to remember the science fiction movies and television shows of years ago which stretched the imaginations of writers and scholars, their “imaginary” worlds are fast becoming our everyday realities. Technological changes in our world are happening faster than we can possibly keep up. We need to remain vigilant and educated and for the next edition of The Court Administrator, we hope to include several articles about how AI is changing or influencing your court systems and how it is affecting your world.

The Federal Judicial Center for the United States Courts has produced a publication in 2023 entitled “An Introduction to Artificial Intelligence for Federal Judges”, and the UK Courts and Tribunals Judiciary produced a paper entitled “Artificial Intelligence; Guidance for Judicial Office Holders”, 12 December 2023.

In December 2023, The Arizona court system in collaboration with Arizona State University Center for Law, Science, and Innovation Future Forensic Science Initiative, Arizona Supreme Court Center for Forensic Science and Psychology, and the State Bar of Arizona held an **Artificial Intelligence Summit; Law and The Courts**. We would like to share these White Paper resources with our international court administration professionals.

AI and Practice of Law

By: Darth K. Vaughn, Esq. & Whitney L. Stefko, Esq.

In this paper, the authors explore some of the current and potential applications of artificial intelligence (AI) in the practice of law, as well as some of the ethical and social implications of this emerging technology.

> **[View and Download White Paper](#)**

Artificial Intelligence and Legal Ethics

Gary Marchant & Joseph R. Tiano, Jr.

This white paper seeks to identify and analyze some of the key questions that AI is creating for practicing lawyers. In discussing the ethical dilemmas created by AI for attorneys, the ABA Model Rules and their Arizona equivalents are referenced as the existing standards for legal ethics.

> [View and Download White Paper One](#)

Generative Artificial Intelligence and Access to Justice: Possibilities, Concerns, Best Practices, and How to Measure Success

By: Cas Laskowski, Christopher L. Griffin, Jr.,
and Samuel A. Thumma

In this paper the authors look at the potential of generative AI to help litigants navigate legal matters with little or no formal attorney representation and the potential for litigants to avoid the justice system completely. Both possibilities and concerns in the use of generative AI as well as effective measurement of successful use of generative AI are discussed.

> [View and Download White Paper](#)

ARTIFICIAL INTELLIGENCE AND DEEPPKAGES; PAPER 1

By: Mark Lanterman

This paper briefly explains the increasing problems faced by courts from the deepfake (as well as shallowfakes and voice cloning) and suggests strategies and basic guidelines for managing the problem and gathering contextual information to allow judge's to effectively address questions of authenticity and admissibility of digital evidence.

> [View and Download White Paper](#)

ARTIFICIAL INTELLIGENCE AND DEEPPKAGES; PAPER 2

By: Malik Khalid

This paper discusses challenges for courts from deepfakes, including challenges in detection. Several deepfake detection strategies and technological solutions are explained and explored.

> [View and Download White Paper](#)

We also direct your attention to the invaluable Artificial Intelligence resource page from our friends at the National Center for State Courts, (NCSC) (United States). On point, the NCSC website page currently reads "Each day, the National Center for State Courts is gaining new insights from experts in the field to assess the impact of AI while also looking to industry leaders for greater context on the rate of adoption. NCSC's holistic understanding of the dynamic

artificial intelligence landscape allows us to support courts in developing policy, practices and strategies related to these evolving technologies. To keep courts well-informed and prepared for the evolution of AI-related technologies, NCSC has created resources that provide guidance, references, and tools to respond to critical and emerging issues related to artificial intelligence in courts."

We encourage our readers to explore, read and share their court's AI programs and experiences so that IACA can build our portal of resources for court administrators around the world. We include these resources for informational and educational purposes only and these publications do not necessarily reflect policies of IACA.

As esteemed members of an international court administration association, we need to sharpen our communication skills and take these unique opportunities to share best practices and information with each other. Our goal is to (virtually) unlock and open your courthouse courtrooms and chambers doors to evaluate and adapt methods, procedures, and ideas so that we can deliver and dispense justice to all.

To learn more about IACA and to view our past online webinars, please go to https://www.youtube.com/@IACA_World.

We are all very excited about the next conference which will be held in Singapore, November 11-14, 2024. We invite membership to keep visiting the IACA website for current conference messages, "Call for Presenter" information as well as agenda and presenter materials as they become available: <https://www.iaca.ws/>

Feel free to contact me if you have any questions or concerns. We are excited about Edition #16 and hope you are too.

Thank you for your support and contributions.

Stay healthy and be safe!

Eileen Levine, Executive Editor

**We are pleased to announce IACA's YouTube channel! There you may view highlights from the 2023 conference and gala in Buenos Aires with subtitles in English and Spanish. Additionally, thanks to the Attorney General's Office of the Autonomous City of Buenos Aires, there are recordings of all three days of the conference. Click the "Subscribe" button at the top of the channel page to be notified of future videos and recorded webinars.*

Prof. Dr. Luis María Palma, President, IACA

The Editor and the entire IACA membership sincerely thank photographer Fiorella Chagnier and all of the conference attendees who furnished their photographs for this publication.



Luis Maria Palma
President

Pamela Harris
President-Elect

IACA Conference 2024 Sponsorship Opportunities

The International Association for Court Administration (IACA) will hold its 2024 conference in Singapore, November 12-14, 2024. Attendees will include judicial officers, court presidents, security advisors, policy makers, court administrators, court managers and registrars from around the world. Court professionals will come together to debate current topics, listen to plenary/workshop speakers and share court-related experiences.

The success of IACA's conferences is not possible without the sponsors/vendors who support it. Thank you for your continued support and we look forward to your participation and sponsorship for our upcoming conference!

Sponsorship/Vendor opportunities are outlined below:

Platinum Sponsor

Cost: \$17,500

- 15-minute presentation by company principals (preceding plenary on second or third day) **or** Conference audio/visual **or** gala dinner
- Exhibit space in a premier location in the coffee/lunch break hall
- Four conference registrations (includes snacks, lunches)
- Four invitations to the president's reception
- Four invitations to the gala dinner
- Sponsor name and logo in the conference program with full page advertisement
- Sponsor name and logo on conference website
- Two-page ad in the next Court Administrator and International Journal for Court Administration publications

**Thank you to our 2023 Buenos Aires Conference
Sponsors and Sponsor Attendees!**

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**Link to the IACA 2024 Singapore Conference
sponsor page:**

<https://www.iaca.ws/conference-sponsors>

**IACA's online social media platforms
provide you with the tools to connect with us 24/7
no matter where in the world you are!**

As our individual worlds grow larger, we become even closer.

**As our worlds and languages may sound and appear to be different,
in reality, we are all speaking and supporting the same language:**

“Trust in the Judiciary”

**Our goals are to provide membership with
informative and educational content to benefit our professions
as court administrators, as well as expanding our personal universe
to develop and flourish in our careers.**

**Our theme for the 2024 Singapore conference is “Building Trust in The Judiciary”
so plan your trip and “Follow us” as we take this journey together!**



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https://www.instagram.com/iaca_world/?hl=en



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https://www.youtube.com/@IACA_World



MEMBERSHIP BENEFITS!

The IACA Membership App is free with new and existing memberships!

You will receive exclusive access to membership resources, networking opportunities, and upcoming event information all in one app.

MEMBERSHIP APP FEATURES:

- In app chat/messaging with other members,
- Unlimited association news and information,
- Links to registrations for upcoming events and conferences,
- Important and time sensitive notifications and announcements,
- Feedback through in app surveys,
- And much more!



IACA-The Start of Something GREAT!

By Sheryl L. Loesch, Clerk of Court, Middle District of Florida, U.S. Bankruptcy Court



Sheryl Loesch, is one of the founding members of the International Association of Court Administration (IACA), realizing the dream of United States Federal Court Clerks around the country to establish an international association of court administrators. Along with several federal clerks of court, she helped launch IACA in 2004. Ms. Loesch is also a Past-President of IACA, serving as President from 2019 – 2022.

Ms. Loesch led the Association through the entire COVID crisis. Her leadership served as an example for court administrators all around the world. Prior to her work with IACA, Ms. Loesch joined the Federal Court Clerks Association (FCCA) in 1996. She has been active in the FCCA ever since, serving as FCCA President from 2005–2007. She has served on numerous FCCA Committees, and she currently serves as Chair of the Legislative Affairs and Policy Communication Committee for the FCCA.

Ms. Loesch is located in Orlando, Florida. To follow up with the author, she can be reached at Sheryl_Loesch@fmb.uscourts.gov.

Back in the early 2000's, Jeff Apperson was the President of the Federal Court Clerks Association (FCCA), and I was the President-Elect. Jeff had been heavily involved in serving as a subject expert on U.S. government sponsored programs in foreign countries trying to establish strong and independent judiciaries. The court system here in the United States is considered the "Gold Standard" among other countries. Jeff got me involved and my very first international trip in this area was a trip to Egypt to look at the egregious backlog of cases in most of their courts around the country. To say this trip was eye-opening is an understatement.

We are accustomed to how our court system operates and are immune to the struggles faced by foreign courts – courts with personnel just like us who want to make their courts efficient and improved. I traveled to a number of cities in Egypt and saw the abhorrent conditions of the court buildings. It was hard to fathom that court employees had to work- day in and day out- in such dire conditions. The stacks and stacks of decades old court files stored in damp and dank basements was shocking to me. I quickly realized how much I take for granted as a court employee here in the United States.

At the time, several other Clerks of Court (Markus Zimmer and Ralph Deloach) were involved in similar activities. While we all were honored to provide our expertise to these

projects in developing countries, Markus and Jeff saw a need for providing support and ongoing camaraderie to the court personnel after the official projects ended. Both these Clerks had a dream of forming an association that could be a conduit for ongoing networking and sharing of best practices to court personnel throughout the world. It was at this time that the International Association for Court Administration (IACA) was formed.

The Federal Court Clerks Association has a long-held reputation for its outreach and support to others in times of need. The FCCA has been there for court personnel during natural disasters as well as medical and other needs. This outreach and caring for others are one of the many traits that makes the FCCA a stellar association.

The FCCA was involved in the startup of IACA. IACA's first international conference was held in 2004 in Ljubljana, Slovenia. Holding this conference was a true leap of faith, as Markus, Jeff, Ralph, and I had no idea if anyone would attend. The conference was a huge success with over 100 court personnel attending from over 30 countries. At the conclusion of the conference, a plenary session was held where the idea of forming an official association was discussed and it was overwhelmingly supported. IACA subsequently was formed and incorporated in the United States.

continued

In 2024, IACA celebrates our 20th anniversary! To date, 16 conferences have been held including the following places:

- Ljubljana, Slovenia
- Verona, Italy
- Dublin, Ireland
- The Hague (twice)
- Istanbul, Turkey
- Jakarta, Indonesia
- Trinidad/Tobago
- Dubai
- Buenos Aires, Argentina (twice)
- Washington, D.C.
- Sydney, Australia

- Iguazu Falls, Brazil
- Nur Sultan, Kazakhstan
- Helsinki, Finland

IACA's 20th Anniversary conference is planned for Singapore in November 2024. If you have a passion for sharing your expertise with other court personnel in foreign lands, I hope you consider joining IACA and getting involved. Friendships formed with colleagues all over the world are priceless and the experience in sharing your expertise is rewarding. Please visit IACA's website at: www.iaca.ws.

None of the above would have happened without the involvement and support of the FCCA. I hope I get to see some of you next year in Singapore!



FCCA *Journal*

Official Publication Of The Federal Court Clerks Association

Vol. III No. 5

Winter 2005

FCCA Goes International





Helsinki, Finland 2022



Sydney, Australia 2014

In 1922, Federal Court Clerks in the United States established The Federal Court Clerks Association (FCCA), still in existence today, 102 years later! The FCCA founders believed they could voice their views more effectively if they joined together in a formal organization to promote the professionalism and integrity of the United States federal judiciary. One of the continued goals of the Federal Court Clerks Association is to increase the proficiency of court employees, to support the independence of the judiciary, and to foster cooperation between courts and the community.

Several of IACA's "founding fathers" were federal court clerks and members of the FCCA. Jeff Apperson, former Clerk of Court for the Western District of Kentucky and past FCCA President and Markus Zimmer, former Clerk of Court for the District of Utah, were instrumental in establishing IACA in 2004. As IACA celebrates our 20th Anniversary in 2024, we reprint the "Report to the Committee on International Judicial Relations" written by Mr. Apperson and Mr. Zimmer, hearing in their own words – 20 years ago – about the inception and creation of IACA and the first IACA conference held in Ljubljana, Slovenia.



*Marc Stanley, U.S. Ambassador to Argentina,
Josie Thomas, AUSA and DOJ Resident Legal Advisor, U.S. Embassy, Argentina
Sheryl Loesch and Thomas Bruton
at the 2023 IACA conference in Buenos Aires*



Board Meeting at Supreme Court of Finland, 2022



PRESIDENT'S MESSAGE

By Jeffrey A. Apperson, Clerk, Western District of Kentucky



2004 was a great year for FCCA. However, it was also an unsettling year for our membership in view of the changes the federal judiciary is undergoing. Indeed, it is difficult to separate the relationship between our employment environment and our organization. Hopefully, at our annual conference in Chicago, we will have an opportunity to help those members who attend to learn about budget and CM/ECF initiatives as well as the cost containment initiatives of the Judicial Conference. We need an association like ours to lean on during these times of adjustment. If you can't attend the conference, we will try to keep you informed about important initiatives and benefits' changes that affect you in this publication.

As to the issues we face in the workplace, I want you to know that I have been doing my best, as president, to represent your interests in Washington. While I cannot take credit for making sure budget allotments and the new work measurement formula fairly allocate resources, I have been working closely with the Administrative Office and my clerk colleagues

like Larry Baerman, Ralph DeLoach, Sherri Carter, Sheryl Loesch, Cam Burke, Bill McCool, Rick Weare, Nancy Mayer-Whittington and all those on the advisory groups to make sure we receive fair treatment. I want to personally thank the Chief Justice, Ralph Mecham, Chief Judge John G. Heyburn II, George Schafer and all those supporting these leaders for their efforts in informing Congress of the dire budget circumstances we faced. Their efforts led to an appropriation that was far above what most agencies received. In my opinion, it was a great achievement! There is one other person who has been a true friend to the courts and who is retiring in February 2005, Greg Cummings, Deputy Assistant Director for Finance and Budget. He always gave his best effort to help ensure a fair spending plan for the judiciary. He is a leader respected by all. I was honored to present Greg with an appreciation plaque on your behalf at the Clerk and Chief Deputy Conference in Atlanta last October.

I'm very excited about the training relationship we have established with Michigan State University. Maureen Conner, Director of the Judicial Administration Program, recently informed me of the partnering by the Federal Judicial Center with her program. Dr. Conner recently wrote me to thank our organization for its support in developing this new program. Her letter states:

"Dear Jeff,

What a year this has been! Launching the Judicial Administration Program was exciting for both MSU and



the participating organizations. Your support and leadership as president of the FCCA was critical for laying the foundation for what looks to be a long and fruitful relationship.

I thank you for all that you did to help launch the Judicial Administration Program. There should never be any doubt that the FCCA is serious about the professional development of its members.

Have a fabulous holiday season.

Sincerely,
Maureen E. Conner
Director"

The international program made great strides this past year. You may have noted the picture on the cover. The photo was taken in the Supreme Court of Slovenia's conference room where the opening reception was held for the first International Conference for Court Administration. The President of the Supreme Court addressed us. The successful conference closed with a resolution that an International Association for Court Administration be created. This meeting was sponsored, in part, by the FCCA. What

Continued on page 2

President's Message

Continued from page 1

did we accomplish? We established the foundation for conveying world-wide best practices to our international court administration colleagues. Why is this important? We are supporting the objective of improving access to justice world-wide with one of the goals, among others, of helping protect human rights. The professionalism of court administration internationally helps afford access to a more efficient judiciary. This new association, that FCCA will be part of, should foster the improvement of this important profession. I want to thank all my colleagues for paying their own way to this conference. Also, the International Judicial Relations' Committee of the Judicial Conference has recognized this effort as an important initiative. Important enough that the Chair of the Committee, Fern Smith, now invites the President of FCCA to attend their meetings in Washington.

Nominations for the offices of FCCA President-Elect, Secretary and several circuit representatives are now open. Please see the article included in this *Journal* for more details. Hopefully, in an attempt to curtail costs, we will be offering the *Journal* in an electronic format in the near future. While a current majority of respondees to our survey indicated that they would like to continue receiving it in paper format, we would like to make both formats available. Also, please note that Jane Bauer will be the new blood drive chair, Laudan Batino will be the leave share coordinator and Ginny Hurley and Maria Carpenter will be site-selection co-chairs. Yvonne Goodloe is the new chair of the finance committee.

Have a great 2005! We certainly are fortunate to be employed by the Federal Judiciary!



From the Editor



By Patricia McNutt, Clerk,
Eastern District of Tennessee

Life is good. That slogan is sweeping the country on t-shirts, sweatshirts, hats, etc. This indicates a much more positive outlook than another slogan from the recent past, "Life is short and then you die." We should be more positive about our lives and enjoy and take advantage of each and every day. If you have one of the "Life is good" t-shirts, you will notice a tag that says "Do what you like. Like what you do." I hope all of us who work for the judiciary are doing what we like and liking what we do. From my perspective, it is a great place to work. We have the good fortune to work for the best judiciary in the world, performing challenging work, helping others, and receiving good pay and benefits.

I hope in reading the *Journal* you will feel the enthusiasm of the FCCA members for their work. FCCA members are creative, enthusiastic and enjoy a challenge. The diversity of matters in which FCCA members are involved is amazing.

For starters, FCCA has gone international. Jeff Apperson and Marcus Zimmerman worked very hard to organize the first-ever International Court Administration Conference held in Ljubljana, Slovenia in September 2004. *Journal* at page 4, *Report to the Committee on International Judicial Relations*. The

conference reportedly was a great success and has led to the effort to create an International Association for Court Administration of which the FCCA will be a part. *Journal* at page 1, *President's Message*. While you may question what an international association has to do with the FCCA, please keep in mind that the world is now at our doorstep and to the extent we help our neighbors the better off we will be. Just think how great it would be if the whole world understood and embraced the concept of the "rule of law."

Report to the Committee on International Judicial Relations

INTERNATIONAL COURT ADMINISTRATION CONFERENCE IN LJUBLJANA, SLOVENIA AND MEETING OF EUROPEAN UNION OF RECHTSPFLEGER

Establishing the International Association for Court Administration

*By Jeff Apperson, Clerk,
Western District of Kentucky
and
Markus Zimmer, Clerk, District of Utah*

Markus Zimmer and I conceived an initiative for establishing an International Association for Court Administration in 2002. We had previously served on volunteer missions overseas in the areas of judicial reform and improved court administration in the emerging democracies of Central and Eastern Europe, Central Asia and Africa. In our work, financed through USAID, U.S. Department of State, Department of Justice and the Council of Europe, we learned that in many of the world's court systems, responsibility for managing and administering individual courts rests primarily with chief judges or court presidents. Frequently, procedural codes clearly specify that such functions must be performed by the chief judicial officer. When asked, many court presidents reported that the time-consuming nature of such duties intruded on their ability to complete their judicial functions, including training younger judges.

Serious work on organizing the International Association began in 2003 when association by-laws and articles of incorporation were drafted and an organizational framework was developed by Markus and myself. The International Relations Committee of the Judicial Conference received a status report outlining plans for the Association at its December 2003 meeting. Early in 2004, following consultations with the International Association of Judges, whose officers supported the concept, plans were laid in Louisville for the first International Conference on Court Administration in Ljubljana, Slovenia, in

conjunction with Ales Zalar, President and Administrator of its District Court, and Judge Charles R. Simpson III. We extended invitations on behalf of the Federal Court Clerks' Association, over which I currently preside, to some 80 chief justices around the world. Many responded, some with regrets but more with names either of key judges or administrators who would represent their judiciaries at the conference.

The conference began on Sunday, September 26, with a reception for all participants at the Supreme Court of Slovenia and a welcome by the President of the Supreme Court. The 100 conferees represented 22 countries, including India, Serbia, Russia, Ireland, Kosovo, United States, Estonia, Italy, Croatia, Jordan, Latvia, Romania, Netherlands, Rwanda, Bosnia, Sweden, Eastern Caribbean, Montenegro, Finland, Slovenia and Macedonia. The conferee's positions included judges from supreme and cassation courts, a supreme court general registrar, president of an arbitration court, the President of the European Union of Rechtspfleger, U.S. district, bankruptcy and magistrate judges as well as officials of the Administrative Office of the U.S. Courts.

On Monday, the conference commenced with a series of panel discussions on contrasting models of court administration, the role of court administrators in finance and budget, the use of automated systems to enhance court administration and effective case management systems. That evening,

conference participants traveled to a beautiful alpine resort area in northern Slovenia for a special dinner at the old castle perched high on a hill and overlooking Lake Bled.

On Tuesday, the agenda began with a panel discussion on managing and administering court systems during periods of political unrest and conflict. The panelists included the President of Rwanda's High Court, Secretary General of the Supreme Court of Serbia and the Administrator of the Supreme Court of Kosovo and was moderated by Markus Zimmer. For most of Tuesday's session, the conferees discussed establishing the International Association for Court Administration. The discussion culminated in several actions being taken, including unanimous votes to proceed with establishing the Association, to adopt an organizational structure and to create both individual- and association-level memberships. When the conference adjourned around 4:00 p.m., many of the participants expressed great enthusiasm for having been able to participate and offered to assist in building and supporting the new organization. Several remarked that the new organization responds to a long-standing need to improve and promote court administration as a profession.

Special recognition must go to Judge Charles R. Simpson III, Magistrate Judge Louisa Porter, the Federal Court Clerks' Association, the National Conference of Bankruptcy Clerks, Na-

Continued on page 5

International Court Administration Conference

Continued from page 4

tional Association for Court Management, Peter McCabe, Wanda Rubianes, Karen Hanchett and Clerks of Court DeLoach, Haas, Loesch, Wolfe and Gardner for their assistance in making this association a reality.

Invitation to Address the European Union of Rechtspfleger

For the first time in the 40 year history of the European Union of Rechtspfleger, a representative of the United States Courts was invited to speak at their annual meeting in Luxembourg City, Luxembourg, on September 30, 2004. I was invited as President of the Federal Court Clerks' Association. The European Union of Rechtspfleger represents national court administration associations of the European Union and their elective officers.

My address was primarily about the role of the Clerk of Court in the U.S., the mission of the Federal Court Clerks' Association and the formation of the International Association for Court Administration. It was resolved at this conference to cooperate with the formation of the International Association.

The other speakers were Ministers of Justice, Council of Europe Officials and Judges from the various European Courts. The agenda included considerable discussion about harmonizing the "multiplicity" of court administration issues facing the European Union with a goal of achieving uniformity. It was particularly interesting to participate in the many discussions ongoing in Europe about what amounts to the creation of a new "nation of nations." Several of the presidents and I also talked about the duplication of effort that exists in the area of court administration projects in Central and Eastern Europe between the U.S. and the E.U. It would seem that if there is no project

coordination that a coordination effort be considered. Such an effort might save money and assist the receiving countries in making decisions about court administration models to adopt.

Overall, the exchange was a success. We are committed to continuing the relationship that was formed between the Court Administration Associations of Europe and the United States.



Dinner overlooking beautiful Lake Bled



Markus Zimmer and Jeff Apperson
About to Open the Conference



U.S. Magistrate Judge Louisa Porter and
Judge Karim Pharaon, Court of
Cassation, Jordan



Slovenia Supreme Court President Franc
Testen Opens the Conference



Left to Right: Ms. Sonja Prostan, Secretary General of Belgrade District Court, Markus Zimmer, Ms. Flora Balidemaj, Supreme Court Administrator of Kosovo, Ms. Natasa Rasic-Ignjatovic, Ms. Ljupka Nikolic, Secretary General to the Supreme Court of Serbia



Markus Zimmer and Tharcisse Karugarama,
President, High Court of Rwanda



Ralph DeLoach Facilitates Budget and
Finance Panel

Continued on page 6

International Court Administration Conference

Continued from page 5



Our beautiful meeting facility at the Hotel Grand Union



The bus ride to the first dinner. Joe Haas and Karen Hanchett leading the way.



Jeff Apperson, Judge Charles R. Simpson III, Judge Ales Zalar, and Markus Zimmer at a press conference.



Iguazu Falls, Brazil, Gala 2021



The Hague 2016

THE JUDICIAL MANAGEMENT GOOD PRACTICES BANK A DIFFERENTIAL PARTICIPATORY INSTRUMENT

By: Flavia Podestá¹



Flavia Podestá is currently the Deputy Secretary of the Supreme Court of Justice of the Province of Buenos Aires in the Undersecretary of Management Control. She has been in charge of the Judicial Management Good Practices Bank (BPJ) since its creation in 2011, and has been a member of this Undersecretary since its creation in 2004. Ms. Podestá actively participates in the international associative field to exchange experiences and she has collaborated with the National Center for State Court (NCSC) in the USAID Culture of Legality Program. Currently, she serves IACA as the Vice President for South and Latin America. To read additional information about Ms. Podestá's accomplishments, please see the IACA website.

Located in Buenos Aires, Argentina, Flavia Podestá may be reached at flaviapodesta@hotmail.com

1. INTRODUCTION

Managing a judicial system presents significant challenges², particularly in a jurisdiction as vast and complex as the province of Buenos Aires, the largest in Argentina³.

To promote a culture of effective judicial protection, the Supreme Court of the Province of Buenos Aires (SCBA) has established the Good Practices Judicial Management Bank (BPJ), which was the focus of my presentation at the recent IACA International Conference in Buenos Aires. This edition of The Court Administrator (TCA) covers the

highlights of the conference. I am proud to have participated in its organization as Vice President for Latin America. Alongside the efforts of current President Luis María Palma and founder Jeffrey Apperson, Argentina hosted another successful IACA conference after a decade. The event featured prominent speakers, including SCBA President Sergio Torres and BPJ participants⁴, who shared valuable insights and engaged in productive discussions. Feedback from attendees was overwhelmingly positive, highlighting the conference's focus on professional and human excellence. At IACA, we are committed to promoting modernization and innovation in the justice system, regardless of distance or location.

1 Opinions are expressed in a personal capacity.

2 With regard to judicial modernization in Latin America, in addition to the recognition of the actions of the judicial agents and governing bodies of each jurisdiction, areas and entities of training, it is worth highlighting the regional areas such as the Ibero-American Judicial Summit, the Justice Studies Center of the Americas (JSCA) and within Argentina, the Federal Board of Courts and Superior Courts of Justice of the Argentine Provinces and the Autonomous City of Buenos Aires (JuFeJus), the National Award for the Quality of Justice, etc.

3 The metropolitan area of Buenos Aires is the third largest urban conglomerate in Latin America, and is integrated with 40 municipalities of the Province of Buenos Aires together with the City of Buenos Aires (<https://buenosaires.gob.ar/gobierno/unidades%20de%20proyectos%20especiales%20y%20puerto/que-es-amba>)

4 The judges participating in the BPJ, Laura Conti, Jorge López, Pablo Ferrari and Mariano Sohaner presented in the respective panels:

- “Artificial Intelligence and Judicial Management: Design and Expectations of the Expertise System” (Judiciary of the province of Buenos Aires and National University of La Matanza), Dr. Conti and Ing. Blanco: https://youtu.be/ta9ARqBPfN8?si=dAn55FLwWw6ve_pj&t=3657

- “Clear communication in a Guarantee Court of Buenos Aires Province”, Dr. Lopez: https://www.instagram.com/accounts/login/two_factor?igshid=MTc4MmM1YmI2Ng%3D%3D&next=%2F

- “Leadership and Judicial Management. Development and Perspectives”, Dr. Ferrari: <https://youtu.be/3pv182OtjQg?si=miTHnLvDuuc5080P&t=7470>

- Dr. Sohaner: https://youtu.be/3pv182OtjQg?si=a3mCSN6_-a_wsjAu&t=10539

Regarding the use of AI, I consider it essential to point out the obligation of the judiciary to protect the personal data contained in the files, omitting them from the information uploaded to the IA applications. It can be consulted eg, The Council of the European Union “Access to justice: taking advantage of the opportunities of digitalization”, Conclusions 43 and 40, 10/8/2020, <https://data.consilium.europa.eu/doc/document/ST-11599-2020-INIT/es/pdf>

At BPJ, the approach has always been collaborative. Validating and recognizing practices should not lead to a contest-style ranking where some may lose. Instead, the goal is always to achieve a win-win synergy that fosters constant improvement.

2. BRIEF DESCRIPTION

The BPJ⁵ assesses advancements in managing the Courts, Tribunals, Courts of Appeal, and other judicial offices in the province. The implemented tools are not merely theoretical concepts but are proven to produce results. These experiences help identify, analyse, and compile effective tools for improvement, which are then shared in an open collection for interested parties to reference. This collection is consulted even by other jurisdictions, both nationally and internationally.

To be considered a **Good Practice**⁶, the methods must meet certain technical criteria that increase efficiency and have the potential for replication in other organizations. They must also be evidence-based, offer sustainable and innovative solutions within the court's and its peers' framework. These practices should address the reasonable expectations of the direct and indirect recipients of the Justice Service, including litigants, professionals, and society at large.

2.1. Procedure

The BPJ works collaboratively with judges, civil servants, and employees to improve the Justice Service.

The courts voluntarily submit the practices for evaluation. The BPJ carries out an intense and fruitful exchange to examine and improve the experience. It evaluates the practices according to technical criteria⁷ and analyzes them from a micro and macro perspective, combining the provincial system's general vision with modernization trends.

Once the BPJ validates the practices, they are submitted to the Undersecretary and then to the Presidency of the Supreme Court of Justice for approval by Resolution (PR).

The reports are published on the web repository, including the synthesis of the main aspects considered in the evaluation letting know the path traveled to facilitate other courts the improvement process

This process gives unique contributions because it involves a formal instance of methodological evaluation, and publishing reports, which are not typically found in other similar spaces.

The BPJ encourages the development of practices from the organization's base rather than imposing certain practices, allowing solutions to emerge from the protagonists. Some tools preceded developments by the SCBA, such as the electronic collation of documents, virtual hearings, and the concentration of civil evidence in a single videotaped hearing.

The BPJ performed the validation process for general calls by RP 24/12 and released actions to bolster tools for specific thematic areas in accordance with updated regulations by RP No. 55/19.

For instance, the current focus is on assessing and strengthening initiatives on Restorative Justice in the Juvenile Criminal Responsibility jurisdiction of the Judicial Department of Mar del Plata. This includes initiatives such as participatory design of indicators, assistance for the initiative to implement a departmental pilot test, and training.

Additionally, we have prepared a matrix for the systematization of experiences titled "Judicial Management and ICTs from COVID-19" on Electronic Processes in the Civil Jurisdiction and Organizational Management concerning all jurisdictions, which has been ordered for publication by RP No. 47/22.

BPJ participated in the book about Plain Language in the Provincial Judiciary under the Act of Integration of the SCBA into the Argentine Plain Language Network (RSCBA N° 2200) per PR N° 63/23.

2.2. Topics

The operations of courts, tribunals, and courts of appeal have been enhanced with valuable tools on a range of topics.

continued

⁵ The BPJ was created by SCBA Resolution No. 598/11 and its procedure, regulated by RP °24/12 mod. 55/19. Relevant information (Regulations, Conceptual and Methodological Framework, Forms, Experiences, etc.) can be accessed in <https://www.scba.gov.ar/paginas.asp?id=40122&veradjuntos=no>

⁶ RP No. 24/12, mod. PR N°55/19, Annex I, Bases and Conditions Regulation (Article 5.1) and Annex II Conceptual and Methodological Framework (page 4)

⁷ RP No. 24/12, mod. RP No. 55/19, Annex I (Article 7.1) and Annex II (page 8).

These tools include organizational instruments, innovations in work processes, and the specification of fundamental principles such as access to justice and transparency.

They include:

2.2.1. Organizational tools

Instruments tailored to systemic development, including organizational diagnosis, process redesign, indicator dashboards, manuals, and work instructions, support the gradual implementation of a management system. Certain courts have also engaged in external evaluations, also earning recognition such as the National Award for Quality in the Public Sector and the National Award for Quality in Justice, including the highest accolades and special mentions.

2.2.2. Management with people

It is important to focus on the human factor right from the start of any change initiative, and throughout the life of the organization. Rather than referring to it as human resource management, I believe that the phrase “management with people” better reflects this perspective, particularly in the context of a justice system that is centered around people.

To achieve this goal, the BPJ employs various practices such as organizational climate evaluation, training, mentoring, teamwork, effective individual and group communication, gradual implementation of organizational improvements, creating a supportive work environment, enhancing the different skills and profiles of team members, and promoting continuous training. Additionally, motivational tools are used to foster a sense of belonging and encourage reflection on one’s contribution to the overall mission of the organization and the satisfaction of the recipients of the justice service.

2.2.3. Management of Jurisdictional Work Processes

These include:

- a) Tools for speeding up the processing of cases.
- b) Management of the civil process by concentrating the production of evidence in a single videotaped hearing, which has been a source of provincial generalization in

the Oral Plan⁸, later replicated in other provinces of the country.

- c) Conciliation hearings during the civil process, are also in the stages of execution and appeal.

2.2.4. Inter-institutional coordination

For instance, related to the major challenges involved in cases related to family and/or gender-based violence⁹, the provincial judiciary seeks to strengthen inter-institutional coordination in various ways. For example, two Courts of Guarantees promoted the implementation in municipalities of the psychosocial-formative device “Gender and Culture Conversation Program”. This program is applied as a special condition for the granting of the benefit of freedom to those accused of minor crimes in the context of gender violence committed for the first time who voluntarily comply with the provision.

2.2.5. Information and Communication Technologies (ICTs)

Since the BPJ’s launch in 2012, computer tools have been validated for use in various management aspects.

Given the evolution of technological developments, its replication is conditioned on compatibility with the actions and projects of the SCBA. Thus, prior consultation is needed before its application.

Good practices approved are published annually, and some of the tools have progressed through the actions of the same body. Others have preceded later developments of the SCBA, such as the electronic collation of documents, virtual hearings, and generalizing orality in the civil and commercial jurisdiction.

2.2.6. Concretization of Fundamental Principles of the Legal System

The management approach is crucial in defining the fundamental principles of the legal system, such as effective judicial protection, guarantee of reasonable time, simplification of processes, immediacy, self-composed

8 SCBA Resolutions 1904/12 and 3120/14, and subsequent execution of the Framework Agreement for Collaboration and Technical Assistance between the Supreme Court of Justice of the Province of Buenos Aires and the Ministry of Justice and Human Rights of the Nation (Justice 2020 Program), registered under No. 393, pursuant to Res. 870/2016 et seq. In addition to the practices published in the Bank, see CHAYER, Mario, MARCET, Juan Pablo, “New Judicial Management Orality in Civil Proceedings” 1ra. Edition - June 2016 http://www.saij.gob.ar/docsf/ediciones/libros/Nueva_gestion_judicial.pdf

9 The Provincial Integrated System (created by Resolution No. 403/16 of the then Secretariat for Human Rights of the Provincial Executive, with the formation of institutions, organizations, social actors, etc.) provides for a comprehensive approach to the various instances, sanctions, prevention, training and assistance according to the problem (assistance to the victim, individual and family therapy, rehabilitation treatment for addiction, etc.).

solutions, access to justice for vulnerable people, gender perspective, and the use of plain language.

To ensure judicial effectiveness and efficiency¹⁰, traditional indicators such as the rate and time taken to resolve different matters are used. Innovative indicators include e.g. the use of an information system for feedback on the revocation and annulment of judgments, discarding its use an imposition of criteria; and others ensuring the operation of rights in matters such as gender-based violence in accordance with specific regulations¹¹.

The principles of transparency and accountability are also applied, with courts voluntarily submitting to evaluation and the BPJ publishing validation reports. Additionally, specific practices such as publishing judgments, statistics, and opinion polls even on aspects like the quality of resolution and the conduct of the hearing, are implemented¹².

2.2.7. Experiences Consultation

To review past experiences and their corresponding Validation Reports you can access: <http://www.scba.gov.ar/controldegestion/consultaexperiencias.asp> .

The following documents are available:

- a) A list sorted by jurisdiction matters with the different topics addressed.
- b) A search engine with consultation options by jurisdiction and by subject area (management of administrative, jurisdictional, customer service work processes, etc.)
- c) Reports on actions to strengthen experiences.
- d) Systematisation of experiences on ICTs since COVID.

To obtain more information, please send an email to subcontroldegestion@scba.gov.ar.

3. FINAL THOUGHTS

Improving the justice service requires the integration of general management principles and criteria that consider the specificity of its purpose to fulfil its lofty mission.

In the current Buenos Aires judicial office model, the BPJ reflects the dedication to innovation and creativity of judges who are responsible for directing the office in addition to their jurisdictional function.

Although, in other jurisdictions, these tasks were assigned to the “judicial administrator,” the perspective of judges enriched with management training is highly beneficial for integration as necessary interlocutors into the best functioning of the system.

In my experience, since the creation of the BPJ, the synergy that occurs in the feedback, even in those practices that were not validated, and the openness of judges and agents to the evaluation and sharing of experiences with their peers is highly gratifying and valuable.

10 The subject involves several aspects whose analysis exceeds the framework of the present. See PASTOR, Santos and MÁSPONS, Lilitiana, “Cipher and Decrypt. Judicial Indicators for the Americas”, Vol. II, Document prepared for the JSCA, October 2004, p.33, available at <https://biblioteca.cejamericas.org/bitstream/handle/2015/3843/cifrar-descifrar2-esp.pdf?sequence=1&isAllowed=y>, among others. In addition to the well-known Bangalore Principles on Judicial Conduct, at the regional level, it is worth mentioning, for example, that the Ibero-American Model Code of Judicial Ethics contemplates diligence as an essential functional duty of the judge, ensuring that the proceedings under his charge are resolved within a reasonable time, avoiding the injustice entailed by a late decision and dilatory activities or otherwise contrary to the procedural good faith of the parties.

11 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), the Brasilia Rules on Access to Justice for Persons in Vulnerable Conditions, national laws 24.417, 26.485, 27372, 27499, provincial regulations, etc.

12 All this, considering some aspects of the United Nations 2030 Sustainable Development Goals (SDGs) in terms of the promotion of peaceful and inclusive societies for sustainable development, the provision of Access to Justice and the construction of responsible and effective institutions at all levels (goal 16), as a guide for public policies and indicators for their monitoring.



Access to Justice: The Singapore Judiciary's Experience

By: Mohammed Jaleesudeen Jalal, Director, Access to Justice Programme, Judiciary of Singapore



Mohammed Jaleesudeen Jalal is the Director of the Access to Justice (A2J) Programme at the Singapore Courts. Heading the A2J Programme Office, Jalees is responsible for ensuring that the Courts facilitates court users' journey into the justice system, and to kick-start a culture of facilitating access to justice within the organisation. His programme office charts the strategy and policy for access to justice across the Singapore Judiciary, drives design-driven projects that reorientate services and processes to be more user-centric, scales best practices across the Judiciary and facilitates ground-up projects by court officers.

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Introduction

Access to Justice is about ensuring that would-be court-users are not excluded from or disadvantaged in the justice system due to cost or other barriers. It is about simplifying court processes, explaining judicial decisions clearly, being connected to the community we serve, and ultimately about securing and maintaining public trust in the courts. This article outlines the Singapore Judiciary's strategies thinking on the need for Access to Justice and its strategy and initiatives to operationalize it to uphold public trust.

Why Access to Justice?

Courts around the world, and their users, are familiar with the Courts' adjudicative role, which is to say what the law is, and to apply that law to the facts of each case that comes before them. In the last few years, we have evolved our understanding of the Singapore Judiciary's role. We are recognising that the Courts have an increasingly important systemic role, which is beyond its day-to-day function. As the Chief Justice of Singapore, Justice Sundaresh Menon said:

"... the changing world that we find ourselves in today has prompted an evolution in our understanding of the Judiciary's role. This is the second kind of role that the courts play in safeguarding society, beyond their traditional adjudicative

role, and that is their increasingly important *systemic* role as *institutions charged with the responsibility of administering our system of justice*. This broader conception of the courts' role flows from the recognition that their true mission as a court is to ensure the fair and efficient administration of justice. The adjudication of discrete disputes is thus a part, albeit a very important part, of the much larger picture of how our legal system delivers justice to its users."¹

This emerging awareness of our systemic role demands that we prepare new responses to new kinds of trends that we observe afflicting not just Singapore Courts, but courts globally. These trends strike at the heart of public trust in the Judiciary.

Global Trends Affecting Justice Systems

The global landscape faces three interconnected challenges. Firstly, rising inequality, worsened by the COVID-19 pandemic, with the wealthiest 1% claiming two-thirds of new wealth, as highlighted by Oxfam². This fuels societal division, necessitating the courts' role in restoring stability through enhanced access to justice. Secondly, the proliferation of disinformation and truth decay, identified by the Rand Corporation³, poses a threat to judicial legitimacy. Lastly, the 2023 Edelman Trust Barometer reveals a global

continued

1 Opening Address on "The Role of the Courts in Our Society – Safeguarding Society" at the Singapore Courts – Conversations with the Community session on 21 Sep 2023.

2 Oxfam, "Survival of the Richest" (January 2023) at p 8.

3 Refer to Jennifer Kavanagh & Michael D Rich, RAND Corporation, "Truth Decay: An Initial Exploration of the Diminishing Role of Facts and Analysis in American Public Life": (https://www.rand.org/pubs/research_reports/RR2314.html).

decline in trust in government⁴, emphasising the importance of maintaining public confidence in the Judiciary. Despite Singapore’s relatively higher trust levels, continuous efforts are essential amid global uncertainties.

Access to Justice is hence a paramount priority for us to retain and, ideally, enhance trust with users and the public-at-large.

Understanding the Perspective of the User – The A2J Framework

Globally, there are many definitions and versions of what Access to Justice means. We wanted to have a robust understanding of Access to Justice in Singapore, by defining the various underlying components to be more targeted in our interventions. We undertook a court user journey perspective to help us take a hard look at our own processes from the lens of those who enter our judicial system every day. Of special concern to us are self-represented persons, who either by choice or circumstances do not have legal representation and need to navigate the legal and judicial systems themselves.

In 2021, the Singapore Courts partnered with the Singapore Management University to develop an Access to Justice (A2J) measurement framework, with the goal of capturing the components of A2J, as well as the outcomes of A2J. The framework was developed through a review of relevant literature, such as publicly available local and international research papers and studies, adjacent areas of interest such as service excellence and organisational trust, and consultation with internal court stakeholders. The areas that are measured (Fig 1) are encapsulated by a court user journey framework providing the overarching structure (Fig 2):

Fig 1: Areas of the A2J Framework

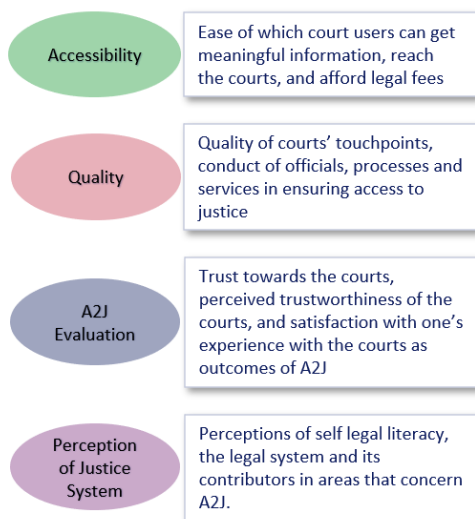
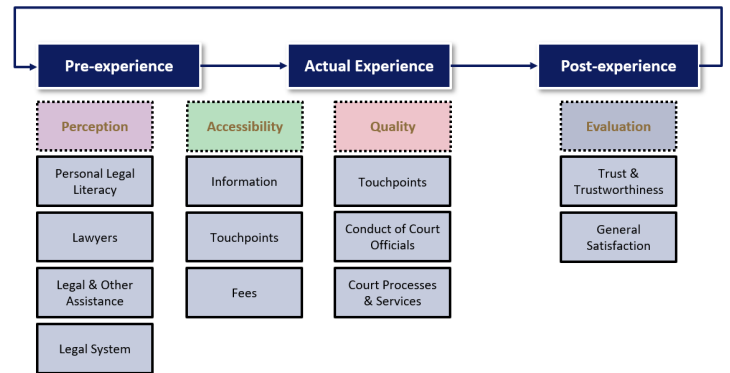


Fig 2: The A2J Framework in a Court User Journey Perspective



The framework enables us to be specific in our identification of challenges and opportunities in enabling access to justice and measure our performance in each of these dimensions so that we can improve our trust scores.

Ongoing Efforts

A2J is not a new idea in the Singapore Courts. Various initiatives in the past few years have brought enhanced accessibility and quality of court services to users:

- **Integrating Services:** In 2021, one-stop service hubs were introduced in the Supreme Court and State Courts to offer self-represented persons more convenience. Court users could make enquiries on the Courts’ processes, file applications, access case management systems from the self-help terminals, and carry out other related court processes from a single location, instead of having to go to different levels and offices within the court to get things done.
- **Digitalising Services:** The Judiciary has gone digital for many filing processes. For instance, at the Community Courts and Tribunals at the State Courts, all claims and supporting documents can be filed online via the Community Justice and Tribunals System (CJTS). This is a one-stop, end-to-end case filing and management platform with online dispute resolution capabilities. In addition, tribunal cases can be heard via virtual hearings. The Court have also introduced eDivorce and eProbate filing systems for greater accessibility for self-represented persons.
- **Publicising Services:** We work with the community to enhance understanding of the law among members of the public. The Family Justice Courts developed the Family

⁴ Refer to the 2023 Edelman Trust Barometer, Top 10 (<https://edl.mn/3k4cd9y>)

Justice @ Heartlands series of talks in partnership with the Ministry of Social and Family Development and the Law Society of Singapore, and other stakeholders. This is a series of outreach activities to enhance citizens’ knowledge of family law and possible remedies to commonly-faced issues, such as writing wills.

The Access to Justice Programme Office

Our latest effort is the setting up of an A2J Programme Office in 2023 to consolidate and drive A2J efforts across the Judiciary. The A2J Programme Office, under the Chief Executive’s Office, seeks to drive the Judiciary’s transformation into a more outward-facing, user-centric organisation. The four key roles of the A2J Programme Office are to:

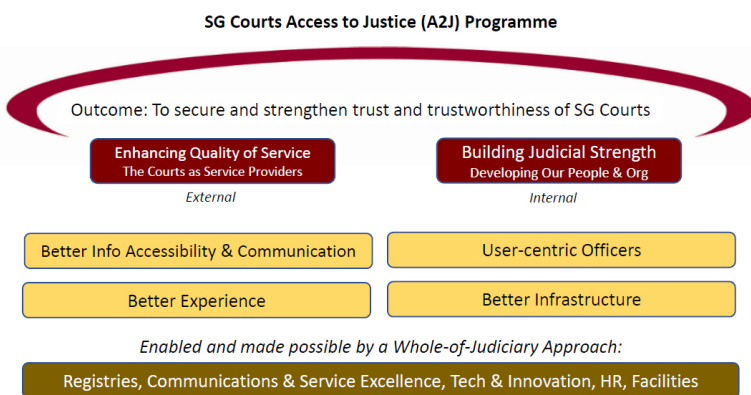
- Drive A2J Policy: we define what is considered A2J in the Judiciary’s context, and look at international best practices to define standards and benchmarks;
- Drive A2J Projects: we drive projects to enhance A2J by understanding users’ pain-points, addressing gaps, and enhancing their service experience;
- Track and Scale A2J Efforts: we monitor progress of projects through regular reporting to the Chief Justice, and scale up best practices where possible; and
- Support a culture of A2J: we promote A2J through ground-up projects and various forms of communications to support and sustain a mindset of A2J in every officer.

The Access to Justice Strategy

We have structured our Access to Justice strategy to focus on 2 key thrusts: First, we want to enhance Quality of Service, which speaks to our external role as “Service Providers”.

Second, we want to Build Judicial strength, where we want to internally develop our people and organisation to adopt a user-centric lens (see Fig 3 for a graphic representation of the strategy):

Fig 3: The Access to Justice Strategy



Under each of these thrusts (the two red boxes), we have different categories of projects that we are undertaking, such as projects to do with better information accessibility or better overall user-experience, which are the four boxes in yellow. All of these cannot be done in isolation, and require partnerships with all stakeholders in the organisation, highlighted in the gold rectangle at the bottom.

In the medium to long run, this strategy aims to change the way we think about and do our work in our courts. The key intent of identifying and running projects is to collectively shift our organisational mental models (thinking) such that we serve court users as “service providers”, as opposed to the assumption that “users come to us for help”, and actively facilitate court users’ access to justice (doing), rather than being passive administrators.

Enhancing Access to Justice, Project by Project

Primarily through the use of projects, we hope to inculcate these new ways of “thinking” and “doing”. We identified 23 projects to be carried out over 3 years, which are worked on by a combination of volunteer officers, various divisions and by the A2J Programme Office itself as a facilitator and “incubator” to get things started.

Our focus is to understand the user journey of various stakeholders who use the courts, both court users and our court officers and judicial officers/judges in how they carry out their work. This way, we can understand pain-points from different levels. In all our projects, we use basic design thinking principles:

- Empathise with court users’ and officers’ lived experiences in using our services;
- Ideate new ways of working, that we may not have considered before; and
- Prototype ideas into small-scale, low-cost, or no-cost pilots to test on users to improve, and developing a bias for action instead of stopping at the concept stage

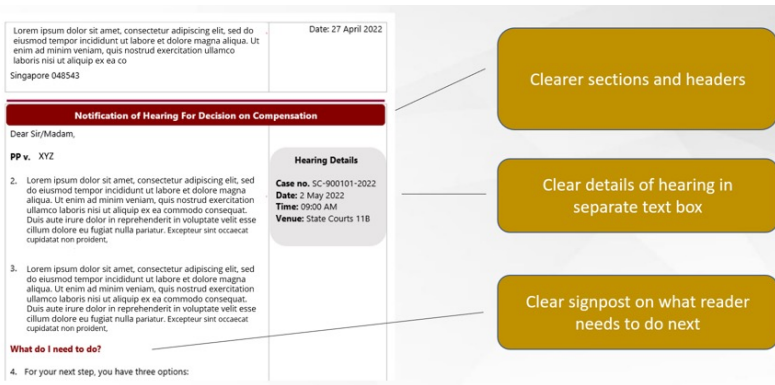
An example of a project we have embarked on to enhance discoverability of information is the “digital guided questionnaire” where a step-by-step questionnaire guides users to information they are looking for on the Judiciary’s website. Based on very commonly asked queries at our Service Hubs and call centre, court users are asked a series of questions in plain English, which they can click to go closer

continued

to what they are looking for on the website. Following user testing, we found that the guided questionnaire saved almost half the time for users, when compared to using purely the website to look for information.

An example of enhancing readability of court correspondences is where the A2J Programme Office collaborated with the State Courts and Supreme Court Registries to enhance the readability of a letter that notifies victims of the hearings, where the court may decide on whether to make a compensation order. After conducting user-testing with non-legally trained, non-Judiciary public officers for a “layperson” perspective, we reformatted the letters to be easier to read, with appropriate headers for readers to understand what the next steps for them to perform were (see fig 4).

Fig 4: Sample of Enhanced Letter



An example of providing court users a better experience and more convenience was how the Community Courts and Tribunal Cluster at the State Courts identified certain services to pilot at ServiceSG Centres, which are one-stop Government Service Centres offering more than 400 Government services, and aimed at assisting those who may have limited access to technology. These ServiceSG Centres are located island-wide. This means that if court users require help filing these services online, they could go to any ServiceSG branch office to obtain assistance to file these services online without having to travel to the State Courts.

Energising our People

We aim to promote A2J as an organisational mindset where officers default to having a mindset that facilitates enhancing “how do we enhance Access to Justice”, and make a conscious link to A2J with the projects they are involved in.

To achieve this, we have implemented procurement requirements mandating court officers to actively think and evaluate which dimension of the A2J framework each project above a certain small value applies to.

To create a “ground-up movement” for every officer to play a role in A2J, we set up the Access to Justice workgroup in 2023, comprising a group of 30 officers from across all three courts (the Supreme Court, the State Courts, and the Family Justice Courts) within the Judiciary. Since its formation, six groups were formed to examine different aspects of A2J, such as streamlining processes and enhancing information availability to court users. In 10 months, these groups (consisting of 20 officers) made 21 recommendations, carried out 11 pilots and engaged more than 80 users to understand pain-points and test solutions. To carry the momentum of A2J among officers, we launched the “A2J Times” e-newsletter to publicise the various A2J initiatives across the Judiciary. We hope to entice more officers to join our A2J movement.

Learning Points

In conclusion, the Singapore experience imparts some crucial learning points:

Firstly, the principle of “Think Big, start small” underscores the notion that substantial ideas often originate from minor adjustments or incremental changes. By making manageable and relatable modifications, we foster an environment of trust, avoiding individuals from feeling overwhelmed at needing to “change everything overnight.” Initiating with a grand approach from the outset may risk jeopardising the success of ideas and impede support from stakeholders, who may require more time to warm up to changes.

Secondly, achieving buy-in at various organisational levels is pivotal. This involves engaging leaders, middle management, and officers alike. Culture emanates from all directions and is not solely the responsibility of leadership or middle management. Our experience showed that we need to collaborate with officers, gain support from top management and then work on middle management. This necessitates time and concerted effort.

Thirdly, it is imperative to celebrate successes. Acknowledging achievements, reinforcing them with positive emotions and behaviours, and highlighting individuals through mechanisms like the A2J Times play a crucial role to incentivise officers to continue engaging in positive actions.

Lastly, the importance of having the right individuals to build bridges and drive change is imperative. My previous experience at the Public Service Division at the Prime Minister's Office, which is a "centre of Government" agency, helped me learn the importance of collaboration, acting as one entity and eliminating silos. Bringing these tools to the Judiciary has proven beneficial in the building of bridges, establishing lasting relationships, and propelling projects forward, cultivating a deep sense of trust among stakeholders.

We hope to continue the momentum with officers, and work on more meaningful projects to enhance Access to Justice and enhance trust with our users.

Editor's Note:

Along with his court colleagues, Mr. Ha Yeong Sheng & Mr. Kenneth Yap, the "Access to Justice: The Singapore Judiciary's Experience" program was presented at the Buenos Aires Conference. To review the complete Power Point Presentation, please see the Past Conference Page on the IACA website, Conference Materials:

<https://iaca.memberclicks.net/2023-conference-presentations>



Behind the Curtain: The Power of Human-Enhanced Technology for Promoting Access to Justice

By Pamela Ortiz, Director, Access to Justice for the Maryland Administrative Office of the Courts, USA



Under Director Ortiz, the Access to Justice Department develops and coordinates programs expanding access to and enhancing the quality of justice in civil legal matters for all those living in the state of Maryland. The Department's responsibilities include educating the public about how to use the courts, developing resources for the self-represented, and overseeing the Court Interpreter Program. Ms. Ortiz began her legal career with Maryland Legal Aid.

Ms. Ortiz presented this program during the Buenos Aires conference. To review, download, print and save the complete Power Point materials for this program, please log into the Past Conference Materials for the Buenos Aires Conference on the IACA website at <https://iaca.memberclicks.net/2023-conference-presentations>.

Located in Annapolis, Maryland, Ms. Ortiz can be reached at pamela.ortiz@mdcourts.gov.

Technology offers courts many opportunities to expand access to justice. The creative use of technology can extend the reach of court help centers, forms tools, and online legal information to users in remote and rural areas, can enable persons with disabilities to participate remotely in court proceedings, and can ensure access to court processes and legal help for persons in all languages. With technology, court leaders can leverage limited resources to improve efficiency and effectiveness while enhancing equity and accessibility. But technology is only as powerful as the human-based resources behind it. The Maryland¹ Judiciary's commitment to access to justice has resulted in significant investments in human-driven services that make key technologies especially powerful.

You may be familiar with the film, *The Wizard of Oz*, in which the great and powerful Oz, a wizard, rules over everyone in the Emerald City. Four travelers seek him out – one to ask for the gift of a heart, the other for a brain, one for courage, and one for the ability to go home. As they stand before the mighty Oz, they are disillusioned when a dog pulls aside the curtain to reveal a small man turning levers to create the illusion of a powerful wizard. In the end, the wizard teaches them they already have access to the gifts they desire. In *Oz*, it was the person behind the curtain who made the magic happen.

Similarly, in our courts, there are many ways to make use of technology. What makes it especially powerful, and what we have learned in Maryland, is that for technology to be effective, we have to invest in the human resources behind the technology. An app can provide access to online information, but if we invest in a call center filled with trained and knowledgeable lawyers, that app can also provide access to legal advice at the touch of a finger. It's the investment in human capital that creates meaningful access to justice. It is the human being behind the curtain that makes the real magic happen.

Technology alone cannot deliver access to justice. There has to be something "behind the curtain." Key tools are needed as are imagination, leadership commitment, financial support, and persistence to develop resources over time. The benefits can be significant for the public and can enhance accessibility for all. Success requires effective leadership support; a commitment to provide adequate funding; a common set of rules, forms, and practices accepted throughout the jurisdiction; legal and technical expertise; as well as a commitment to staff key resources.

In Maryland, we use technology in many ways. In each of these, investments in human resources and personnel

¹ Maryland is a state on the East Coast of the United States, immediately adjacent to Washington, DC, and surrounding both sides of the Chesapeake Bay.

infrastructure have enabled us to make the best use of technology when new tools are added to the mix.²

Technology Aids the Court in Providing Legal Information to the Public

One of the simplest ways courts use technology is in providing legal information to the public. In Maryland we provide not only written online content, we have produced an extensive library of videos on a broad range of legal topics. Videos are short – our data shows that users will watch these types of videos for an average of three minutes – and organized in series so users can get the information they need, when they need it. Over 120 titles are available to guide litigants through their court case, to complete court filings, prepare for their day in court, and address post-judgment issues. Most videos include a live, on-screen narrator as research has demonstrated viewers connect best with a “face.”³ All videos are presented with close captioning in English and Spanish, posted transcripts in English and Spanish, and a tip sheet summarizing the topic so viewers can print or download information to remind them of what they learned.



Maryland’s Court Help Video Library

Technology helps courts to make this type of information available to the public. Online video platforms make it easy to host your videos online, and sophisticated production tools allow us to work with video production firms to review and update the content.

Our investment in human resources has made this project successful. At the Maryland Judiciary, a legal content analyst leads our team in producing online written and video content.

² Maryland publishes a dashboard that reflects the services managed by the Access to Justice team at the Administrative Office of the Courts. Find it at: <https://www.mdcourts.gov/atjdashboard>.

³ Kizilcec, René & Papadopoulos, Kathryn & Sritanyaratana, Lalida. (2014). Showing face in video instruction: Effects on information retention, visual attention, and affect. Conference on Human Factors in Computing Systems - Proceedings. 10.1145/2556288.2557207. See also Polat, H. Instructors’ presence in instructional videos: A systematic review. Educ Inf Technol 28, 8537–8569 (2023). <https://doi.org/10.1007/s10639-022-11532-4>.

This individual’s expertise in the law, plain language drafting, and the specific skills gleaned from her experience in video production, enables us to keep these complex projects in production and updated when there are changes in the law or court rules.

Maryland brings all its online resources together in a single place through the Maryland Court Help app. The app was developed in house using drag and drop app-building tools. Technology has made it easier to get simple projects quickly in the hands of court users. Refining the product requires not just access to app-building and programming tools, but the human expertise to make the best use of those resources. The Maryland Judiciary is currently developing version 3.0 of the app, with an expected release in mid-2024. The work is being done by a key player in the Judiciary’s access to justice arsenal – Maryland’s Special Counsel for Technology Initiatives. An attorney with technical expertise and programming skills, this individual adds value to every access to justice project Maryland undertakes – as almost all access to justice initiatives involve, in some way, the use of technology. As we explore how to make the best use of our human resources, we are exploring new ways for lawyers to use their legal expertise, and we are designing the law jobs of the future.

Technology Improves the Experience of Individuals Interacting with the Court

Another project that has been developed under the guidance of the Special Counsel for Technology Initiatives is Maryland’s Guide & File document assembly program. Guide & File is the authoring application available from Tyler Technologies to support our statewide electronic court case management system. The Maryland Judiciary uses the application to author interviews that guide litigants through a series of plain language questions. At the conclusion of the interview, the litigant is provided a comprehensive packet of completed forms they can print or e-file to start their court case or respond to litigation. The technology makes these tools possible, but courts can only make full use of it with tech savvy, trained staff, dedicated to authoring interviews. Interviews require extensive testing, and they must be updated and maintained every time a form changes or a court rule or

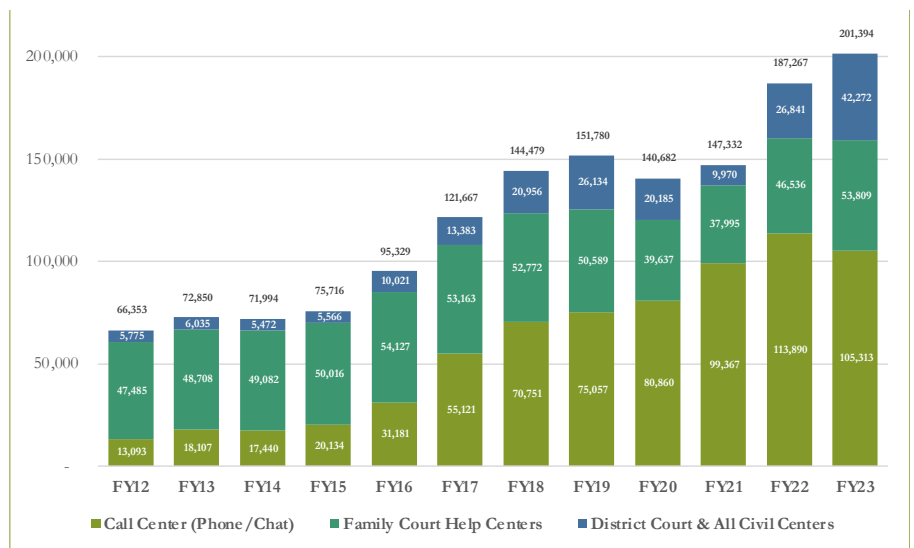
statute passes that alters the legal process or the information the court will require. Investing in the human capital to support authoring enables the court to build a comprehensive library of interviews and keep them up to date.



Wayfinding Kiosks

In Maryland, we have begun to explore the use of kiosks for wayfinding. Units have been installed in two local courts. The kiosks provide a voice-activated, animated, AI-driven avatar who can direct visitors where they need go, answer frequently asked questions, and may eventually be used for jury or party check-in. The kiosks can also be used to connect to a live agent. The technology is fun to use, but in developing the pilot, Maryland has learned that it requires a sophisticated project team and extensive testing by court staff to ensure the avatar gives the right answers to the right questions. Without the investment in staff time and project management expertise, the kiosks would have no value. Plans are in place to invest in extensive user testing now that the units are in public use.

Maryland Court Help Centers –
Instances of Service Fiscal Years
2012 – 2023



Technology Enables the Court to Expand Access to Legal Support for the Unrepresented

Maryland operates an extensive network of court-based help centers. Family court help centers provide assistance to litigants⁴ involved in divorce, custody, child support, and other family cases in the state’s circuit courts. A network of Maryland Court Help Centers in District Court locations offer help in case types heard by that court (small claims, landlord-tenant matters, domestic violence) and, in two locations co-located with circuit courts, the program assists with all civil case types. In addition, a statewide call center provides direct access to a free lawyer for help in all civil matters. The Maryland Court Help Center is available via phone and live chat five days a week from 8:30 a.m. to 8 p.m. and provides help in all civil case types. To operate the District Court centers and the call center, the Judiciary contracts with the Maryland Center for Legal Assistance (MCLA), a subsidiary of Maryland Legal Aid.

The call center, which has operated since 2011, makes extensive use of technology to facilitate these remote services. Currently, the Maryland Judiciary uses Cisco’s WebEx contact center application to route calls and LivePerson to route chats to court help center attorneys. A knowledge base provides all attorneys access to detailed information about Maryland law and local practices to ensure that program attorneys across the state, can answer questions about any case type in any jurisdiction. MCLA staffs the program with about 49 attorneys, approximately 17 of whom are dedicated

⁴ Maryland Judiciary, Resources for Self-Represented Litigants in the Maryland Courts – Fiscal Year 2023. <https://www.mdcourts.gov/sites/default/files/import/accesstojustice/pdfs/srreportfy23.pdf>.

to the call center. The call center, however, is supported by attorneys at walk-in locations. When attorneys in the walk-in locations are not busy with a client, they pick up calls and chats using the web-enabled contact center tools. The program also recruits and trains pro bono attorneys who can field calls and chats from any location, making it easy for them to volunteer from home, on their lunch break, or after hours, whenever is convenient. Walk-in staff and pro bono attorneys make a significant contribution to the overall capacity of the program. To support this effort, MCLA cross trains all its attorneys in all civil matters and ensures that walk-in attorneys and call center attorneys swap roles regularly so they remain nimble, able to assist with any aspect of the program. It is this significant investment in staffing, training, and technology skills that has made the program truly successful. In fiscal year 2023, Maryland Court Help Centers, including the family court help centers, provided nearly 200,000 instances of service.

Technology Enhances the Court Experience for Persons with Limited English

The one area most likely to be impacted by changes in technology over the next three to five years is the area of language access. Computers have already proven their efficacy for dealing with large language models in the burgeoning field of artificial intelligence (AI). The global pandemic catapulted many courts around the world into remote proceedings and online services. Maryland courts, along with others around the world, became adept out of necessity at hosting online proceedings and integrating remote interpreters into those settings. In Maryland, courts use the Polycom presentation system, a court recording system that uses video to record court events and Zoom for remote proceedings. During the health emergency, those vendors adapted to permit Zoom events to not only be recorded, but to include special channels for interpreters, allowing for simultaneous interpretation when appropriate during court events. Post-COVID, many courts have returned to in-person hearings, but cost benefits and efficiency have created demand for the continued use of remote interpreters, regardless of whether the court and parties are participating remotely or in person.

As machine translation has improved, the options for courts will multiply. Machine translations can be used, for example, in conference settings, providing automated transcriptions synced with video conferencing software. With appropriate review and supervision, there may come a time when automated transcriptions are sufficient to overcome language barriers in a court setting, at least for literate clients.⁵ As court professionals, we must continually evaluate the state of the field to ensure we can provide the most effective, and cost-effective, resource for court visitors. We should be planning now for changes we can anticipate in the language access field and assist our in-person interpreters to broaden their skills to complement the changing dynamics of court interpretation. In Maryland we have offered extensive training and support for our interpreters to ensure they are as adept in a remote or hybrid setting as they are when interpreting on site and in person. Courts have spent years building strong interpreter pools. As technology changes, we should reinvest in those programs to ensure the key human resources stay engaged and broaden their skills to support the way services will be delivered in future.⁶

Investments in Human Resources are Key to a Successful Technology Strategy

Technology can enhance access to the courts, but it is not sufficient by itself. Investments in uniform practices, forms, and resources are important. Perhaps more importantly, however, are the investments courts make in the human resources that provide the services facilitated by the technology. Once those services are in place, the technology leverages the impact of the service. Building a strong technology strategy for modern courts will require thoughtful and sustainable investments in human resources.

⁵ Court recording vendors are starting to offer real-time AI speech recognition, translation, and interpretation services through their digital recording equipment. See for example: <https://www.courtsmart.com/technology/speech-recognition/>.

⁶ For more information about Maryland's Court Interpreter Program and the investment we make in interpreter education, see *Access to Justice, Maryland Administrative Office of the Courts. Language Services in the Maryland Courts – Fiscal Year 2023.* <https://www.mdcourts.gov/sites/default/files/import/accesstojustice/pdfs/languageservicesreportfy23.pdf>

HACKING JUDICIAL COMMUNICATION

By: Jorge W. López



The Honorable Jorge W. López was a Presenter during the Buenos Aires Conference. He is currently a Judge of Guarantees in the Lomas de Zamora Judicial Department and has been serving in this position since October, 2012.

Hon. López joined the Judiciary of the province of Buenos Aires in the aforementioned judicial department in 1990, serving as an employee, secretary of the Public Prosecutor's Office and of the Court of Guarantees. He received his law degree at the Universidad Nacional de Lomas de Zamora and received another degree as Specialist in Criminal Law at the University of Palermo.

Hon López has been a conference presenter many times speaking on various topics: prison situations, therapeutic justice, restorative justice, mental health and judicial management. He is an author of several articles of doctrine. Hon. López is also a member of the Network of Criminal Judges of the Province of Buenos Aires and a member of the Observatory of Clear Language of the University of Buenos Aires, Faculty of Law as well as being a member of LACA.

Located in Argentina, Buenos Aires, Lomas de Zamora, Hon. López may be reached at jorgewalterlopez@yahoo.com.ar for those wishing to follow up with him. To review, download, print and save the complete Power Point materials for Judge López' program, please log into the Past Conference Materials for the Buenos Aires Conference on the LACA website at <https://iaca.memberclicks.net/2023-conference-presentations>

Hacking is the action of a person – hacker – who investigates an innovation system and computer system to warn of failures and develop techniques for improvement¹.

This definition is very limited, although better than the one that conceptualizes it as an illicit act – the appropriate term is cracker – because being a hacker is much more than that and its characteristics can be applied to a universe greater than that of computer systems.

For the “hacker philosophy”, it is to be a person who is passionate about learning and understanding, has fun with what he does, is creative, does not believe in differences by rank, race, position, defends the decentralization of authority and believes in the right to free access to knowledge and information.

With the court's team, we set out to hack the monarchy of judicial language and the formal parties that structure its resolutions, and we carried out our project of clear communication.

THE NEED FOR CHANGE

Transparency and clarity in communication builds trust.

We provide a service – the administration of justice – therefore, we must be clear to the recipients and users of the judicial system.

Not only the use of clear and non-sexist language, but also an easy structure to get information taking into consideration the way in which any digital document is currently read.

CLEAR COMMUNICATION

I consider clear communication as a right that encompasses clear language, easy reading, non-sexist language and new ways of reading digital products.

It is one in which citizens can easily find the necessary information, understand it without difficulty and make informed decisions.

Part of the disbelief in the administration of justice is due to the obscurity and unexplained technicality of the language used.

¹ Dictionary of the Spanish Language (23rd edition) Royal Spanish Academy

The message should be direct, with simple and clear sentences, short paragraphs, taking into consideration diversity – both gender identities and culture -, social vulnerability, mental health, cognitive deficit and disability.

Digitalization – a process that accelerated after the pandemic – virtuality, judicial powers that work in a hybrid or mixed way and the various social networks that have joined judicial communication are reason enough to understand that change is needed.

The wording should also be adapted to the readers-aloud of the applications so that it can be heard and understood by blind or illiterate people.

That's why it's not just text, it's structure, editing, visual language, design, interactivity, usability and measuring the user experience.

CLEAR LANGUAGE AND EASY READING



Plain language is far from a mere simplification, which is distinct from writing in a simpler way.

We should not equate plain language with easy reading.

Easy reading is aimed at people with capacity restrictions, where there is simplification. The texts are adapted so that they can be interpreted by people with certain disabilities.

On the other hand, when we talk about clear language, we mean not simplifying content, but simplifying its expression.

Our task is to express ourselves without unnecessarily complicating the content, favoring comprehension, through a clear syntax and a good document architecture.

Plain language does not require the judiciary to deviate from the technical rigor necessary for the issues it addresses. In other words, it is not a simple exercise associated with the use of vocabulary, but with how the message is transmitted.

NON-SEXIST LANGUAGE

Globally, there are discussions around the use of inclusive language. Spain with the Royal Spanish Academy,² the United States with the North American Academy



of the Spanish Language and the inclusion in the Merriam-Webster dictionary of a new acceptance in the personal pronoun “they”; Germany prioritizes gender-neutral terms, or Sweden, which added the word “hen” as a neuter pronoun to the official dictionary to differentiate them from the masculine “han” and the feminine “hon.”

Non-sexist language overcomes the use of binary structures and the controversies of writing with the vowel “e” or the letter “x” or the @ sign.

It is a gender-neutral language that has been present in different languages, including the six official languages of the United Nations³, in order to use linguistic expressions that avoid sexist prejudices and stereotypes, as well as the invisibilization and exclusion in the language of people of a certain sex, gender or sexual orientation.

It avoids the generic masculine in the Spanish language, the formation of sentences in a coequal manner and the acceptance of the feminine version of traditionally masculine nouns.

In addition, it is the appropriate language that complements judging with a gender perspective.

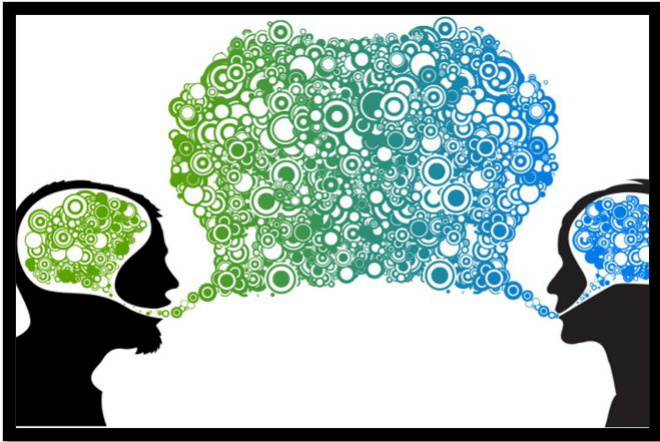
THE BENEFITS OF CLEAR COMMUNICATION

- a) It decreases dissatisfaction and the perception of lack of transparency.
- b) It increases people's trust in the institution.
- c) It improves the reputation of the organism.
- d) Boost interaction. It makes the exchange of information between the organization and citizens fluid.
- e) It democratizes access to information.

continued

2 BOSQUE, I. “Linguistic sexism and visibility of women”, report of the Royal Spanish Academy, 2012, signed by 26 of the 44 academics. The critique of FERNÁNDEZ-ORDÓÑEZ, I. one of the academics who did not subscribe to it. ESCAJA, T. and PRUNES, N. “For an inclusive language. Studies and reflections: non-sexist strategies in the Spanish language”, report of the North American Academy of the Spanish Language (ANLE), 2022
3 Arabic, Chinese, English, French, Russian and Spanish.

- f) It means economic savings.
- g) It improves productive time and allows you to manage



your own time in a more effective way by shortening the time and effort invested in reading, comprehension, and reducing doubts, complaints and queries.

- h) It reduces the anxiety caused by the difficulty of understanding documents or procedures.
- i) Facilitates machine translations.

NEUROLANGUAGE, THE F-SHAPED PATTERN, AND READING IN DIGITAL PRODUCTS

Neurolanguage provides useful multidisciplinary criteria for a cognitive and linguistic quality design of documents.

It makes it possible to optimize writing to facilitate the mental processes of reading, to empirically study the visual sweep that a person performs in their reading and its corresponding comprehension, to calculate the quantity and quality of linguistic information necessary to facilitate the comfortable understanding of a document.

Engineer Jakob Nielsen, who holds a PhD in user interfaces and computer science from the Technical University of Denmark, established the canons for on-screen reading in the so-called Pattern F.⁴

Their studies

showed that the eye draws an “F”-shaped reading path when reading the screen.

The eye traces the top horizontal line of the screen, then draws a second, shorter horizontal line, and finally slides the gaze along the left line of the screen.

That's why he says the eye doesn't read, it scans.

He showed that people don't read the whole text, word for word, but that the first two paragraphs pick up what is most important. The beginning of each sentence will fix the rest of the eye.

With this in mind, the titles and the most relevant information should always be placed on the left mark. In the same way, place the most important thing in the first three paragraphs where the person reading pays the most attention.

We know from experience that the first thing people look at is the part where what is resolved is arranged – at the end of the text – and then goes back to the fundamentals – the knot of the resolution in the middle part; Now we have become accustomed to reading all digital content (newspapers, websites, blogs, etc.).

Today, replicating a digital text in the way a printed one is written is a sure failure in communication.

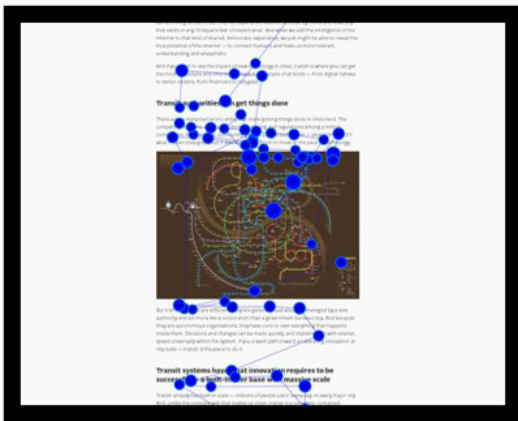
The president and CEO of Nielsen Norman Group, Kara Pernice, specifies that, by presenting a wall of text, the person will find their own way, but it will be very difficult for them to get what they want to know and understand it.

He advises to fragment it, use bullet points, headings, subheadings within the text with different sizes or letters, colors, something that is eye-catching.

That way, users can scan and decide if those words are things they're interested in and that way they'll read the full text. He called it “layer cake” and it allows you to break the “F” shaped pattern.

From the first study conducted in 2006 to the last one in 2019 there were several new findings, but what did not change is the trend of scanning.

That is why there are four factors to take into account when writing digital information: a) the level of motivation: How important is this information for the user?; b) type of task: is the user looking for a specific fact, looking for new or interesting information, or researching a topic? c) Level



4 NIELSEN, J., PERNICE, K. Y WHITENTON, K. “How people read on the web: the eyetracking evidence”, Nielsen Norman Group, año 2014. Segunda edición 2020.

of focus: How focused (or unfocused) is the user on the task at hand and d) personal characteristics: Does this person show a propensity to scan and tend to scan even when highly motivated? Or are you very detail-oriented in your overall approach to online reading?

These studies, plus the experience of years of work in writing and reading judicial decisions, led us to a new design of the documents that we carry out in the Court, although – we still – must maintain some writing patterns stipulated by the Supreme Court of Justice of the province of Buenos Aires.

CONCLUSION

Today we have standardized 670 models that include minutes, resolutions, dispatches and official letters with the new form of communication that we adopted.

We abandon the classic structure that still endures from the writing practices of those royal officials of the colony by “Summary, Decision, Rationale, Applicable Law”.

Jurisprudence and doctrine are located separately.

Each model has an indicative title and a table specifying the names of the, their owners and other intervening parties.

This was in addition to the use of clear, non-sexist language, the simplification of technical language for people with mental health pathologies or explaining the concepts in easy reading in sections following the expert opinion.

We also apply it to our oral interventions, interacting with users and asking if they understand us and if they can tell us what they understood.

It has a close link with the therapeutic approach instituted by David Wexler in the 90s⁵ and which gave rise to Therapeutic Justice, which we also apply, in particular, to people with problematic substance use in conflict with the criminal law.

The author defined it as the role played by the law as a therapeutic agent focused on the impact it has on the emotional life and psychological well-being of people who are faced with a legal procedure.

It focuses on humanizing judicial procedures in order to obtain favorable results that contribute positively to individuals and society.

The judicial process itself has a barrier for the citizenry, which is the set of conventional, national and local rules, doctrine and jurisprudence that is applied. Add to this incomprehensible language, and the result is marked distrust.

To think that innovation is only technological is to forget that the first disruptive tool of humanity was communication and its forms and that it must be based on elementary pillars such as human rights, democracy and transparency.

Clear communication is an imperative – even a legal one – that can no longer be postponed.



5 WEXLER, D. y WINICK, B. “The Development of therapeutic jurisprudence”, año 1996.



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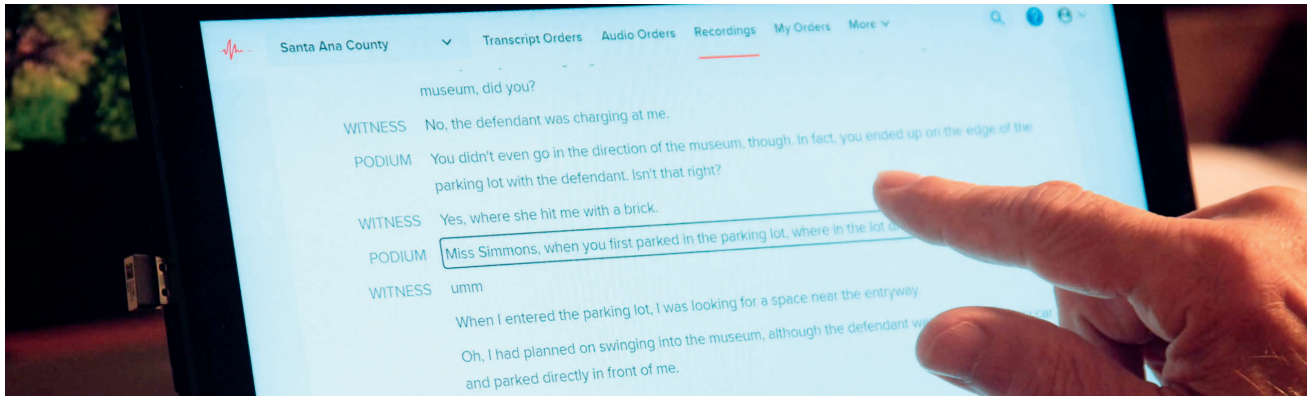
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It was gratifying to see the interest and positive response from participants towards our proposals, which reflects the relevance and current need for comprehensive digitization in the judicial systems.

I particularly commend the quality of the presentations and discussions, focused on topics such as access to justice, technological innovation, and judicial administration. It was truly enriching and relevant for the future development of our sector, contributing to making this conference such a significant and productive event.

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Case Weighting Project in Latvia

By: Anna Skrjabina



Anna Skrjabina is currently a consultant and researcher focused on justice administration and technology, from end of 2023 Founder of “legal a porter,” a legal strategy and design consultancy.

She was previously, a practitioner in the Ministry of Justice and Court Administration of Latvia where she led large-scale justice reform projects. Among her many responsibilities as Deputy Director of National Court Administration of Latvia, Anna managed the development of case-weighting solutions for Latvian courts.

She was part of the OECD Advisory Committee on Access to Justice, led the Justice and Technology workstream initiated by OECD and Latvia, and is an expert for the Council of Europe CEPEJ.***

IACA is honored and proud to welcome Anna as she takes on her new role as Section Editor of the IACA Journal and as a Council Member of the European Law Institute. She has been a member of IACA for over five years.

Located in Riga, Latvia, Anna Skrjabina may be reached at skrjabina.anna@gmail.com for those who wish to follow up with her.

In her article, Anna reflects on the challenges related to development and further implementation of case-weighting on the example of Latvian jurisdiction and touches upon benefits the case-weighting could bring to the court management.

First, this article follows the publication *Inclusive Court Management for Better Judicial Performance*. Latvian Case in the summer 2021 edition of *The Court Administrator*, Edition #10 and reflects the progress in implementation of case-weighting in Latvia since then. Secondly, it is an attempt to open the broader debate on the usage of the results of case-weighting globally for the different purposes, among them in understanding the optimal workload of the judge or potentially empowering case-weighting by different technological tools for advanced court management.

On 28 April 2023, the Judicial Council of Latvia approved practical implementation of case-weighting in first instance courts as point-based system for civil, criminal, and administrative violation cases¹. The same methodology is also used to weigh cases in the second instance, however further piloting in the appeal stage is still required before integrating the solution into practice. The Model was developed by

Court Efficiency Working Group established by Court Administration of Latvia in 2020².

Case-weighting could be described as one of the modern approaches to contribute to effective court management and it is implemented in numerous countries around the world, including in different forms and purposes in most Council of Europe member states³. This approach is used for planning of court resources in states generally and at the level of court, for equal distribution of cases, assessment of individual judge performance etc.

A thought-out and successfully implemented solution has the potential to balance the workload in courts, reduce the length of the proceeding, backlog and to strengthen access to court.

The idea behind case-weighting is the in-depth understanding of different court actions, as every day judges resolve cases of different variety and complexity. Especially, in the small jurisdictions or smaller courts, where specialization is not introduced. For example, in the majority cases uncontested money claims will not be comparable with legal

continued

1 Decision Nr.23 by the Judicial Council of Latvia from 28 April 2023 “About the setting the level of complexity to court cases”. Accessible: <https://www.at.gov.lv/en>

2 Judges from the first and second instance courts, court presidents, representative of the Supreme Court, Court Administration and Ministry of Justice

3 CEPEJ studies Nr.28 Case weighting in judicial systems Accessible: <https://www.coe.int/en/web/cepej>

questions to be solved in the framework of competition law case, when detailed legal analysis is required.

The European Commission for the Efficiency of Justice (CEPEJ), reflecting the different existing solutions in development of case-weighting, distinguished two basic approaches: The *Delphi* method (the survey to get the consensus between judges) and the time-study method (measurement of actual judicial time necessary)⁴.

Solutions implemented in Latvia combines elements of these two methods and is primarily developed by the judiciary. The complexity of the case is assessed based on the assumption on the time necessary and converted into points. Thus, providing for broad potential in usage of the results and data obtained in the framework of case-weighting study, including further providing the possibility to define the optimal workload of the judge.

For case-weighting, the working group has merged the cases into groups according to the procedure and branches of law⁵ and has conducted the questionnaire⁶ among all Latvian judges of the first and second (appellate) instance courts. The objective of the questionnaire was to analyze the complexity of the cases, based on the average estimated time necessary for each of the groups. At the same time, additional factors leaving impact on the complexity were identified and included in the questionnaire for further reflection by the judges. For example, the number of claims, participants, accused persons, crimes conducted, amount of case material, and other, including procedural decisions in the court case.

Considering the results of the questionnaire, points were assigned to the each of the case groups based on the presumption that one point is equivalent to the 2 hours of the judge work⁷.

The obtained result is verified as comparing the workload indicated by judges with the actual workload calculated according to available statistical data, as also extensively discussed by Court Efficiency Working Group. At the same time, the verification is conducted implementing the case-weighting solution in pilot phase in two first instance courts throughout six-month period, in one court in the capital

of Latvia and the second – in the region. The interest and responsiveness from the judges have been observed, sharing the common philosophy that the objective of case-weighting solution is to assess the workload of the judge in a most fair manner possible⁸.

Once presenting the results of the study and proposed case-weighting model to the Judicial Council of Latvia in April 2023, on behalf of the Working Group, stressed that initially the model was developed with the objective to assess and balance in a long-term workload between judges and courts in Latvia.

Thus, at first, it was proposed to implement the model for analyzing and monitoring of workload in the courts of first and second instances. This is done by ensuring synergy between key performance indicators applied until now and point-based system and is the first step to practically use case-weighting in practice to analyze the workload and determine number of judges.

Secondly, according to the position of the Working Group, the model developed in the result of study, data and information obtained has the potential to be further elaborated and treated as one of the central elements to contribute to the development of court management in Latvia. For example, it could be integrated in the case management system for the distribution of cases, used by the Judicial Qualification Committee, to constitute the base for in-depth understanding of the optimal workload of the judge, as well as being further aligned within judicial timeframes, potentially contributing to the reduction of the length of the procedure.

In general, the work on case-weighting has provided the opportunity to understand the structure of the workload in the different branches and specializations and further implementation of the model could make it as indispensable instrument for effective management of case flow and judicial resources.

However, theoretical development of the model and further implementation (still continuing) was not an easy task. At the same time, it led to a number of observations, probably

4 CEPEJ studies Nr.28 Case weighting in judicial systems Accessible: <https://www.coe.int/en/web/cepej>

5 28 civil case groups and 10 criminal case groups for the cases at the first instance, 25 civil case groups and 7 criminal case groups at the second instance (appeal). 2 administrative violation case groups created in addition.

6 Around 60% of all judges of first and second instance courts participated in the questionnaire.

7 Preparation of the hearing, hearing, and preparation of the decision.

8 Report on the piloting of the case-weighting solution in two first instance court in Latvia (Vidzeme district court and Riga City Pardaugava court)

contributing to a broader debate on the process; usage of the results of case-weighting, challenges in integrating them in practice and potential of the studies conducted.

At first, basis for the success was the active engagement and support of Latvian judiciary. Without their support, the development of the model would be impossible. In this regard, the Working Group had to contribute extensively to the dissemination of information at the level of courts, clarifying the reasoning behind the study and further objectives in usage of the results.

Secondly, most of the obstacles and problems to proceed with the task were related to the absence of the data necessary for the analysis and verification, or to the limitations by the technical specification of case management system. The latter, namely the technological framework was extensively discussed by the Working Group with a bit of tension reflecting generally discussed challenges for judicial governance in development of IT in courts⁹. The categorization of the cases for the case-weighting purposes set by the Working Group to make the groups more coherent, differed from the categorization of the cases used for statistical data and integrated in the case management system. As well as a vision to (probably) see the model in the future as an algorithm for case distribution created high expectations and, in due time, will require number of substantial decisions and technological amendment to ensure the full synergy between the model developed and technological framework, making the most of the advantage of case-weighting study. To reflect, it is probably worth to elaborate more on the idea that case management systems should a priori support not only procedure, but also be constructed in full synergy with court management tools.

Thirdly, the case-weighting studies could be highly contributive in the debate on optimal workload of the judge, especially, if time elements – estimated of actual time measurements have been used in developing the solutions.

And last, but not least, maybe the moment has come for the innovative perspectives; for example, elaborate on the potential possibility to empower case-weighting by algorithms for advanced court management and even possibility to predict case flow, inter alia taking account the social economic factors, that would allow to react on the problems in the due time and could open new perspective for the developments in court management.

Editor's Note:

*OECD is the Organisation for Economic Co-operation and Development, an “international organisation that works to build better policies for better lives.” Their stated goal on their website is to shape policies that foster prosperity, equality, opportunity, and well-being for all. For additional information, please see <https://www.oecd.org>.

**CEPEJ is the Council of Europe European Commission for the efficiency of justice and additional information can be located on their website at <https://www.coe.int/en/web/cepej>.

9 Dory Reiling and Francesco Contini, 'E-Justice Platforms: Challenges for Judicial Governance' (2022) 13(1) International Journal for Court Administration 6.

LEVERAGING ON DIGITAL TRANSFORMATION TO CLOSE THE JUSTICE GAPS IN MALAWI – THE ESTABLISHMENT OF E-COURTS

By: Rowland Cole, Chief Technical Advisor, Rule of Law and Human Rights, the United Nations Development Programme (UNDP), and Ernest Yeboah, Police Specialist, UNDP, Malawi



Rowland Cole currently heads the rule of law and human rights project and provides strategic and policy advice to the justice and security sector for the UNDP, the United Nations' lead agency on international development. Located in Lilongwe, Malawi, in Southern Africa, the author may be reached at rowland.cole@undp.org.



Ernest Yeboah, is a Police Specialist with UNDP, Malawi, supporting the Malawi Police Services and oversight institutions with capacity building and ICT infrastructure; information and communications technology infrastructure and systems. Also located in Lilongwe, Malawi, the author may be reached at ernest.yeboah@undp.org.

Malawi is on the verge of establishing virtual courts. The objective is to leverage digital tools to provide a more efficient, accessible, and transparent justice system. The system will increase access to justice especially for persons in remote areas where physical court structures are absent. To ensure that the system is sustainable, the implementation strategy includes progressive roll out of the system, development of the capacity of national partners and public private partnership.

BACKGROUND

E-justice represents a significant advancement in the delivery of justice services by harnessing technology and digital platforms to provide more accessible, efficient, and transparent services. Transforming justice systems through the digitalisation of legal processes and procedures and migrating from paper-based processes to electronic filing systems, online portals, and digital documentation reduces the need for physical storage space, improves the speed and accuracy of processing documents and enables remote access to legal information, including the filing of cases.

Digital platforms promote transparency and accountability in justice systems by providing access to legal processes and information through online platforms. This fosters impartiality and reduces the tendency for corruption and abuse of power.

¹ The State of the Judiciary in Malawi, Namibia and South Africa, Democratic Governance and Rights Unit University of Cape Town (2022).

To enhance access to justice, UNDP supports Malawi's e-governance strategy which leverages on digital solutions. This includes the establishment of an Observatory Hub which has so far recorded and tracked 9,285 sexual and gender-based violence (SGBV) cases online. More recently, UNDP has partnered with the justice sector to establish e-courts to ensure that justice services reach vulnerable groups and reduce the distance between citizens and the courts.

THE PROPOSED E-COURT FOR MALAWI

Rationale

Malawi is administratively divided into three regions and 28 districts. In terms of demography, 80-85% of Malawians reside in rural areas well beyond the reach of the formal courts. While regional and district headquarters have sitting judges or magistrates, the judiciary's presence in remote areas is limited. A recently conducted survey recorded that 50% of Malawian respondents stated that it took them over one hour to travel to court.¹ This requires transport costs which are unaffordable for most of the population, preventing them from accessing remedies available in the justice system. The judiciary is staffed by 50 judges (39 in the High Court and 11 in the Court of Appeal), which is grossly inadequate for a population of 17 million persons. Consequently, judges are inundated with high caseloads, resulting in an inordinately

slow case disposal rate. Moreover, constant delays and backlogs of cases have contributed to increased pretrial detention and prison overcrowding. The prison occupancy rate is reported to be at 260%. There appears to be a lack of coordination among the various justice and security sector actors with multiple layers of coordination mechanisms. This impacts the ability of the sector to provide available and accessible justice services.

The notion

The e-court uses technology and digital platforms to provide access to justice, targeting vulnerable groups in far-reaching communities, particularly survivors of gender-based services. The platform also links up prisons and police stations with courts to enable detainees to apply for bail, thereby reducing prison overcrowding.

Strategy

This initiative provides a long-term solution of reaching remote areas supporting the progressive Leave No One Behind agenda in access to justice.

A human rights-based approach is adopted to ensure that system transformation maintains Malawi's existing human rights framework and is used proactively to advance human rights and gender responsiveness.

Continued advocacy and engagement to streamline the e-court framework into the judiciary architecture grounded on policy will be adopted to ensure sustainability.

The initiative will prioritise capacity development of judiciary staff on system use, and create awareness among the public, especially persons with disabilities, persons living in remote areas where court structures are sparse and survivors of SGBV.

Continued review of the existing legal and regulatory framework will be undertaken to address evidentiary issues, data protection, privacy, and security considerations. Section 71A of the Criminal Procedure and Evidence Code provides a protection mechanism for survivors of SGBV during their trial. The Code makes provision for survivors of SGBV, by court order, to give evidence remotely. This provision provides a foundation for legal reforms to enable witnesses to generally give evidence from remote areas for various kinds of cases, as a matter of course.

The initiative will be initially piloted in 19 locations, linking courts, prisons, and police stations. These locations

were carefully selected after a joint assessment mission conducted by the relevant institutions including mobile network provider (Airtel). Key considerations in the selection of locations include distance between populations and services, volume of SGBV cases, locations of high number of pre-trial detainees and availability of internet connectivity. The pilot phase is expected to commence in February 2024 for a duration of 12 months, followed by review of progress and lessons learned to inform scaling-up and iteration.

To ensure sustainability, UNDP has entered into partnership with local mobile service provider Airtel which has a reasonably wide coverage, to ensure reliable internet connectivity.

Critical aspects

The e-court will facilitate remote access to court proceedings through video conferencing and virtual hearings. This allows litigants, lawyers, prosecutors, police, corrections officers, and witnesses to participate in court proceedings from any location. Remote access to court proceedings saves time and resources and increases accessibility for individuals who may have difficulty attending in-person hearings. This will reduce litigants' costs, travel time, and transport fares to attend courts. It will also facilitate quicker disposal of cases. This is critical as the timely resolution of disputes through judicial processes is necessary to foster a peaceful environment especially as Malawi approaches elections in 2025. In terms of geographic scope, the system will link up 8 courts, 6 prisons and 5 police stations during its pilot phase.

The e-court incorporates the digitisation of court proceedings and documentation. This involves using electronic filing systems, digital case management platforms that have already been introduced, and online portals to replace paper-based processes. By digitising court documents, the system will eliminate the need for physical storage space, reduce administrative burdens confronting the judiciary, and enable quick and easy access to case records.

Another significant potential of the system is the implementation of online dispute resolution mechanisms. It is envisaged that the platform will enable parties to resolve their disputes online without requiring physical presence. Online dispute resolution offers convenience, cost-effectiveness, and timely resolution of domestic and international disputes.

CONCLUSION

The e-court represents a shift towards a more efficient, accessible, and transparent justice system. By leveraging technology and digital platforms, the e-courts will improve the delivery of justice services, improve access to justice,

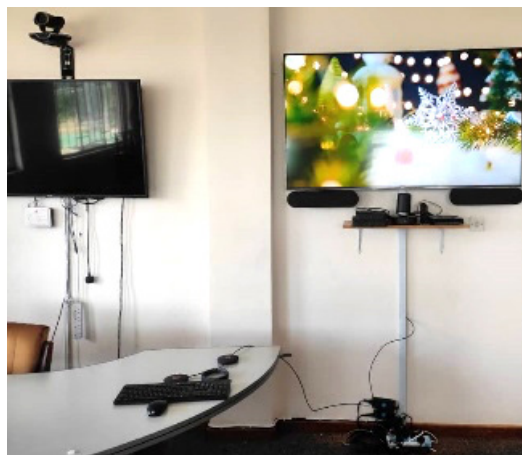
reduce delays and case backlogs, improve bail application and renewal of warrants, reduce prison overcrowding, and enhance the overall effectiveness of the court system.

ANNEX

Pilot locations - Phase 1

Region	Institutions		
	Police	Court	Prison
1. Southern Region	Makwasa Police	High Court Blantyre	Makende Prison
		Thyolo Magistrate Court	Blantyre Prison
2. Eastern Region – Zomba	Jali Police	High Court Zomba	Prisons Zomba
		CRM Court	
3. Northern Region	Chisenga Police Post	Chitipa District Magistrate Court	Chitipa Prisons
	Nthalire Police Post		Mzuzu Maximum Prisons
		Karonga District Magistrate Court	
		Uliwa Magistrate Court	
4. Central Region	Chilumba Police VSU	CRM Court Lilongwe	Maula Prison Lilongwe

Interactive AI companion e-court equipment installed at the High Court in the Southern Region of Malawi



The Judge As Guardian Of The Law Or Social Engineer? The Case Of Judicial Child Protection In France.

By: René Sève, Director of Archives de Philosophie du Droit (*Lefebvre Dalloz éd.*)



René Sève was a Research Director at the CNRS and the former General, Financial and Accounting Controller for the French Ministry of Justice and French Home Office. He holds a PhD in law and philosophy..

Located in Paris, France, René Sève may be reached at rene.seve.75@gmail.com.

Summary: Court administration and childhood in France

The Minister of Justice is responsible for the judicial protection program for “young people in danger”, a population which also concerns local administrations. The aim of this article is to show that the administration of justice and the courts may not give enough importance to the population of young people in difficulty and juvenile delinquents who will subsequently often feed the entire criminal chain. The management of procedures by deadlines is not so different in matters of child protection than in other areas of civil justice despite the particular vulnerability of children, particularly those under the age of 6.

Recent efforts made in particular in the area of incest prevention show that awareness is growing in France on these subjects.

Introduction

According to the CEPEJ* analysis grid, which annually compares the different European legal systems, it is important to distinguish the financing of the legal system itself, made up of the budget of the courts, the budget of the prosecuting authorities and the budget of legal aid, on the one hand, and, on the other hand, the financing devoted to different support services, not always attached to the same minister depending

on the country. For example, prisons or immigration services may be attached to the Ministry of Justice or the Home Office. The same applies to probation or asylum services.

Among its ancillary services, our attention will be focused here on the judicial protection of minors. They induce particular problems, given the child’s inability to defend himself or herself or to call on the legal system to do so, - what we might call the **vulnerability factor** -, and the risk of serious after-effects that maltreatment inflicted on the child may have for the rest of his or her adult life, - what we might call the **irreversibility factor**. Of course, there are other fragile litigants, such as mothers threatened with redundancy, or small businesses confronted with powerful clients. But in these labor disputes or commercial litigation procedures, there are also normally solid litigants who can withstand the hazards of the proceedings to a certain extent, whereas the child’s weakness is general or systemic.

This recognition of children’s specific needs has consequences on several dimensions.

On a technical level, the evaluation of legal systems is largely based on the measurement of delays. In France, it is generally considered that legal delays are too long, as they are often measured in years, even for relatively straightforward cases,

continued

whether civil or criminal. Efforts have been made, especially in criminal matters, with the introduction of the procedure known as “Appearance with Prior Acknowledgement of Guilt”, which allows the judge to rule only on the sentence, once the facts have been acknowledged. In civil matters, the reform of divorce proceedings on a quasi-contractual basis has also had the effect of considerably reducing the duration of the simplest procedures. However, most criminal and civil proceedings concern adults.

In the case of child protection, a procedure lasting six to twelve months between the report and the protective decision taken by the judge (e.g., educational assistance to parents or placement in a foster family) may seem relatively short compared with other procedures. In reality, the shortcomings and suffering to which the child is subjected are a daily occurrence, with cumulative effects. In the **case of childhood, urgency should be the rule**. In other words, the statistical apparatus, whether national or European, for measuring the effectiveness of justice is inadequate in this case or should mention a major caveat.

A closer look at the figures confirms this general consideration. For readers unfamiliar with the characteristics of the French system, it should be reminded that, as a matter of principle, families have parental authority over their children (the term “authority” being too strong and biased for some legal experts), with educational freedom being the rule. However, in the majority of cases¹, nursery, school and medical staff can report possible cases of child abuse to the social services of the Aide Sociale à l’Enfance (ASE), which depend on the “department” (and therefore on local elected representatives, even if the question of renationalization is a recurring one). If the latter consider the case to be serious and in need of legal action (e.g., placement in a foster family), they refer it to the Procureur de la République (the most frequent case), or even directly to the juvenile court judge: for 2022, 111 666 new cases of abuse were reported. The juvenile court judge will in turn, in 20% of the most complex cases, request an investigation by the specialized state services, the Protection Judiciaire de la Jeunesse (PJJ), which will set up a Mesure Judiciaire d’Investigation Educative (Judicial Educational Investigation Measure), including questionnaires and visits to the family concerned. On the basis of the PJJ’s investigation

report, the judge will make a decision, which in turn will be implemented by the Aide Sociale à l’Enfance.

However, the target or forecast duration of the Measure is troubling in relation to the urgency of the situations for children, 30% of whom are under 6 and 61% under 12. In 2021, there was an average delay of 7.1 months between the prescription of the measure and its transmission to the judge 15 days before the hearing. This timeframe includes 31 days for the launch of the measure: 13 days between the prescription of the measure and its receipt by the PJJ service, plus 18 days between the receipt of the measure and the actual taking into care of the minor. To these 31 days must be added 6 months, which is the maximum time taken to implement the measure following notification (6.1 months average time observed). Even if, in urgent cases, the judge can request a progress report after 15 days, these delays are long, not in themselves, in relation to the judicial system as a whole, but in relation to this particular subject of law, the child.

This aspect of the child’s vulnerability is not sufficiently taken into account but could be complemented by considerations of irreversibility (the second factor mentioned). From a global point of view, according to *The National Plan to limit violence against children 2023–2027*, stated by Charlotte Caubel, 24% of French people were victims of abuse during their childhood; 13% of women and 5% of men have been victims of sexual violence, including incest for 4,6% of women and 1,2% of men. From a more social point of view, one in four homeless people in France is a former child in the care of Aide Sociale à l’Enfance, as are over 40% of people in prison. In the latter respect, shortcomings in child protection can be seen to have an impact on the entire judicial system (overcrowding of criminal courts) and the administration of justice in general (overcrowded prisons).

In its *2016 Portrait social de la France*² the Institut National de la Statistique et des Etudes Economiques showed that delinquency affected 2% of young boys between the ages of 10 and 12, 6% at 14 and 14% at 18 and 19, with the curve then falling again (12% of 24-year-olds). It follows that shortcomings in child protection have an impact on the entire justice system, as well as on public order (police and gendarmerie).

1 See Références statistiques Justice (2023), chapter 16: “Referrals to the juvenile court are made first and foremost by the public prosecutor (86%), either after a referral from the ASE (67%), the police and gendarmerie (3.4%) or other bodies (16%)”.

2 See the chapter by Thierry Mainaud, “La délinquance des jeunes évolue avec l’âge, la réponse pénale aussi” on page 71 and following.

This focus on children is not reflected in the budgetary priorities of the French justice system. While the budget has been rising sharply since the 2022 “Estates General on Justice”, in 2024 the budget increase for the Protection Judiciaire de la Jeunesse (PJJ) will be just 3.5% (+39M€), compared to 9.6% for judicial services as a whole (+396M€). What’s more, this small increase will mainly concern the criminal side of the PJJ’s activity (specifically boys aged 14 to 18). While the Estates General have led to a significant budgetary increase in the number of magistrates, court clerks and, more generally, the “team around the judge”, there has been no specific emphasis on juvenile judges (who are judges in both civil and criminal cases), whose numbers have only increased from 446 to 500 between 2012 and 2022, with some judges able to monitor up to 500 families, compared with the indicative standard of 350 that the PJJ estimated in 2012³.

The final question is this.

Should one opt for an administrative approach to child protection, entrusted to a possibly renationalized ASE, with judges taking responsibility only for the penal consequences of reports, i.e. punishing abusive adults? This seems to be the approach favored by the summary report of the Estates General.

Or should one retain the judicial aspect of protection, so that it can benefit from the requirements of adversarial proceedings⁴? In this case, in line with the development of a “judge as team leader” concept, the question would arise of integrating PJJ investigation teams into the judicial services, i.e. into the child and family divisions of the courts. In terms of budgeting, this would enable a more integrated identification of children’s needs, whereas today, judicial services and PJJ credits are arbitrated and examined separately. In this hypothesis, the magistrate would more officially become a team manager, and not just an order giver and final decision-maker.

The same question of organization and efficiency, but also of responsibilities and the risk of criticism of magistrates, could also be raised about enforcement judges in relation to probation services, which depend on the prison administration, or even about public prosecutors in relation to criminal investigation officers. This would undoubtedly be going too far.

The fact remains that the judicial handling of child abuse remains the blind spot in the justice system, whereas it should be, for reasons of principle and efficiency, the alpha and omega.

*Editor Note:**CEPEJ is the Council of Europe European Commission for the Efficiency of Justice and additional information can be located on their website at <https://www.coe.int/en/web/cepej>.

³ Report by the DPJJ working group on the workload and organization of juvenile courts, May 2012.

⁴ This is obviously the view of the Syndicat des Avocats de France, which deplores the fact that some civil hearings before juvenile court judges take place without the presence of lawyers. The question of the presence of a lawyer for the child, and not just for the parents, also arises.



IACA MEMBERS:

***Please consider volunteering
to help one of the IACA Committees!***

We appreciate your willingness to serve!

Please see the IACA website for information.

IACA.ws

International Association for Court Administration Membership Updates

Membership in IACA gets you access to restricted content, including our conference presentations, presenter's notes, information about previous conferences, and our membership directory. In addition, you'll be supporting IACA's publications, *The Court Administrator*, and the *International Journal for Court Administration*. You can become a member for just \$50 per year. We also encourage organizational memberships, in which you can get up to 10 registrations for \$400. Please share this with your friends and colleagues and encourage them to join.

As we look at the year ahead and set outreach and membership goals, please take a moment to reach out to your regional board through your Regional Vice President to find out how you can get involved. We want to see IACA building momentum as we start planning for new events, conferences, and resources. Consider submitting an article to *The Court Administrator*. By connecting with members and sharing your court's best practices, you are helping to spread the word to the world.

We hope you are all planning on attending the conference in Singapore in November 2024! The conference in Buenos Aires, Argentina in October of 2023 was a huge success and was attended by members from over 30 countries. It was wonderful for everyone to reconnect with members, presenters and sponsors and see so many new faces. Our interpreters made it possible for local member attendees to participate in their native languages. The friendships we have made at IACA conferences over the years have become meaningful and lasting relationships. Please take the time to follow up with the connections you made and with our authors who have shared their experience and knowledge with members. These relationships will undoubtedly be among your most valuable conference takeaways!

For additional membership information please contact: membership@iaca.ws

Members: Please stay tuned for information on the Singapore conference agenda and presenter and sponsor opportunities. Our conference page and conference APP will be posted as soon as agenda information becomes available.

IACA Jobs Bulletin Board

IACA's founding principles envision a global association of professionals collectively engaged in promoting the effective administration of justice. To this end, IACA's Jobs Bulletin Board is a service for job seekers and employers who want to fill both full-time and part-time positions in the field of justice administration. The intent of IACA's Jobs Bulletin Board is three-fold:

1. to provide job-seeking IACA members a valuable resource,
2. to provide employers a place to post job openings; and
3. to add value to IACA membership.

Listings are provided as a courtesy for paid members. IACA makes no guarantees and therefore accepts no liability for the listings.

IACA Members – Please see the Jobs Bulletin Board for opportunities in the field of justice administration from all over the world! Remember to submit available positions from your courts to the Board and share this valuable information with your colleagues. To post a job on the IACA Jobs Bulletin Board send an email to jobpostings@iaca.ws.

What we accept: Listing Criteria

- Employment needs, job listings, and volunteer opportunities are accepted.
- Indirect job listings (recruiters/third party) must be clearly noted.
- Limit job listings to project/program/portfolio management and related specialties.
- Job postings are removed after the closing date of the position.
- Jobs must be made available to qualified candidates regardless of age, race, gender, and sexual orientation.

What we Do Not accept:

- Logos and graphics are not accepted due to space constraints and consistency.
- Ads are not permitted.

Important Information regarding Postings:

Postings are accepted from the following:

- Directly from individual courts
- Court Administrative Offices
- Non-Governmental Offices
- Non-Profits
- International Development Agencies



INTERNATIONAL ASSOCIATION FOR COURT ADMINISTRATION

An international network promoting improved court management and administration worldwide

www.iaca.ws



IACA MEMBERSHIP

Membership Level	Cost
Individual Membership	\$50 per year
Organizational Membership (for up to 10 individual members)	\$400 per year

Individual

Individuals who fall within the professional membership categories of judges, court executives, court managers, court administrators, or other court or justice ministry professionals may join IACA as a member. Individuals who fall within the categories of attorneys, academics, law enforcement officials, consultants, and related professions also join IACA as a member. Membership dues are \$50 per year and include these benefits: access to Official Communications and regular email updates; e-Delivery of the International Journal for Court Administration; e-Delivery of the Court Administrator publication; access to professional conferences and networking events; access to the IACA Resource Library; exclusive access to the IACA MemberClicks Online Community; access to past conference materials; and access to participate in IACA Committees.

Organizational

IACA encourages professional organizations and associations to join IACA as Organizational Members. The Organizational Membership fee of \$400 allows ten members from a single organization or association to join IACA with the same benefits as an Individual Member. Also, this level of membership will allow for cross promotion of events and conferences with IACA members.

Visit www.iaca.ws to become a member.

Questions? Contact membership@iaca.ws

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INTERNATIONAL ASSOCIATION FOR COURT ADMINISTRATION

The International Association for Court Administration (IACA) was founded in 2004 and legally incorporated in 2005.

Mission

IACA's mission is to promote professional court administration and management in emerging democracies and other countries pursuing the rule of law; to sponsor international conferences, forums and education and training programs on court administration and management; and to serve as a resource for judges, court administrators and managers, and other government officials in search of ways in which to evaluate and improve court and justice systems.

IACA Governance

The need to promote effective court management and administration and to cultivate the profession of court administration in the international arena has never been greater.

IACA's leaders have crafted an association that provides a variety of resource materials and educational programs, and fosters collegiality and forums for the international exchange of experiences and best practices.

IACA also complements and reinforces efforts by government and non-government organizations to foster justice sector capacity building and judicial reform. IACA plans and conducts international conferences and publishes the International Journal of Court Administration on a semiannual basis.

IACA's Goals & Purposes

- Promote effective court administration and management;
- Develop and make available practical resources in court system management and administration;
- Recruit association members from countries throughout the world united in their efforts to improve their court;
- Sponsor international programs to prepare and train court administrators;
- Research court systems world-wide to foster international understanding; and
- Provide resources for judges, court managers, and others to evaluate and improve their court and justice systems.

Friends of IACA

Associations and individual members with the means to do so are encouraged to contribute tax-deductible donations to help fund the non-profit work of IACA.

Friends of IACA	- up to \$500
Associates of IACA	- up to \$1,000
Supporters of IACA	- up to \$2,500
Patrons of IACA	- up to \$5,000
Benefactors of IACA	- more than \$5,000

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