

#### The Court Administrator

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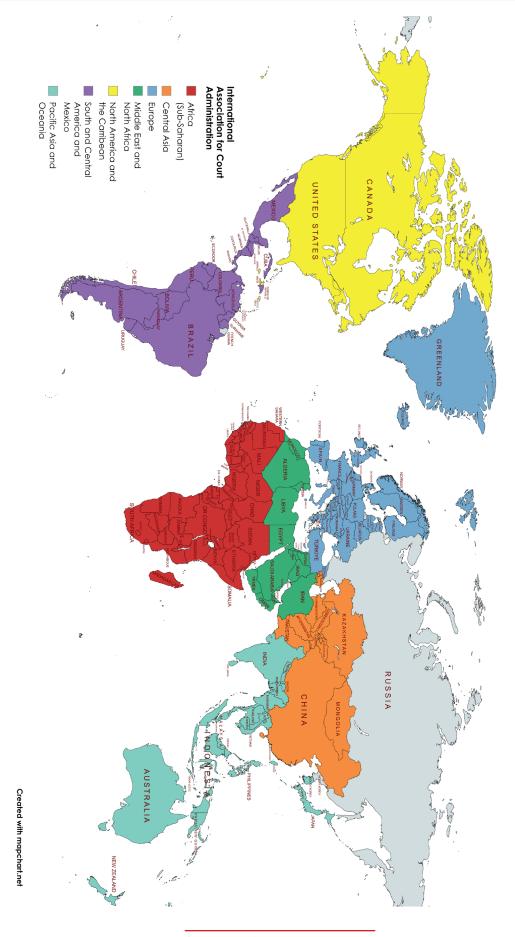
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#### **Reflections of a Past President**



Luis Maria Palma, IACA Past President

Hello again, dear colleagues and friends! It is a great pleasure to share my thoughts on what we've done together during my term as President of IACA, which coincided with its 20th Anniversary.

During these two unforgettable years, we focused on the development of IACA, emphasizing webinars,

international conferences, strengthening institutional relations, and increasing visibility through social media.

I would like to take a moment to recall something I encountered during a visit to Tampa, Florida, in July 2023 when I attended the Annual Conference of the National Association for Court Management (NACM). While walking by the waterfront, I came across a tile featuring a quote from Helen Keller that I would like to share with you.

"The best and most beautiful things cannot be seen or even touched. They must be felt with the heart". As you probably know, Helen Keller lost her sight and her hearing after suffering an illness when she was 19 months old.

Such a thought made me think about what IACA has been doing since it was founded over 20 years ago.

Empathy is a core value we strongly believe in; it involves putting ourselves in the shoes of those whose lives differ greatly from ours. We prioritize asking questions over making statements, as this approach helps to build trust through humility and realism.

Our goal is to empower individuals to help themselves, provided they are willing, by creating, strengthening, or diversifying local capacities. Respecting other cultures is essential for our success.

With this mission in mind, one of the key priorities for my term was to enhance the use of Information and Communication Technology (ICT) to develop online and live activities in multiple languages, increasing visibility on social media while promoting our initiatives and creating new synergies.

Leveraging ICT could help IACA engage in real-time connections with different regions, fostering the exchange and assimilation of knowledge from various cultures.

Webinars could play an important role in discussing key topics in court administration, focusing on the needs identified by the people, groups, and institutions with whom we collaborate globally.

Live conferences are a hallmark of IACA, offering unique opportunities to explore the current state of the profession. These events provide a platform for continuing discussions from webinars, presenting innovative topics, and facilitating networking. Additionally and to expand their impact, we would record conference sessions to make them accessible to a global audience.

At the same time, our publications, TCA and the Journal, are two outstanding channels with a comprehensive outreach that includes court administrators, judges, clerks and academics. Our participation in them and, when possible, the development of related online events and use of social media to promote access to them, would be another key part of this overarching strategy.

The tasks we faced during this period were demanding and challenging, yet also deeply motivating. With the strong support of the IACA Board, we were able to achieve outcomes that bring us great satisfaction.

Here is a summary of what we accomplished over the last two years:

• We organized a webinar program in collaboration with the State Judicial Administration of Ukraine, partnering with the United States Agency for International Development (USAID) and the EU Project "Pravo-Justice," along with the All-Ukrainian Association of Court Employees. The webinars covered the following topics: "Court Operations in Conditions of War," "Court Safety and Security Planning in Ukraine," "Establishing a Support System for Vulnerable Groups of Court Users and Victims of War Crimes," "Digitalization of Justice and Information Security Management During and After War," and "Incorporating a Gender Perspective in the Justice System."

Below are the themes addressed in our webinar initiative, featuring significant participation from IACA's Regional Boards and various institutions:

- "Judicial Integrity and Quality in a Challenging World," organized by the International Journal for Court Administration (IJCA) to present its latest issue, with authors participating as speakers and managing editors serving as moderators.
- "Teleworking and Virtual Hearings: Impact on the Quality of Justice and the People," developed by the Latin American Board of IACA.
- "User-Friendly Courts," jointly organized by the European Board of IACA, the National Center for State Courts (NCSC), USAID, the East-West Management Institute, Yucom, and Millennium Partners.
- "Judicial Administration, Innovation, and AI Developments and Opportunities," offered by the Central Asia Board of IACA in collaboration with the World Bank.
- "Artificial Intelligence in the Courts: Opportunities and Challenges," jointly organized by IACA and NACM.
- "Plain Language and Communication in Judicial Decisions: The Right to Understand," organized by the Latin American Board of IACA.
- Webinar program "Fighting Organized Crime in Latin America," developed after an initiative of IACA's founding president, Markus Zimmer, which to present included sessions on "Fighting Organized Crime and Corruption in Latin America: Achievements and Challenges" and "The Role of the Attorney General's Office in the Fight Against Organized Crime in Latin America."

We developed two live international conferences that provided the opportunity to engage in active debates on key topics and enjoy presentations from experts across five continents. A new feature we introduced was the recording of various sessions during each event:

• From October 25th to 27th, 2023, we held the conference titled "Access to Justice, Administration and Innovation in a Changing World" in my hometown of Buenos Aires, Argentina. This event saw representation from 41 countries and over 250 participants.

• From November 11th to 14th, 2024, we commemorated IACA's 20th Anniversary with the conference "Building Trust in the Judiciary" in Singapore, which attracted over 240 participants from 53 countries.

We launched the IACA YouTube Channel @IACA\_ World, where we uploaded recordings of our webinars and sessions from the live conferences to make these resources available worldwide.

I also attended both Annual Conferences of NACM and had the honor of addressing the audiences at these highly significant events.

In 2023 and 2024, I visited Kazakhstan to participate as a keynote speaker in a roundtable with representatives from Central Asia, China, India, and Turkey, at the IX Congress of Judges, and to discuss the Strategy for the Development of Court Administration in the country.

All in all, the responses to our initiatives over these two years have been overwhelmingly encouraging and rewarding. I cherish the experiences I had while presiding over IACA; they are among the most special moments of my life. I am immensely grateful for the results we achieved through leadership, teamwork, kindness, and your enthusiastic participation, all of them essential qualities for the continuous success of IACA.

Reflecting on Helen Keller's thought, "The best and most beautiful things cannot be seen or even touched. They must be felt with the heart,"

Whilst we may never see or touch many of the things we accomplished, if we feel them with our hearts, we will know we are on the right path, and our journey has been worthwhile.

Luis Maria Palma

### President's Message IACA – Committed to Fostering Professional Court Administration Worldwide



Pamela Harris, IACA President

It is a great pleasure to address our membership in this 17th edition of The Court Administrator as IACA enters its 21st year providing court management professionals from around the world with the opportunity to increase their proficiency and improve the administration of justice.

Court administration

plays a vital role in ensuring the efficiency, fairness, and accessibility of the judicial system. Effective court administration is crucial to a well-functioning judiciary and helps provide citizens with access to timely justice. A significant step in fostering professional court administration is the continuous training of court personnel, including judges, clerks, administrators, and support staff. Training initiatives focused on, among other things, case management, court technology, ethics, accessibility, and leadership all to help build a competent workforce that can handle the complexities of a modern court system.

Inherent in IACA's foundation is that the work of the courts is not stagnant and that court management professionals must continuously improve upon the administration of justice. As Alexander Hamilton wrote in 1787 "The ordinary administration of criminal and civil justice . . . contributes, more than any other circumstance, to impressing upon the minds of the people affection, esteem, and reverence towards the government." Hamilton recognized the importance of the courts and the role they play as the "great cement of society." I believe this stands true over 230 years later.

In an increasingly interconnected world, fostering professional court administration globally has become an essential focus for enhancing the effectiveness of judicial systems. IACA strategically endeavors to promote better court administration worldwide with members sharing their

knowledge and best practices through articles in The Court Administrator, The Journal, webinars or attending world class conferences. IACA brings together members and conference attendees allowing for cross-border learning. By examining case studies, challenges, and successes from judiciaries in various countries, court administrators can identify innovative solutions and implement them in their own systems.

Fostering professional court administration worldwide is a complex but essential task that requires international collaboration, consistent training, technological advancements, transparency, and adequate resources. By promoting best practices and providing educational support to judicial systems across the globe, we can enhance access to justice, strengthen the rule of law, and ensure that judicial systems serve public interests effectively.

As we hope you have experienced, IACA is dedicated to providing our members with the opportunity for the finest continuing education available. The in-person conferences bring together the best professionals in the world to conduct training programs and the introduction of webinars offer first-class educational programs without the cost of extensive travel. I would like to thank our Board and all the committees for their steadfast commitment to the organization and making it the best it can be!!

In closing, we cannot express enough our gratitude to Chief Justice Sundaresh Menon, Juthika Ramanathan, and her committed staff for the exemplary assistance and gracious endowment for hosting our 20th Anniversary Conference in Singapore last fall. We will be forever grateful.

We look forward to seeing you in Dubai on November 16-19, 2025, for a world class conference! Details will follow.

With kind and warm regards to all,

Pamela Harris, President

#### **EDITOR'S MESSAGE**

It is indeed my honor and privilege to welcome you all to the 17th edition of The Court Administrator, one of the official publications of the International Association for Court Administration (IACA).

Please join me in welcoming Pamela Harris as the new President of IACA. She has been a long-standing member of IACA, and she brings to this position a world of experience, knowledge and ideas. The association will continue to grow under her leadership, as she works on developing new programs and collaborations. To learn

more about our new President, I direct you to her biography on the website. We are indeed lucky and privileged that Ms. Harris will be devoting her expertise to IACA.

I wish to sincerely thank Dr. Prof. Dr. Luis Maria Palma for his tireless hard work these past two years as President of IACA. Dr. Palma's commitment to IACA, his incredible efforts to bring together judges, court administrators and officials to present vital webinars is a testament to Dr. Palma's dedication to the membership, and to court administrators and judicial officers all over the world. Under Dr. Palma's leadership, IACA has branched out with many new programs and has expanded IACA's social media presence. I have learned many things from Dr. Palma and will continue to learn from him. I hope that you continue to participate in the webinars. Past webinar videos available on the YouTube @IACA\_World, https://www.youtube.com/@IACA\_World

This edition is our special Singapore conference issue, celebrating two milestones for IACA; our 20th Anniversary and our 16th international conference. In this edition, you have the unique opportunity to read articles from our esteemed author collaborators as well as from our Singapore conference attendees. I wish to personally thank the Honorable Marcela De Langhe, Associate Justice of the Supreme Court of the Autonomous City of Buenos Aires, Ong Luan Tz, Deputy Chief Officer of the Singapore Judiciary's Knowledge Management Office, (KMO), Thasreen Refaya, the KM Manager of the KMO, Peter M. Koelling, the Director



Eileen Levine

and Instructional Associate Professor at the University of Houston in Houston, Texas, and Jeff Newman, retired court administrator for the Superior Court of New Jersey, Appellate Division, for their time and commitment to contribute to The Court Administrator. The authors have written exceptional articles to share with you, our members. I am grateful to each one of them and I want to let them know how much I -in fact, all of us- appreciate their time and efforts on our behalf to share their research, thoughts, ideas and suggestions with you.

Singapore. November 2024. Judicial officers, court administrators, educators, learned scholars, friends and colleagues. IACA's 16th conference. Attendees from over fifty-three countries. A week...a conference to remember forever!

I am especially delighted to be able to bring some of the Singapore Conference to your desktops with our IACA YouTube channel connections. You will be able to see and hear the welcome and keynote address of the Honourable Sundaresh Menon, Chief Justice of The Supreme Court of Singapore. https://www.youtube.com/@IACA\_World

Here, not only will Members be able to view five (5) plenary sessions presented during this conference, but they will also be able to view a slideshow of the official conference photos for the events.

\*\*To review Singapore conference materials please see: https://www.iaca.ws/past-conference-materials

As you will hear from attendees and see from the photos, the week in Singapore was an incredible time for everyone. Attendance at the IACA conferences brings our worlds, courts and our individual lives closer. We come together from all over the globe to be able to gather, to meet each other, to educate, to be educated, informed and updated, to socialize, to speak together and to share knowledge. We experience our cultures, food and languages and celebrate our differences. One thing we all have in common, is our desire for justice, the rule of law and helping others navigate

legal waters. If you are from a remote court on an island or live in an international city, we all have the same ideals and we strive to do the best we can to assist those who utilize our local court systems. We may apply different tools to accomplish our objectives as we endeavor to fulfill our end goal: justice for all.

Education, sharing procedures, practices, and AI initiatives; seem like worlds away. Oh, wait just a minute. For me in New York, Singapore was, truly, a world away. This conference was magical. From the moment we walked into the Supreme Court of Singapore for the Welcome Reception and personal guided tours, we knew this was a very special event. Local court staff ensured that we all understood the nuances, the backgrounds and the histories of everything that we experienced during the week. From the courthouse tours to the Gala, as well as enjoying the diverse entertainment and highlighting local cultures, you will see why "Singapore-2024" was one of the most extraordinary conferences; significant and outstanding in many ways.

The courts, the people, the plenary sessions, breakouts, the sponsor fair, the Gala dinner, the awesome, lively local entertainment, the people, the sponsor attendees...I can keep on going. The IACA YouTube Channel features recordings of speakers' presentations, and you can find their slide presentations on the IACA Website. As a member, you can view the presentations as you have the time. I hope that you will consider becoming a special part of IACA and share this vital information with your colleagues, administrators, and judicial staff.

I especially would like to personally thank Juthika Ramanathan, Chief Executive in the Office of the Chief Justice, and Regional Vice President for Pacific Asia, Australia, and New Zealand and all of the amazing court staff of over one hundred court volunteers who not only gave us their time but their knowledge, experiences and friendship. I share with members my favo rite photo of volunteers with my sincerest thanks.

I would like to thank our 2024 Singapore Conference Sponsors and Sponsor Attendees! Together, you have helped educate conference attendees regarding the specialized products currently available. They provide the tools to assist Judges, court administrators, court staff, lawyers, litigants, as well as court visitors and each person who has a vested interest in judicial systems around the world. Our sponsors brought the technology to this conference to share with you, to inform you and to demonstrate available products that could be modified to fit individual global court systems. View their websites to learn more and contact them personally for additional information. We are grateful to all of our conference sponsors for their collaborations, support, and loyalty to IACA.

Please consider submitting an article for the next edition of The Court Administrator so that you, too, can become an integral part of our education programs. Thank you!

At the end of this edition in the conference photo array, I share with members my favorite photo of volunteers with my sincerest thanks.

Eileen Levine, Executive Editor

#### 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 worldwide to foster international understanding; and
- · Provide resources for judges, court managers, and others to evaluate and improve their court and justice systems.



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During the event, our Assistant Vice President and Head of Digital Government Products, Melvin Xavier, presented on "Generative AI and Access to Justice: A System Integrator's Perspective." He highlighted the judiciary's digital evolution, focusing on Generative AI's potential in judicial processes.



The conference was invaluable, offering us the chance to connect with courts globally and discuss their unique approaches to justice. We look forward to future collaborations with courts worldwide.

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## Access to justice for persons with disabilities: the "procedural accommodations" of Article 13.1 of the Convention on the Rights of Persons with Disabilities.

By: Marcela De Langhe



Marcela De Langhe is a lawyer whose expertise is in criminal law and public security policies. She graduated from the University of Buenos Aires as a lawyer, specializing in Criminal Law and obtained her doctorate in Criminal Law and Criminal Sciences at the "Universidad del Salvador". Throughout her thirty-year judicial career, she has been a judge at the Court of Warrantees No. 3 of San Isidro, of the Chamber of Cassation and Appeals in Criminal Law, Juvenile Criminal Law, Felony and Misdemeanors of the Autonomous City of Buenos Aires; currently, she is a judge of the Superior Court of Justice of the Autonomous City of Buenos Aires and President of the Judicial Training Center. It is worth mentioning that she has also been a member of juries for competitive examinations and background examinations to fill public positions. At the University of Buenos Aires, she is a regular adjunct professor of several subjects in the criminal law department. She has also been director of the Superior Institute for Public Safety of the Autonomous City of Buenos Aires and the head coordinator of the Safety Graduate Institute (Instituto Universitario de Seguridad).

De Langhe has written and published several books, including "La desaparición forzada de personas" (The Enforced Disappearance of People), "Escuchas telefónicas" (Wiretapping) and "Límites a la intervención del Estado en la privacidad e intimidad de las personas" (Limits to State intervention in the privacy and intimacy of individuals). In addition, besides having written numerous articles, she has been director, co-director, supervisor and coordinator of

more than forty publications (collections, treatises and manuals) related to criminal law and criminal procedure. In the field of research, De Langhe was co-director of a DECyT project at the University of Buenos Aires, which analyzed the issue of errors in criminal sentences. In addition, she has participated as director, organizer or coordinator as well as speaker in many national and international congresses, conferences, seminars and workshops on topics related to criminal law and criminal procedure. She has also attended different international specialization courses held in Barcelona (Spain), Perugia and Florence (Italy), and Tampa and Washington DC (USA). De Langhe is a member of several institutions, including the Argentine Association of Professors of Criminal Law, the Argentine Association of Women Judges (AMJA), the International Association of Women Judges (IAWJ) and the Women's Network for Justice.

#### Introduction.

The purpose of this brief article is to contribute to the collective debate reflections on the challenges and tensions faced by the Judiciary when it comes to guaranteeing access to justice for persons with disabilities. For this purpose, I will analyze a recent judicial case resolved by the Superior Court of Justice of the City of Buenos Aires<sup>1</sup>.

#### Access to justice and procedural adjustments. International legal framework.

First of all, it is useful to recall the norms of international human rights law that specifically refer to the right to equal access to justice for persons with disabilities.

To start, the Convention on the Rights of Persons with Disabilities introduced for the first time in human rights treaties an explicit formulation of the right of access to justice. Thus, its Article 13, in the first paragraph, states: "States Parties shall ensure that persons with disabilities have access to justice on an equal basis with others, including through procedural and age-appropriate accommodations, to facilitate the effective performance of the effective roles of persons with disabilities as direct and indirect participants, including as witnesses, in all legal proceedings, including at the investigative and other preliminary stages."

Access to justice is a fundamental right in itself and an essential requirement for the protection and promotion of all other human rights. Its strategic and instrumental importance led the Convention to list different obligations of the States Parties to make it effective in relation to persons

continued

1 The Superior Court of Justice of the Autonomous City of Buenos Aires (TSJCABABA) is the highest jurisdictional body of the Judicial Branch of the City, within the framework of the federal system contemplated by the National Constitution of the Argentine Republic. The TSJCABA was created by the Constitution of the Autonomous City of Buenos Aires enacted in 1996, which defines its main competences (arts. 111 to 114).

with disabilities by removing the obstacles that prevent its realization; for example, those related to physical accessibility, accessibility of information and communication systems<sup>2</sup>.

However, the interpretation of the Convention by the international bodies responsible for its implementation has repeatedly pointed out that the obligations of States are not limited to ensuring accessibility, but that "In addition to accessibility, States Parties must provide the procedural and age-appropriate accommodations that persons with disabilities may require in order to access justice. The list of measures that States Parties should take to ensure effective and equal access to justice contained in Article 13, Paragraph 1, of the Convention is not exhaustive and States Parties have an obligation to provide procedural and age-appropriate accommodations to facilitate the performance of persons with disabilities as direct and indirect participants in all judicial proceedings, including the investigative and other preliminary stages."<sup>3</sup>.

These procedural adjustments are conceived as "all necessary and appropriate modifications and adaptations in the context of access to justice, when required in a given case, to ensure the participation of persons with disabilities on an equal basis with others" and their enforceability is not subject to the verification of the proportionality between the cost or magnitude of the adjustment and the benefit obtained, but rather all necessary adjustments must be made to ensure effective access to justice for persons with disabilities<sup>5</sup>.

Among the aspects of the judicial process that require special attention to guarantee effective access to justice are those related to **notifications**, particularly those that entail procedural burdens that directly impact on the possibility of exercising rights (deadlines for appeals, opportunity to file pleadings, answer hearings and transfers)<sup>6</sup>.

#### The "Ciallella" Case<sup>7</sup>

The Superior Court of Justice resolved in April 2024 a case that clearly exemplifies the problems of access to justice faced by persons with disabilities and the tensions generated within the Judiciary to address them.

The case was as follows: a hearing-impaired person purchased a household appliance and had a dispute with the manufacturer regarding the validity of the performance warranty. He initiated an administrative proceeding before the administrative agency in charge of the defense of consumers' rights, as a result of which the agency awarded him compensation and ordered the manufacturer to pay it. The condemned company appealed the decision before a court of law, through the channels provided for in the procedural legislation in force, which establishes a peremptory term to challenge the decision as from the date of notification of the appealed act.

After receiving the challenge, the court transferred the case to the disabled person, who appeared and stated that he also wished to challenge the amount of the compensation as insufficient. However, the intervening court rejected the consumer's appeal because the time limit for its presentation had expired, computed from the date of notification of the act granting the compensation.

In view of this, the disabled person argued that the notification that had been made to him was invalid, since -in accordance with the procedural rules in force-, it had been carried out through the visit of a notifying agent to his home, who, when not attended, fixed the written copy of the act on the outside of the entrance door. The person argued that this copy had not reached his hands and that, due to the nature of his disability that made it difficult for

<sup>2</sup> See General Comment No. 2 of the Committee on the Rights of Persons with Disabilities (2014) on accessibility. CRPD/C/CG/2.

<sup>3</sup> Report of the Office of the United Nations High Commissioner for Human Rights on Right of Access to Justice under Article 13 of the Convention on the Rights of Persons with Disabilities (2018), A/HRC/37/25.

<sup>4</sup> International Principles and Guidelines on Access to Justice for Persons with Disabilities, developed by the Committee of Experts convened by the United Nations Special Rapporteur on the Rights of Persons with Disabilities (Geneva, 2020).

<sup>5</sup> See General Comment 6 (2018) of the Committee on the Rights of Persons with Disabilities, CRPD/C/GC/6; in the same vein, A/HRC/34/26, para. 35.

<sup>6</sup> This is reflected in the "Principles..." cited above, where it is enshrined as Principle 4 that States shall ensure that "all notices that require a response or action (e.g., summonses, subpoenas, orders, orders and judgments) are available by accessible means and in accessible formats...." and "ensure that notices and information include clear and understandable explanations of how a procedural act works, what to expect during a process, what is expected of the person, and where to obtain assistance in understanding the process and the person's rights during the process, in language that is not a mere repetition of the law, regulation, policy or guideline, e.g., in plain language."

<sup>7</sup> Superior Court of Justice of the CABA, "Ciallella, Aldo s/ queja por recurso de inconstitucionalidad denegado en Garbarino SAICEI y otros contra GCBA sobre otros procesos incidentales - recurso directo sobre resoluciones de defensa al consumidor", file n°8628, judgment of 24/4/2024. Available at: http://jurisprudencia.tsjbaires.gob.ar/jurisprudencia/resultadoBusqueda.asp.

him to hear, the notification that rested on his ability to hear the bell of the front door had not been suitable to put him in effective knowledge of the act that was intended to notify him and of which he had not taken knowledge in due time. He argued that the inadequacy of the notification had become an insurmountable obstacle to the exercise of his right of access to justice.

The intervening court in the first instance rejected the claim for nullity of the notification, since it considered that in the case the procedure provided for in the regulations in force had been scrupulously complied with. This gave rise to the appeal that was then resolved by the Superior Court of Justice.

After analyzing the case in light of the provisions of the Convention on the Rights of Persons with Disabilities, the Court made the considerations that follow.

First, it stated that the case fell within the scope of Article 13 (1) of the Convention, since the effective exercise of the right of access to justice by a person with a disability was at issue.

It then considered that the Convention's obligations related to access to justice reached not only the Judiciary, but also the administrative agencies, since in this case the notification that invoked its invalidity had been made by the administrative consumer protection agency, and not by the judicial bodies.

It then analyzed whether a procedural adjustment was appropriate despite the fact that the person with a disability had not requested it before the notification was issued. In this regard, it stated that from the moment the state agency had learned that the person filing the administrative proceeding in defense of his rights had a disability, it was incumbent upon the public agency to inquire into the extent of the disability and the obstacles that the person might encounter throughout the proceeding to effectively exercise his rights, adopting the necessary measures to remove them. In sum, it held that the burden of guaranteeing access to justice for the person with a disability falls on the administrative or judicial body, even if there is no explicit prior request to make any particular procedural adjustment. It particularly considered, in this regard, that the administrative procedure in question does not require legal assistance and that the disabled person had acted on his own, without legal representation.

Finally, the SCJ considered it plausible that, given the nature of the person's hearing impairment, the notification whose success depended on the person being able to hear

the doorbell may not have served its purpose. It further considered that the State had within its reach reasonable alternative measures to supplement such notification, since the person had provided his e-mail address from the beginning of the proceeding, and had it used e-mail notification (not provided for in the regulations in force) as an alternative measure of adjustment to the legally provided notification, access to justice for the person with a disability could have been better guaranteed.

#### Challenges for the implementation of "procedural adjustments"

The "Ciallella" case provides a glimpse of some tensions and difficulties that arise when it comes to enforcing the right of access to justice for persons with disabilities.

First, it should be considered that if procedural adjustments are not timely, they result in lengthy delays that, even if the claim of the person with a disability is successful, unjustifiably delay his or her access to justice and subject him or her to an interminable judicial process. In this case, although the person with a disability was ultimately able to achieve the removal of the obstacle that prevented him/her from accessing the judicial instance under equal conditions, the discussion regarding the nullity of the notification took years (COVID 19 pandemic in between) and an abundant activity in two judicial instances. The disproportionate effort and time required to recognize the validity of such adjustments may in itself constitute an additional barrier to access to justice.

However, the appropriateness of timely procedural adjustments cannot depend entirely on the insight or goodwill of an administrative official or a court deciding on a case-by-case basis. While it is true that, ultimately, the necessary adjustments must be evaluated in relation to the specific case and the guarantee of effective access to justice for a given person in a given context, the normalization or standardization of adjustments and their reception in general and mandatory rules of legal rank collaborate with their general application to all similar cases and with the dissemination of good practices. Likewise, there are many cases which require reasonable accommodation using additional human or material resources, resources that must be made available in a timely manner to avoid further delays in the judicial process.

The standardization of procedural adjustments in analogous cases through general rules and criteria is indispensable

continued

to ensure equal treatment between persons in the same conditions, so that nobody is denied what is recognized to others -an inescapable requirement of the republican guarantee of equality before the law-.

On the other hand, various aspects of the adversarial judicial process modulate the scope of the rights of adverse parties and therefore affect the rights and expectations of their opponents. The guarantee of procedural equality and impartiality requires providing predictability to the adjustments that imply deviations from procedural rules, through their enshrinement in laws, criteria, protocols, and general rules of action and previously known by all parties to the process. The less predictability and generality of the adjustments, the greater the legal uncertainty as to, for example, whether the notification has been made correctly, the validity of which will determine the subsequent procedural position of both parties. In relation to this point, the case under analysis - where two private parties face each other and dispute the scope of their property rights - clearly shows that the implementation of procedural adjustments has an impact on the claims of all participants. The more predictable and standardized the adjustments are in the specific case, the greater the legitimacy of the justice service and the greater the guarantee of timely access to justice for persons with disabilities.

In short, the obligation to make procedural adjustments involves both the magistrates who direct the judicial process and who must verify its compliance and efficiency throughout its development, and the Legislative Powers in charge of approving the procedural Codes that regulate the rights of the parties. Likewise, it is incumbent upon the powers with the capacity to dispose of the resources of the Judicial Branch -in Argentina, the Legislative Branch through the passing of the Budget Law-, which must ensure the timely availability of the material resources necessary for the implementation of the required adjustments. Finally, this mandate also calls upon the administrative bodies of the Judiciary to apply budgetary resources to provide tools to effectively remove obstacles to access to justice for persons with disabilities (incorporation of technologies with universal design, availability of translators, possibility of using various information supports suitable for people with different disabilities, adjustments to ensure physical accessibility, etc.).

Only the joint and coordinated work of all these bodies will allow definitive progress in the effective removal of the obstacles that impede effective access to justice for persons with disabilities, and in the construction of more inclusive and democratic societies.

#### Making Sense Of Knowledge The Singapore Judiciary's Journey

By: Ong Luan Tze and Thasreen Refaya

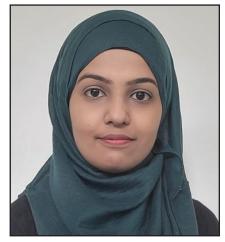


Ong Luan Tze is the Deputy Chief Knowledge Management Officer of the Singapore Judiciary's Knowledge Management Office ("KMO"). Her responsibilities include overseeing the work of the KMO to facilitate the sharing of knowledge and best practices, and to advocate knowledge as the Judiciary's strategic and valuable asset.

Luan Tze holds a Bachelor of Arts (Jurisprudence) degree from the University of Oxford and a Master of Laws from Columbia University, and also serves as a District Judge in the State Courts of Singapore.

Thasreen Refaya is the KM Manager of the KMO. She supports the Chief Knowledge Management Officer and the Deputy Chief Knowledge Management Officer in their work and oversees the administration of the Office and operationalisation of its plans. She is a court administrator with 2.5 years of prior experience in KM at the Monetary Authority of Singapore and the Enterprise Singapore. She holds a Bachelor of Science degree in Business and Management from the University of London.

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#### Introduction

Knowledge Management ("KM") is inherent in every organisation, but not usually formalised through explicit strategies, processes and technologies. In the spirit of judicial innovation, the Singapore Judiciary ("the Judiciary")¹ established a Knowledge Management Office ("KMO") in 2021 to put in place a formal structure to leverage knowledge as a strategic asset and consolidate the KM processes across all three courts in pursuit of excellence in the administration of justice. This article shares our KM journey to date, touching on the challenges faced and lessons learnt that may be of interest to fellow court administrators ("CAs").

#### KM and its relevance to court administration

In the absence of any universal and all-encompassing definition of KM although our literature search provided some guidance,<sup>2</sup> it is useful to define what KM means for us.

In this regard, KM is the process of creating, sharing, using, managing and archiving knowledge assets, to ensure that the relevant information is available to the right people at the right time. This is particularly important in the context of a court system, where our core business of administering justice involves the consumption and generation of knowledge. An effective KM system facilitates and promotes timely access to the latest legal developments, guidelines, policies and templates required for judicial and administrative decision-making, leading to improved case management, faster decision-making and consistently better outcomes.

#### A holistic KM approach

The Judiciary's KM strategy targets five elements – People, Process, Content, Culture and Technology<sup>3</sup> – adopting a holistic approach for an effective and sustainable KM transformation.

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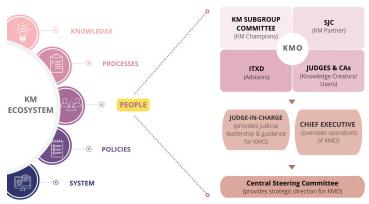
- 1 Information on the Singapore Judicial System can be found at www.judiciary.gov.sg/who-we-are.
- 2 See Woon, Wee, Soon and Chow. (2001). "Primer on Knowledge Management". PSB Singapore, pp 19-22.
- 3 See Hilger & Wahl. 2022. "Making Knowledge Management Clickable", pp 4-6. ("Hilger & Wahl").

#### First Element: People

With the inception of a new cross-court KMO<sup>4</sup>, new roles and responsibilities were formulated to establish a clear network of relationships and to build sound foundations for an integrated KM framework.

The KMO relies on a network of KM champions and stakeholders to run initiatives and implement strategies and processes in the individual courts. This network include:

- a. KM Subgroup Committee, comprising Judicial Officers and CAs from the individual courts
- b. Singapore Judicial College ("SJC") as the training arm of the Judiciary
- c. Innovation, Technology and Transformation Division ("ITXD") as the technology partner which provides technical advice and support
- d. All Judges<sup>5</sup> and CAs as our knowledge creators and users.



#### **Second Element: Process**

In any KM transformation, it is important to have structured processes for growth of knowledge in a consistent and organised fashion, leading to easier readability and accessibility and a corresponding increase in faith and reliance on the KM

platforms by our users.

To this end, a 4-year KM Strategy and Roadmap was formulated in 2022 focusing on four key activities: Knowledge Scan, Knowledge Capture, Knowledge Exchange and Knowledge Architecture.



Under Knowledge Scan, regular stocktake exercises are planned to allow for better awareness of the Judiciary's KM progress, and opportunities to weed out outdated or irrelevant resources.

Under Knowledge Capture, we recognise the importance of regularly collaborating with content creators to capture the latest knowledge in the form of bench guides, protocols etc. To facilitate this process, we promote the use of templates<sup>6</sup> to codify knowledge in a simple, consistent and accessible form that is more easily searchable.

Under Knowledge Exchange, we embarked on a series of initiatives to allow knowledge to be freely and easily shared, including the development of a common glossary of terms and categories for the easy identification of resources, and a set of classification guidelines to ensure a more accurate and consistent classification of our resources.<sup>7</sup>

Under Knowledge Architecture, frameworks are introduced to guide and sustain our efforts. A KM policy paper ("KM Policy") was issued, consolidating all the guidance on creating,

4 The KMO was established on 1 Mar 2021 with the strong support of Chief Justice Sundaresh Menon and the Judiciary's senior management. It is led by the Chief Knowledge Management Officer ("CKMO"), who is assisted by the Deputy Chief Knowledge Management Officer ("Dy CKMO"), a KM Manager and a Deputy Director of the Records Management and Administration division. The KMO reports to the Chief Executive, Office of the Chief Justice and works under the guidance of the Judge-in-charge of KM, and directions from the Judiciary's senior management.

In line with the Chief Justice's vision of fostering an organisation culture where Judges not only adjudicate but also have a systemic function by actively participating in systems reform, the CKMO and Dy CKMO are district judges who deploy their legal knowledge and judicial experience to advance the work of the KMO. Refer to the Response by Chief Justice Sundaresh Menon, Opening of Legal Year 2024, Singapore, 8 January 2024 at https://www.judiciary.gov.sg/news-and-resources/news/news-details/chief-justice-sundaresh-menon-response-delivered-at-the-opening-of-the-legal-year-2024

5 Including Supreme Court Judges, Judicial Commissioners, Senior Judges, International Judges and Judicial Officers.

6 Examples include templates for bench guides, judgments, court administration guidelines, workflows etc.

7 Confidential information will usually be placed in a more secure location with limited access. While it is important to protect sensitive or confidential information, it is also important to avoid overclassifying resources and rendering them inaccessible as a result.

curating, sharing, retaining and transferring knowledge. It also touched on platforms used, recommended knowledge taxonomy and templates and best practices for identifying content owners and keeping resources updated and accessible.

#### **Third Element: Content**

The lack of content is not usually an issue, but the existence of duplicates and outdated resources impact user confidence and hinder knowledge sharing. To address this, the KMO adopted a two-prong strategy of (a) defining the parameters of the content to focus on, and (b) conducting a clean-up of the Judiciary's resources via stocktake exercises.

#### Definition of "knowledge"

To form targeted policies to improve the quality of our resources, the KMO crafted the following definition of "knowledge" to guide it towards identifying resources which form the "intellectual capital" necessary to drive the day-to-day running of the courts, help directly in the judicial decision-making process and generally improve its efficiency and business, rather than "data" or "information".

#### **Resources which contribute towards:**

- i) The development of jurisprudence across the Judiciary
- ii) The development and enhancement of case and/or court management processes and practices across the Judiciary or
- iii) The development of the necessary skills and capabilities (both judicial and non-judicial) of Judges and CAs to perform their job optimally; and

Have precedential value in the broader sense of the term, in the sense that it can be used and re-used, and generally relied upon and referred to for the creation/enhancement of another Knowledge item.<sup>9</sup>

Given the dynamic nature of the world and work environment, this definition will be regularly reviewed to remain relevant to the Judiciary and aligned with the current legal trends and priorities.

#### Stocktake of knowledge resources

To investigate and clean up the Judiciary's KM landscape<sup>10</sup>, the KMO conducted two rounds of stocktake exercises in 2021 and 2022, focusing on judicial and non-judicial resources respectively. Through these exercises, we identified the KM platforms used, collated a masterlist of available knowledge resources and surfaced some of the KM gaps and challenges in our KM landscape which went on to inform our long-term KM strategy.

In particular, one of the challenges surfaced was the lack of content accountability for some knowledge resources without a clear owner. Such orphaned resources without review or update will lead to eventual atrophy of the database. To address this, the best practice of identifying and assigning content owners for each piece of resource was crystallised in the KM Policy, ensuring that responsibility for maintaining the currency of the resources is always identified.

In addition, the revelation of similar documentation across courts also allowed for strategies to be employed to consolidate content creation efforts across the courts for greater efficiency and consistency.

#### **Fourth Element: Culture**

Putting in place the necessary processes and structures for easy sharing is not sufficient by itself. Bearing in mind that the Judiciary started out with separate KM systems, it is also critical to break down the silos mindsets to bring about a culture shift towards a more open and sharing KM environment.

In this respect, the KMO publishes a newsletter biannually to highlight good KM practices and protocols. A KM Roadshow was also organised to create awareness and interest. The KMO engages new Judges and CAs during their induction/orientation, and there are plans to roll out an e-learning module to educate users on KM best practices and policies. In 2024, the KMO also conducted a KM Dipstick

continued

<sup>8</sup> In its Knowledge Management Strategy (2015 – 2018), the World Intellectual Property Organisation noted that there were distinctions between data, information and knowledge. See https://wipo.int/edocs/mdocs/govbody/en/a\_55/a\_55\_inf\_5.pdf. In particular, the following definitions of data, information and knowledge were set out: "Data" – facts or statistics collected together for reference or analysis. "Information" – data presented within a context which gives it meaning and relevance. "Knowledge" – results from information in combination with experience and interpretation.

<sup>9</sup> For example, a scheduling roster may not have much precedential (and therefore KM) value by itself, but its template, or a document to explain how to create that roster, would have precedential (and therefore KM) value.

<sup>10</sup> It has been observed that large organisations typically manage 80% more content than they should be, with most of these comprising duplicate, old, obsolete and incorrect content. See Hilger & Wahl, pp 288 – 292.

Survey to seek direct feedback from users, building a twoway communication channel to engage users and ensure they remain invested in our KM environment.

#### Fifth Element: Technology

The KMO works closely with its IT counterparts to harness technology as a key enabler in the Judiciary's KM framework, and an indispensable tool to address the common issue of content accessibility.

The Judiciary's main KM system currently exists in three separate intranets, managed individually by the courts. The KMO is working with stakeholders to build a common platform to consolidate all knowledge resources into a shared space for ease of sharing and accessibility, allowing users to seamlessly navigate and search through a comprehensive database from all three courts.

To identify the most relevant resources for our users, the KMO also deployed an intranet data analytics software to study the knowledge consumption patterns. This will inform our strategies for organising resources on the KM system to ensure users can quickly access the most relevant information.

#### Sustaining the transformation

Building a comprehensive and efficient KM system is only half the battle. The greater challenge is to manage it so that it continues to grow in an organised way, maintaining resources which are relevant and updated while culling the irrelevant ones in a built-in process that sustains itself in the long term.

We believe focusing on the five elements of People, Process, Content, Culture and Technology will allow for a holistic strategy for the healthy growth, maintenance and use of our knowledge resources.

#### Conclusion

KM is vital for all Judiciaries and more attention should be paid to how KM processes within each jurisdiction can be improved upon. Although different jurisdictions and courts may have different needs and functions, sound KM and the sharing of best practices across courts can potentially reap exponential benefits in terms of efficiency and service standard. Quick and easy access to relevant knowledge is necessary not only for Judges to deliver consistent and quality decisions but also for CAs to roll out court services smoothly and efficiently.

#### **Acknowledgements**

The KMO expresses our sincere gratitude to the Chief Justice Sundaresh Menon, Justice See Kee Oon JAD, Chief Executive Juthika Ramanathan, and the senior management of the Judiciary for their unwavering and steadfast support and guidance. Their visionary leadership and inspiration have been instrumental in shaping the work of the KMO. We also thank our KM champions and stakeholders, essentially everyone in the Judiciary, for their contributions to strengthening our Judiciary's KM ecosystem together.

The views expressed in this article are solely those of the authors' and do not necessarily reflect the official position of the Singapore Judiciary. Any errors or omissions in the article are the sole responsibility of the authors.<sup>11</sup>

#### **Judging in Teams**

By Peter M. Koelling, JD PH.D.



Peter M. Koelling, J.D., Ph.D. is currently the Director and Instructional Associate Professor, Master of Public Administration Program at the University of Houston, Hobby School of Public Affairs. Prior to his position in the University, Professor Koelling served as Chief, Court Management Services Section Special Tribunal for Lebanon, The Hague, Netherlands, and he also served as the Director, Chief Counsel of the American Bar Association Judicial Division, Chicago, Illinois. Early on in his career, Professor Koelling was a Civil District Court Administrator in Bexar County, Texas.

To follow up with Professor Koelling, he may be reached at Pkoelling@UH.edu.

#### **Synopsis**

Judges must both decide cases and process cases by moving them through the stages of litigation. It is this process that causes most civil matters to be resolved. By combining efforts and covering for each other a group of judges can more efficiently move cases along.

In any court, judges have two functions. One is to decide matters that come before them and the other is to process cases that are filed in the court. The process is responsible for the resolution of most cases. In most general jurisdiction courts in the United States, less than 3.5% of all matters are actually resolved by a decision of the court. In most cases it is the processing of the case, moving it through the various stages of litigation, that causes matters to resolve. After filing a petition and a response, going through the acts of discovery, and hearing some preliminary motions a case gets to a level where the facts and the law are more clear, lawyers and parties are then able to resolve their issues and the case will be disposed of.

The team concept is not about using a team to make joint decisions in a hearing or trial, it is the use of the team to process cases to disposition. Teams use economies of scale to provide a more efficient use of judicial time, better predictability of court schedules, and quicker response time for preliminary motions. If preliminary motions can be heard quickly it diminishes the effectiveness of such motions for the purpose of delay. It is a

deterrent to the filing of non-meritorious matters if they can be heard quickly. Also, we end up with a better use of juror time and we can have a faster time to disposition.

In any court, the most important asset is the time of a judge. That time is limited. By working in teams a judges' time can be used more efficiently. In a single docket system when the court has to set a matter for hearing or trial on its calendar, it must limit the number of matters that are set to the available time to hear that matter. If the case settles, the matter resolves, or it takes less time than anticipated, the court will sit idle during that time set aside. If in anticipation of cases settling the court sets more matters than it will actually have time to hear, but no cases or only a few things settle, then parties will come to court ready to be heard but will have to be rescheduled. If multiple trial settings are reset the cost to the parties is increased, the effort to prepare and marshal evidence and witnesses must be undertaken again. If a court has a difficult and complex matter go to trial, then during the trial the time available to hear other matters becomes very limited. Even simple matters will have to wait until the court has the available time. This is the most common cause of delay in a case.

When multiple courts share the burden of processing cases by hearing matters for each other and acting as backup for courts in trial, other cases do not have to come to a halt. When matters are set for trial we know that the majority of those cases will settle prior to trial. The problem is that we don't know which ones. By combining the cases set for trial into one calendar we are better able to use statistical forecasting to set a larger number of cases and be confident that there will be enough cases that settle to keep the docket from getting backed up.

How does this work as a practical matter? In Texas two counties, Travis, where the city of Austin is located, and Bexar, where the city of San Antonio sits, operate under a central docket system for civil matters, most other courts in the state have a single docket system. Under the central docket system any case filed within the district courts of the county will be handled collectively. Although the case may have a court designation on it, it is not handled by that court. The Local rules provided that matters in District Courts may be assigned to any other District Court in the county. The system is organized around the use of a presiding judge for all non-jury trial matters such as preliminary hearings, discovery disputes, or even a bench trial and a Jury Monitoring Judge for matters going to trial. In Bexar County judges rotate on a monthly basis to serve as the presiding judge and quarterly to be the Jury Trial Monitoring Judge.

All matters requiring a hearing come before the presiding judge and are set on the presiding court's calendar each day. When the cases are called at 8:30 each morning the presiding judge will assign them to available courts based on the announcements of the time required for the hearing. Two judges are assigned to assist the Presiding Court full-time and all other judges that are hearing jury trial assist the Presiding Court between 8:30 and 9:30. Although the number of matters would be capped usually parties could get a setting on the day requested or near that date so that matters were heard very expeditiously.

All cases that have requested a jury trial are put on a single docket that is covered by the Monitoring Judge. All the judges who are not assisting presiding hear jury cases. The parties appear before the Monitoring judge on Monday morning at 9:30. The monitoring judge calls the cases set for that week and assigns them to the judges not assisting Presiding that week. Once a judge is assigned a trial, either jury or bench, that judge will then handle all matters and hearings in the case; it does not go back to the central docket. The collective action allows a larger number of cases to be set than it would be possible to set if it were a single judge in a single docket.

If matters settle after being assigned to a judge or if the trial finishes before the end of the week the next case on the jury monitoring docket would be assigned to the judge who was handling the case that finished. When Bexar County had 13 civil District judges approximately 80 cases would be set for trial each week for the first three weeks of the month, the 4th week of the month was used as a sweep or cleanup week. Anything set during those first three weeks that was not reached on the jury monitoring docket would be placed on the sweep week docket. Cases would be called on Monday morning and be heard during that week based on the availability of judges. if all cases were not disposed of in that week, then they would be moved to the front of the line in the first week of the next month. However, carryovers to the next month were rare.

It is important to use data to determine the effectiveness of these courts. One issue that is problematic is that Texas District Courts were not mandated to use the performance measures as provided in the National Center for State Courts CourTools until recently. If they were it would make this comparison much easier. Since September of 2023, this data is now mandated by the state court administration office, but the current data set is not yet complete. We must use the data that we have.

Tarrant and Bexar counties are both of similar size. Bexar County's population in 2020 was 1,986,049 and Tarrant County's where the city of Fort Worth is located had a population of 2,084,931. Both counties are similarly litigious and have a similar rate of cases filed per 1000 population. Bexar County residents on average file 22.44 cases per thousand, whereas Tarrant County residents file approximately 23 cases per thousand. However, Bexar County uses a central docketing system and Tarrant County has single docket courts. To avoid the effects of the pandemic I am reviewing 2018 and 2019 data and look at the total number of civil cases and family law cases that are disposed of in each of these counties in those years.

District Courts in Texas are the courts of general jurisdiction and are created by the legislature. There is no formula for when a court should be created. Usually, it is done so at the request of the county through its representatives when the District Courts start to get backed up. While state judges are paid by

continued

the state, counties have to cover all the other operational costs of the court and therefore will hesitate to ask for new courts unless they are absolutely necessary. Therefore, counties of similar size will not have the same number of judges. In 2018 and 2019 Tarrant County had 16 District Court Judges who hear civil matters. In addition, it had three associate judges that assisted in matters, especially in family law cases. Tarrant County had a total of 19 judges. Bexar County by comparison had 14 civil District Courts with two additional associate judges who would assist giving a total of 16. This fact alone indicates that there is greater economic efficiency in the Bexar County court system.

In 2018 Tarrant County judges on average disposed of 2504 civil and family law cases that were filed in District Court and in 2019 they each disposed of 2536 cases. By comparison, Bexar County judges each disposed of 2947 civil and family law cases in 2018 and 2786 cases in 2019. This indicates that Bexar County District Courts are 13.75% more efficient. With fewer judges in the county, it means

the Bexar County courts operate at lower cost per case as well. In Tarrant County, each District court is responsible for 6.25% of the cases filed. The central docket system essentially covers the caseload of two judges.

In the future, as comparable data becomes available it will be beneficial to compare the age of cases on the docker and the level of trial date certainty. Bexar County has long been one of the fastest courts in the nation to be able to hold a jury trial. Cases would consistently be heard when set or within the month in which they were set. Multiple continuances were rare unless requested by the parties and found to be necessary by the Monitoring judge. Parties were often reminded that their agreement did not necessarily mean that a continuance would be granted.

A nearly 14% improvement in efficiency is hard to achieve in any court. Using a team approach, courts can more efficiently process cases. Judicial time is used far more efficiently as well. Parties are able to get the attention of the judge in a timely manner that they need in order to have their case handled.

#### **Update from North America Board Members**

By: Jeff Newman, former IACA Regional Vice President for North America



Jeffrey Newman is a retired Deputy Clerk,
Superior Court of New Jersey, Appellate Division.
To follow up with the author,
he may be reached at
newmansage14@gmail.com.

I have always held the words of Groucho Marx as a core belief: "I wouldn't want to belong to any club that would have me as a member." However, this changed when I joined IACA. The individuals in IACA are dedicated professionals, committed to a singular purpose: promoting a professional, modern court system and the rule of law. As the past Regional Vice President for North America, I am proud to share the efforts of our Regional Board as part of the IACA family.

The following is a summary of the work completed by North American Board members.

**Nataliya Horodetsky,** Senior Program Analyst, International Programs, Canada

Nataliya's work on the Action Committee on Modernizing Court Operations generated an important and timely report on access to justice. The highlights of the report are noted below. A copy of the report is available on-line at www.fja.gc.ca/COVID-19/index-eng.html

The Action Committee on Modernizing Court Operations, co-led by the Chief Justice of Canada and the Minister of Justice, is actively addressing critical priorities within Canada's judicial system. Initially formed in response to the challenges posed by the COVID-19 pandemic, the Committee's efforts have extended to longer-term modernization, focusing on the following key areas:

#### **Access to Justice & User-Centered Reforms**

A central goal of the Committee is to ensure that court

operations are user-centered, with a particular focus on improving access to justice for marginalized and vulnerable populations. Noteworthy initiatives include:

- Virtual Bail Project: Introduced to allow remote bail hearings, thereby improving accessibility for defendants.
- Civil Resolution Tribunal (CRT): A fully online platform that simplifies legal disputes using digital tools, improving efficiency.
- Navigator Service at the Social Security Tribunal (SST):
   A service that assists unrepresented individuals through the appeal process.
- Ontario Courts Digital Transformation Initiative: A comprehensive digital reform project aimed at modernizing court operations across the province.
- Family Law Form Builder: This tool assists litigants in creating legal forms, simplifying the family law process for self-represented parties.

Additionally, courts are placing emphasis on user-friendly website designs that gather feedback to improve user needs, promoting a more accessible and navigable online judicial experience.

#### **Indigenous Peoples in the Courts**

The Committee places a strong focus on integrating Indigenous perspectives, aiming to promote reconciliation

continued

and culturally appropriate practices within the justice system. Specific initiatives include:

- Indigenous Court Worker Program: This program provides support to Indigenous individuals navigating the court system, helping to bridge cultural and legal gaps.
- Indigenous Practices in the Courts: These initiatives encourage culturally sensitive practices, aiming to build trust and improve outcomes for Indigenous communities in the legal system.

#### Virtual Hearings and Technology

A continuation of pandemic-driven innovations, the Committee remains committed to virtual court operations, improving the efficiency of court processes, and making legal proceedings more accessible through the use of technology.

#### **Mental Health and Wellness**

Recognizing the growing importance of mental health in the justice system, the Committee has prioritized resources and programs focused on the mental health and wellness of both court users and staff, ensuring a more supportive environment within the courts.

The Action Committee on Modernizing Court Operations serves as a key driver of innovation and reform, aiming to ensure Canada's judicial system is accessible, modern, and inclusive. By promoting collaboration across various jurisdictions and focusing on long-term solutions, the Committee seeks to address both historical and emerging challenges in the country's justice landscape.

**Giuseppe M. Fazari,** Professor, Department of Criminal Justice, Monmouth University, New Jersey.

Giuseppe (Joe) is a pracademic with experience as a Trial Court Administrator in the Superior Court of New Jersey, Union Vicinage and as a professor educating the next generation of court leaders. Joe provides his expertise to courts and organizations both in the United States and internationally. Below are some of his most recent accomplishments:

- 1. Led the Judicial Externship Program for the High Court of the Federal Capital Territory in Accra, Ghana, this summer as the lead facilitator.
- Co-authored the NACM Guide Courting AI Understanding Artificial Intelligence in Courts, which was recently promulgated.

- 3. Collaborated with USAID in support of Ukraine and served as the United States Roundtable Discussant, addressing the costs and benefits of jury trial systems before select members of the Verkhovna Rada.
- 4. Spoke at the Academy of Criminal Justice Sciences Annual Conference in Chicago, where he presented Working Toward a Trauma-Informed Justice System: A Mindwalk with Notable Experts, based on interviews with Bessel van der Kolk, M.D., and Vincent Felitti, M.D.
- 5. Conducted a study on experiential learning, as part of a faculty fellowship, which included establishing and leading a partnership between a university and a trial court system to support the planning and execution of a criminal justice curriculum. The study's results were recently published in the National Center for State Courts' 2024 annual publication Trends in State Courts.

Marcus W. Reinkensmeyer, recently retired Deputy Director for the Administrative Office of the Courts, Supreme Court of Arizona, in Phoenix.

While this list is not exhaustive, we highlight some of the recent and ongoing Arizona court improvement initiatives aimed at expanding court access:

- For Self-Represented Litigants: The court continues to develop videos and legal information sheets (now referred to as "landing pages") on various legal topics for the Court's Legal Info Hub. Recently published content included topics such as Housing Stability Court Navigators, Warrants, and Sources of Law. Upcoming publications will cover Technology and Best Practices for Conducting Virtual Hearings, among other resources. This content is available on the Arizona Court's website at www.azcourts.gov
- Legal Paraprofessionals Program: The ongoing expansion of this program aims to provide additional assistance to self-represented litigants.
- Alternative Business Structures (ABS) Program: This initiative allows non-attorneys to hold partial ownership in law firms offering hybrid services, such as combining financial planning and legal services.
- AZCourtHelp Expansion: The AZCourtHelp website https://azcourthelp.org/ continues to expand, offering

online information and assistance in areas like veteran's law, children's law, eviction procedures, senior law, victim's rights, and more.

Ingo Keilitz, Principal CourtMetrics, Williamsburg, Virginia Ingo is a researcher, writer, and consultant in the public and private sectors. He is also research professor at William and Mary, in Williamsburg, Virginia and an adjunct professor at Victoria University, Melbourne, Australia. Ingo Keilitz will soon be publishing a paper entitled, "What Can The United States Learn From The Strongmen In Other Countries."

Last, but certainly not least, I have just completed a project that I would like to share with members. **Jeffrey Newman**, retired Deputy Clerk, Superior Court of New Jersey, Appellate Division.

I recently completed a multi-year project to provide digital recording in the courts of the Eastern Caribbean States. The implementation included installation of digital recording hardware, administration of the transcription process, establishing policy and procedures for the management of the court record, and training judges and staff on the use and application of the digital recording technology.

As part of USAID's Efficient and Effective Justice project in Sri Lanka, I worked with the Ministry of Justice to establish and support the adoption of modern digital recording and video conferencing technology. Equipment specifications, installation, and policy reforms were included in the consulting suite of services.

As you see, many of the IACA Board members are deeply committed to the improvement of the courts in and outside of their jurisdiction. IACA provides a safe place for us to exchange notes on our successes and potential pitfalls. Many of the initiatives by the NA Board members could be applicable in other judicial jurisdictions and we are happy to share our research and project information.

#### **Dubai Courts' Reflecting on the IACA Annual Conference in Singapore**

Submitted by the Dubai Courts

Reflecting on the incredible experience at the IACA Annual Conference in Singapore, Dubai Courts values the opportunity to engage with brilliant minds from across the globe. This conference not only showcased cutting-edge innovations in judicial administration but also reinforced the essential truth that, at its core, court administration is about people – ensuring access to justice, enhancing fairness, and serving the public good.

A key area of interest was the exploration of AI in court operations. Although AI integration in justice systems is still in its early stages and yet to be fully implemented, the discussions provided valuable insights into the potential benefits and challenges. For Dubai Courts, where innovation remains a cornerstone of strategy, the responsible and ethical deployment of AI is a subject of significant consideration. The dialogue underscored that while AI can enhance efficiency and streamline processes, the human element must remain central. Technology should complement human judgment rather than replace it. The emphasis on accountability, transparency, and fairness is crucial to ensuring public trust and confidence in future AI-driven initiatives.

The conference highlighted the importance of establishing strong ethical frameworks to guide AI adoption. Ensuring AI's decisions are interpretable and just was identified as a critical factor to mitigate bias and maintain fairness within judicial processes. These considerations align with Dubai Courts'

ongoing efforts to carefully assess AI solutions, ensuring technological advancements support the fundamental mission of serving the people.

Additionally, the conference fostered invaluable connections between Dubai Courts and global organizations, technology providers, and judicial institutions. These connections pave the way for collaborative projects and innovative solutions, further strengthening Dubai Courts' role as a leader in judicial excellence. The exchange of ideas and best practices continues to inform future strategies, reinforcing Dubai Courts' commitment to continuous improvement.

The networking opportunities provided a platform to engage with peers from diverse backgrounds, facilitating the exchange of ideas and fostering collaborations that will have lasting impacts on judicial systems worldwide. The conference served as a reminder of the shared challenges faced globally and the importance of maintaining open dialogue and cooperation.

For those unable to attend, reviewing the materials and presentations shared during the sessions is highly encouraged. The knowledge gained is essential in shaping the future of court administration and driving meaningful advancements in the sector.

Dubai Courts extends gratitude to the organizers, sponsors, and participants for contributing to a memorable and impactful event.



#### Reflections from the IACA 2024 Singapore Conference

by Jesper Wittrup, PhD and International Consultant

IACA's milestone 20th anniversary conference in Singapore delivered invaluable insights into current trends in judicial administration. The excellent hosting by our Singaporean colleagues also contributed significantly to the conference's success.

At the conference, I presented on workforce planning and court map assessment, connecting these topics to the conference's twin themes: building trust and artificial intelligence application. Below are the key takeaways from my presentation.



#### **Modernizing Judicial Workforce Planning**

While case weighting systems remain fundamental to workforce planning, our approach needs modernization. I demonstrated a more efficient, cost-effective alternative to traditional case weighting methodology, featuring more flexible assumptions about case weights. An interactive demonstration of this approach is available at www.metiri.dk (Select "login" in the menu. Login credentials: guest/guest).

Additionally, I emphasized the importance of incorporating socio-economic data to predict judicial needs, complementing traditional planning methods.

#### **People-Centered Workforce Planning**

To strengthen trust between people and justice institutions, workforce planning must evolve beyond its traditional judge-centric focus. This transformation requires:

- Prioritizing allocation of essential non-judge resources
- Complementing case-weighting with methods that consider potential cases that never reach court
- Using workload data proactively to identify and promote best court practices

#### Al's Role in Future Workforce Planning

While AI won't completely take over judicial workforce planning in the immediate future, it offers promising opportunities for:

- Pattern identification in complex data sets
- Enhanced data quality through improved verification
- More informed case weight assessment

This modernized, people-centered approach to workforce planning, enhanced by AI capabilities, represents in my opinion a significant potential step forward in judicial administration.

The conference exceeded expectations both professionally and personally. The opportunity to engage with innovative ideas while forming meaningful connections with colleagues from around the world was enriching. Our Singaporean hosts created a perfect blend of judicial insight and cultural experience, showcasing both their modern courts and vibrant culture.

I am looking forward to meeting again next year.

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"It was great to meet and engage with the delegates from across the globe and gain insights into how courts have evolved a couple of years out of the pandemic."

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#### Al in the judiciary: A Singapore Courts Perspective

In November 2024, the Singapore Courts hosted the International Association for Court Administration (IACA) Conference in Singapore for the first time. The event, themed "Building Trust in The Judiciary," gathered 250 judges and senior court administrators from over 40 countries to discuss key topics like AI in the justice system and access to justice. Thomson Reuters is proud to be a sponsor at the event.



Representing Singapore, Mr. Tan Ken Hwee, Chief Transformation and Innovation Officer of the Singapore Courts, delivered a keynote on AI in the judicial system. The keynote highlighted the various aspects of AI applications to legal texts. Mr. Tan addressed both the transformative potential and the ethical challenges of AI in legal contexts. Read on for the highlights of his address to the legal community.

Mr. Tan Ken Hwee, Chief Transformation and Innovation Officer, Singapore Courts, delivered a keynote at the IACA conference

#### Courts can use AI to produce case summaries

AI tools can provide reasonably reliable summaries of cases to the judiciary, shared Mr. Tan. "You can now feed an AI or large language models (LLMs) the material in a case and ask it to generate a summary and explain it to you, to give you a sense of what the case is all about," he said.

Whilst "you cannot expect it to be 100% comprehensive", warned Mr. Tan, it is "highly usable".

AI can help give you a quick flavour of what a particular case is about. But when it comes to eliminating the risk of

inaccuracies altogether, this is not the way to look at it. Mr. Tan reminded the audience that "...hallucination is, in a sense, a feature and not a bug of this technology."

#### Al for gathering evidence

Another significant area where AI can make a difference is gathering evidence. Mr. Tan addressed the rising potential for increased efficiencies.

"...The ability of LLMs (large language models) to be able to help us sift through evidence and synthesise it and give us a composite document summarising the evidence is potentially a huge game changer," he said.

#### Scheduling cases with Al

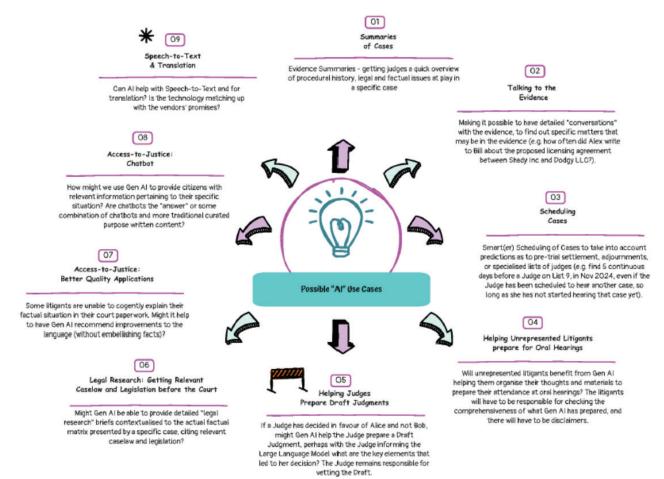
Should courts be using AI to schedule cases? Mr. Tan noted that the courts could use algorithms to optimise time. Specifically, to minimise the amount of unscheduled time and assigned time.

"You can optimise court usage. You can optimise the time of judges much better if you have such technology. But the key thing here is this is not really a particularly good use of generative AI. It is instead something that can be done with a lot of algorithms and constraint programming techniques that is available, but it is nevertheless something that should still deserve a certain degree of attention, but it's often talked about in the rubric of artificial intelligence, and so it is something that I think deserves attention."

#### Helping underrepresented litigants prepare for cases

Another area of significant interest to the Singapore courts would be the ability to help underrepresented litigants prepare for their cases. As Mr. Tan mused, the use case would be to organise thoughts and materials to prepare for court hearings with AI. "This is something that we are actively exploring," he said.

Traffic light system for use of AI in legal tech, proposed by Mr. Tan.



"We think that this is especially valuable for unrepresented individuals, to help them to organise and to structure their material, which in turn then helps the court decide that case," he said.

#### Possible "Al" use cases in justice system

Traffic light system for use of AI in legal tech

In summary, Mr. Tan proposed a set of traffic lights to navigate the use of AI in legal tech.

"I think the prediction of outcomes is something that we might want to be extremely careful about," he warned.

"The use of AI to decide cases is also something we need to be extremely careful and possibly consider to be a red-light area. There is a huge difference in LLMs when it comes to language versus knowledge.

"What if the AI tells you that there's an 80% chance that the plaintiff is the one that should win this case and not the defendant? What do you do with that number? Right? So, I propose that those should go into the red zone." Conversely, access-to-justice use cases, and the possibility of using AI to help draft documents, both in court and out of court would suit comfortably within the yellow zone, according to Mr. Tan.

"I will also say, well within the green-zone, and this is perhaps the areas that are really receiving a lot of attention, would be the use of AI to do evidence review, to generate summaries, and to do speech-to-text transcription," he added.

Thomson Reuters Singapore would like to thank Mr. Tan Ken Hwee for enabling Legal Insight Southeast Asia to share his commentary with our readers.

The following article has been written with the permission and review of Mr. Tan Ken Hwee who presented his insightful program, "AI And Its Governance In The Judiciary System" which was delivered at the International Association for Court Administration (IACA) conference in Singapore. The full article is included in the Thomson Reuters SEA legal insights blogpost and may be accessed at https://insight.thomsonreuters.com/sea/legal/.

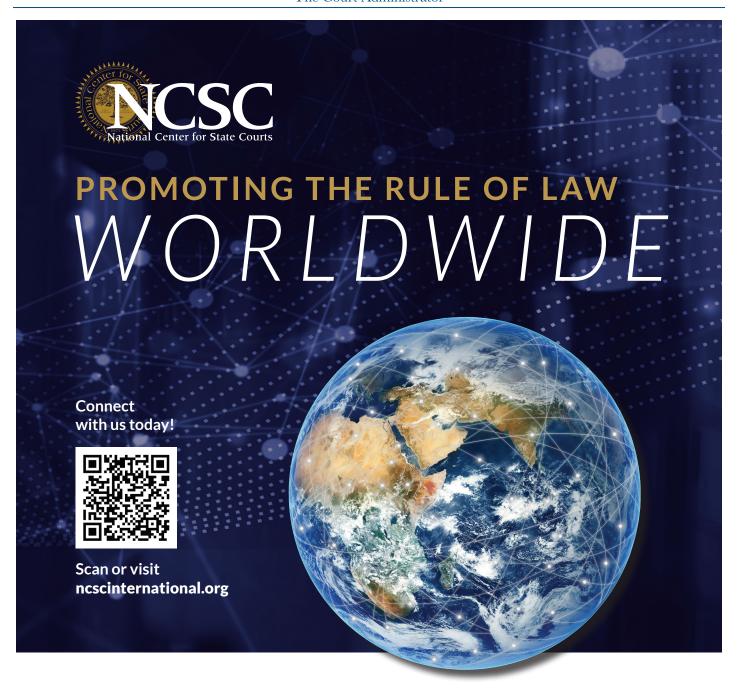
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### National Center for State Courts (NCSC) https://www.ncsc.org/

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The National Center for State Courts proudly partners with IACA to champion the rule of law and elevate court administration worldwide. This conference offers a platform for court professionals to tackle challenges and explore solutions in pursuit of our shared mission. NCSC is committed to supporting courts as they navigate digital transformation and improve justice administration.

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## The Key to Unlocking Your Potential: NCSC Leadership Coaching and Judicial Coaching and Mentoring Training

- By Alecia Burke, Senior Court Management Consultant, National Center for State Courts, USA

#### What Is Leadership Coaching?

Leadership coaching is a collaborative and individualized process designed to enhance the skills and increase the overall effectiveness of individuals in leadership roles. Leaders work with a trained coach to set clear, actionable goals and create strategies to achieve them. This can be done in a range of different ways, such as one-on-one coaching, productive pair coaching, or team coaching.

The coaching process uses trained coaches and a variety of strategies, such as active listening and powerful questioning, to help leaders identify goals, navigate and overcome obstacles, and improve their innate critical thinking skills. Leadership coaching is widely recognized for its ability to create transformational and sustainable change. This makes it a valuable tool for demanding, high-stakes environments like the judiciary.

#### The Benefits of Leadership Coaching in the Judiciary

Leadership coaching empowers court leaders to make targeted, sustainable changes that create positive impacts in the judiciary. Leadership coaching helps court leaders enhance their leadership skills, improve their performance, and maximize their effectiveness.

With enhanced leadership skills, court leaders can better manage teams, inspire others in the judiciary, and achieve professional goals more quickly. Leadership coaching is tailored to meet the specific needs of the individual receiving coaching services. A few common skills that leadership coaching focuses on are communication, decision-making, time management, change management, delegation, and building resilience.

Court leaders make many high-stakes and time-sensitive decisions. Leadership coaching provides tools and resources

to equip leaders with the skills to make more confident and effective decisions. Coaches use strategies that allow leaders to pause and take time to think more strategically. This process refines a leader's decision-making abilities by encouraging ongoing self-reflection and critical thinking, which leads to more effective decision-making long-term.

#### The National Center for State Courts (NCSC) Leads the Way Forward

NCSC offers leadership coaching and training designed to strengthen the judiciary and assist with the mission to administer justice around the world. NCSC's specialized leadership training can be customized to any court's needs for judges, administrators, and court staff. NCSC collaborates with courts to identify the most beneficial curriculum for each audience and is willing to create new content to meet the specific needs of courts.

NCSC also offers judicial coaching and mentoring training to assist courts in developing peer-to-peer programs within their jurisdictions. This onsite training is designed to equip judges with the skills to coach or mentor their peers. NCSC partners with courts to build sustainable judicial coaching or mentoring programs that will best meet the needs of each jurisdiction.

#### **Conclusion**

When leaders become more effective, they create a culture of excellence where employees feel valued and supported and build an organization that achieves goals more efficiently and effectively. NCSC's leadership coaching is the key to providing the tailored support needed to help court leaders navigate their demanding and ever-changing responsibilities with greater confidence and integrity so that courts around the world can efficiently and effectively provide justice to all.

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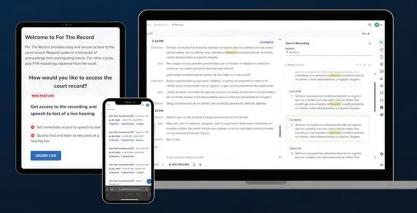
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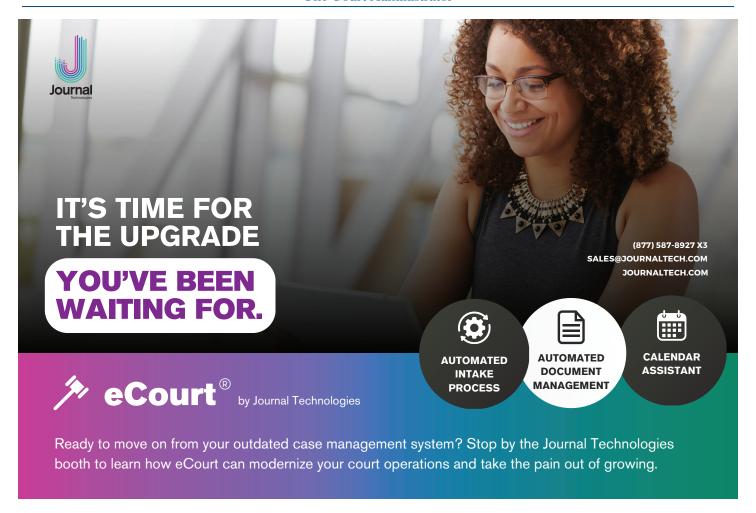




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#### We hope you'll enjoy them!

The playlist includes our Photos from Day 1, 2 & 3 of the conference as well as photos from the gala dinner.

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YOU OPENED OUR EYES AND INTRODUCED US TO YOUR WORLDS, YOUR DIVERSE CULTURES, YOUR FOOD, YOUR TALENTS, YOUR COURT HOUSES, AND YOUR AMAZING STAFF. WE HAVE EACH TAKEN HOME A PART OF SINGAPORE IN OUR HEARTS.



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