



# The Court Administrator

OFFICIAL PUBLICATION OF THE INTERNATIONAL ASSOCIATION FOR COURT ADMINISTRATION



## INTERNATIONAL ASSOCIATION FOR COURT ADMINISTRATION 11TH INTERNATIONAL CONFERENCE HELSINKI, FINLAND OCTOBER 17-20, 2022

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## The President's Message



*Luis Maria Palma, IACA President*

It is an honor for me to present the 13th edition of The Court Administrator (TCA).

Our new issue comprises a variety of key topics that provide a view of the state of the art, including the support for vulnerable court users, court management initiatives and networking in Ukraine, court performance management in Rwanda, the role of judges in eliminating implicit bias and discrimination, time management, judicial efficiency through an open justice platform, and the protection of judges and their families beyond the courthouse.

I thank so much to the Executive Editor, Eileen Levine and the team of Associate Editors, Dr. Susan Moxley and Kersti Fjorstad, for their outstanding work to create this new and exciting issue, and to the authors who generously contributed to make it happen.

I started to serve as President of IACA after our Conference in Helsinki, "People-Centered Justice in the New Normal", a great success that gathered an audience from over 40 countries. The agenda covered topics such as Access to Justice for Vulnerable Groups, Artificial Intelligence in Judicial Systems, Challenges of the Judicial System in Countries in Development, Concentric Justice, Court Services Innovations, Evidentiary Issues Regarding Digital Evidence, International Judicial Relations, Judicial Modernization Around The World, Justice in Times of War and Conflict, Open-Source Management Systems, Professionalization of the Singapore

Court Administration Profession, Quality Assessment in Courts, Responses to the Global Impact of the COVID Pandemic, Ukraine's High Anti-Corruption Court, User-Friendly Courts, and Women's Right to Justice in Morocco and North Africa.

With great appreciation for the feedback that we received after such a thrilling event, it is our intention to use the benefits of technology and social media to promote discussions on subjects of interest for the international judicial community. This, keeping in mind that to be successful it will be essential to connect with people through the respect and understanding of different cultures and diversities.

I want to share with you some of the initiatives we intend to develop with this aim and -I deeply wish- your active involvement.

Along with our live conferences, we'll work with each region where IACA is represented to set webinars, podcasts, and other virtual events in different languages to discuss topics, ideas, and practices of our field of expertise to foster dialogue and collaboration.

We'll give great weight to the promotion of our publications by the launch of its new issues in virtual presentations with the participation of the editors and authors to present the subjects they addressed, identify others of interest, and promote further discussions.

Your participation will be crucial to nurture this continuous process of mutual learning that can help to change realities for a better and prompt justice and, so, for the best of the people.

It will be my privilege working with you from now on to turn these initiatives into a powerful and evolving reality.

Looking forward to doing it!

*Luis Maria Palma*



## EDITOR'S MESSAGE

### Welcome to Edition #13 of The Court Administrator!!



*Eileen Levine  
Court Administrator*

*Eastern and Southern Districts of New York*

First of all, I want to thank Sheryl Loesch, Past President of IACA, Luis Maria Palma, President, Pamela Harris, President-Elect, and all of the members of the IACA Board of Directors who have been working so hard for the past three plus years, putting the Helsinki, Finland conference together. I express my

appreciation to the Hon. Tatu Leppänen, President of the Supreme Court of Justice of Finland and to Jan Vapaavuori, the Mayor of Helsinki, for their conference participation, for their gracious hospitality and for their generosity in inviting us to share their beautiful city of Helsinki with the members of IACA. This conference was an experience of a lifetime!

I also thank IACA members (and our friends) from Finland, Kari Kiesilainen and Noora Aarnio for all of the hard work that they did during the three years of conference preparations and for their graciousness in helping everyone during our stay in Helsinki.

Despite the pandemic and world events that have involved each of us on many different levels, we all joined together, focused together, and communicated together in over 40 languages. It didn't matter what individual languages we may speak or understand. When we are together, in essence, we all speak the same language; "Justice for All" and "People-Centered Justice." This is why so many of you participated in the Helsinki conference.

Conference attendees had amazing opportunities to listen to speakers from around the world during presentations, breakout sessions, and to speak with the professional technology experts. We were able to meet, speak and interact with court administrators and judges, making this conference a truly memorable experience.

Hearing, and listening to viewpoints, suggestions, and ideas from participants from over 40 countries, not only opens your eyes, but opens your mind to a new world of possibilities

and programs. We have all made new connections that we can take back to our own parts of the world and to share information with colleagues. To be able to sit together, discuss and to learn together can only advance our professions and our judicial systems. The topics were varied, informational and current on many different levels. One could have only hoped that there were more hours in each day to participate in the discussions.

I attended just about every program that was offered. I have learned so much more in those three days and cannot wait to implement ideas and suggestions readily shared by participants. Everything we learned and did together in Helsinki, can be brought back to our respective corners of the world. The agenda: presenters, sponsors, panelists, events, and the venue for this event far exceeded my expectations.

I hope that you will consider attending our next conference as well as any additional regional conferences that may be available for IACA members. These special opportunities do not come along very often and when they do, we must take advantage to learn, to experience and to listen to what our colleagues from around the globe can do to help and to teach us.

Dedicated judicial professionals from all over the world have common goals. We share so many things; information and technology, and maybe just as important, we shared smiles, hugs, fist bumps and handshakes. Seeing and meeting our friends and colleagues from war torn regions who traveled for days to attend this conference just highlights the importance of in-person IACA meetings. To see everyone in the Helsinki City Hall and to be welcomed by the Mayor of Helsinki was an experience that I will never forget.

In order for us all to make a difference in our own worlds, we hope to keep open minds to listen, to communicate and to learn from each other. Technology gets better every day, and we must keep up in order to advance our systems. The friendships and connections that we all have made will last a lifetime.

*Eileen*

**For Additional conference materials:** Members can log into the IACA website at <https://www.iaca.ws/> to view the following documents:

**Conference agenda**

[https://iaca.memberclicks.net/assets/Helsinki/IACA\\_2022\\_Summarized\\_Agenda.pdf](https://iaca.memberclicks.net/assets/Helsinki/IACA_2022_Summarized_Agenda.pdf)

**Conference presentations, PowerPoints, and notes**

<https://iaca.memberclicks.net/helsinki-conference-materials>  
Moderators and Panelists Full Biographies [www.iaca.ws/conference-speakers](http://www.iaca.ws/conference-speakers)

## Letters to the Editor:

### **ANNA, from *The Court Administration of Latvia* writes:**

“I would sincerely appreciate it if you could connect me with IACA members in relation to the work what we are doing on the case weighting. Now the methodology is ready, and we just have to take the strategical decision at the level of Judicial Council for what purposed exactly the methodology should be used (planning of resources, evaluation of the workload or also for the distribution of cases – this requires changes in court IS). We have elaborated the project together with Council of Europe, France, and Croatia (as the countries are at the same level of implementation of case weighting).

At the same time, we would be really very interested to know more experiences or just share what has been done.”

Anna suggests sharing with IACA members a short description of the Latvian court interests, methodologies and objectives and we could start an online discussion.

### **Editor:**

This is a fantastic idea, Anna. The Court Administrator would like to put you in touch with members who have suggestions and information. For those who will be willing to connect with Anna and who are also interested in participating in a group discussion, please write to [courtadministrator@iaca.ws](mailto:courtadministrator@iaca.ws). We will put you in touch. We would like to begin an open dialogue with IACA members from around the world on these vital court administration topics.

### **MATTHEW R., a court administrator from Virginia, USA writes:**

Dear Editor for *The Court Administrator*,

Do you know of any courts using voice-to-text technology to produce real-time court transcripts? There are many companies out there that say they do it and I am tasked with finding out if it really works and if courts really want it.

### **Editor:**

If you have any suggestions or guidance for Matthew, please send in an email at [courtadministrator@iaca.ws](mailto:courtadministrator@iaca.ws) and I will forward your response to him. Thank you!



## IACA Membership Updates

Adam Watson, IACA Membership Chair [membership@iaca.ws](mailto:membership@iaca.ws)

It was great to see so many of you in Helsinki! After three years since our last conference, it was wonderful to reconnect and see so many new faces. The friendships I've made at IACA over the years have become meaningful and lasting relationships. I hope each of you takes the time to follow up with the connections you made. These relationships will undoubtedly be among your most valuable conference takeaways!

I'm excited to announce that for those registrants who were not yet members, the Board of Directors has decided to extend an automatic free year of membership as part of your registration fee. This means you'll have access through our website to all of the conference presentations ([www.iaca.ws](http://www.iaca.ws)). No action is needed on your side to take advantage of this, except to log in!

For those of you who were not able to make it to the conference, 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.

Membership gets you access to restricted content, including our conference presentations, 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* ([www.iacajournal.org](http://www.iacajournal.org)).

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.

Stay in touch and feel free to reach out to me with any membership-related requests!

## IACA Jobs Bulletin Board

*IACA Members: Please log into the IACA website and check out the IACA Jobs Bulletin Board located at: <https://iaca.memberclicks.net/employment-opportunities> for opportunities in the field of justice administration.*

To post a job on IACA's Jobs Bulletin Board just send an email to [jobpostings@iaca.ws](mailto:jobpostings@iaca.ws).

### We will accept job announcements from:

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

### Information we need from you---Our 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.
- Logos and graphics are not accepted due to space constraints and consistency.
- 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.
- Ads are not permitted.

### What you need to know about IACA Job Postings:

- There is no fee charged for posting.
- Application must be accessible and transparent.
- Information gathered in the application process should be shared carefully and never made available to 3rd parties.

### OUR POLICY STATEMENT

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.

**The Court Administrator is honored to provide an excerpt from the  
“Report on the IACA Conference in Helsinki” to the  
United States Federal Magistrate Judges Association by  
United States Magistrate Judge Suzanne Mitchell from the Western District of Oklahoma.  
Magistrate Judge Mitchell is located in Oklahoma City, Oklahoma.**

IACA promotes effective court management by cultivating the profession of court administration around the world. It does so by providing resources materials and educational programs, as well as by fostering collegiality and sponsoring forums for the international exchange of best practices. This work complements and reinforces efforts by governments and non-governmental organizations to further judicial reform and build justice-sector capacity. The IACA's roles in these efforts are to plan and conduct international conferences and publish two publications, the *International Journal of Court Administration* and *The Court Administrator*.

I had the privilege of attending the IACA's 2022 conference in Helsinki, Finland. This year's theme was “People-Centered Justice [PCJ] is the New Normal”—a phrase I was keen to learn about with more particularity. IACA's leaders crafted a week of engaging plenary and breakout sessions led by informed judicial leaders.

The Mayor of Helsinki, Jan Vapaavuori, hosted the President's Welcome Reception to kick off the conference. At that reception, I met two Finnish Court administrators who shared some of the challenges their court system faces, including very delayed investigations and criminal trials.

On Tuesday, after welcoming remarks from President Loesch, Hon. Tatu Leppänen, President of the (18 member) Supreme Court of Justice of Finland, noted five principles for Finland's courts to focus on in its efforts to address the various challenges faced:

- Safeguarding the rule of law in everyday life;
- Working to maintain trust and promoting adaptation to change;
- Understanding the increasing diversification of crimes;
- Avoiding social exclusion; and
- Making sure that Legis is clear and up to date.

He noted that although the Finnish public's has great trust in its court systems, courts in democratic countries must all work to restore trust in countries where it has faltered.

Hon. Sidney H. Stein, (United States District Judge for the Southern District of New York), Immediate Past Chair of the Judicial Conference's International Judicial Relations Committee, underscored the critical nature of court administration. He noted that by maximizing PCJ, we can improve quality of justice and provide greater access to justice systems. In his nearly thirty years on the bench, he is continuously reminded that judges and administrators work toward a common goal and face common challenges. Those challenges include a lack of financial resources, corruption, threats, war, and the ongoing pandemic. He noted the declining Rule of Law ratings compiled by the World Justice Institute, which reflect that 84.7 percent of global population has lived under less effective Rule of Law since 2018.

A plenary session led by Andrew Solomon, Senior Rule of Law Advisor DDI (USAID) followed. He engaged with the proper scope of judicial work: Should courts serve as a last resort for deciding (legal) issues? Or should courts serve as a problem-solving vehicle and provide protection for all? As judges, we have a bent toward more problem solving. But we hear from administrators that courts struggle to keep pace with those demands due to budget issues and overloaded dockets.

A crucial step toward finding the proper scope is enhancing public trust in courts. Facets of that work include promoting judicial independence and neutrality, implementing procedures to effectively resolve conflicts, and increasing accessibility to ensure the ability to reach all those who need us. So PCJ anticipates that courts are becoming (or should become) more service oriented, with a greater focus on promoting access to justice and building trust. Courts should become more people focused because ultimately individuals' needs remain at the center of justice systems.

Mr. Solomon identified some areas where courts could better center individuals, including increased data collection to understand experience and problems, and more user-friendly procedures (e.g. plain-language forms and enhanced

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automation enhancements).

Mr. Solomon then engaged Hon. Zamirbek Bazarbekov, Chair of the Supreme Court of Kyrgyzstan; Hon. Ivan Michchenko, Justice of the Supreme Court of Ukraine and Member of the High Judicial Council; Hon. Albert Zogaj, Judge of the Supreme Court of Kosovo and Chair of the Kosovo Judicial Council; and Dr. Maurits Barendrecht, Program Director, The Hague Institute for Innovation of Law. The panel discussed working PCJ into their judicial systems.

Notably, Kyrgyzstan has made creative use of technology. Their courts have increased digitalization and established a portal to access digital justice and improve transparency. The Supreme Court also created business and civil society monitoring groups that will collect assessments of the quality of legal services provided.

Ukraine's focus at present is mostly data driven. Information technology teams are striving to make all forms of judgments usable and user friendly. The country has looked to digitization efforts in Estonia and Brazil in creating its database. The Justice noted that the Supreme Court considers on average a thousand cases a week. He acknowledged the number of cases is decreasing with the war but reported that 1.5 million cases have been considered by Ukraine's courts so far in 2022, and 52,000 by the Supreme Court.

Kosovo is piloting electronic systems to incorporate its civil codes and procedures. It aims to increase access to the court, for example, by providing tablets for those who are hearing impaired. A more efficient case management system has increased the public's trust in the judiciary. All rulings are published and accessible. The Judicial Council's meetings are broadcast live. Many of these reforms are responses to feedback from civil society organizations and nongovernmental organizations monitoring the judicial system.

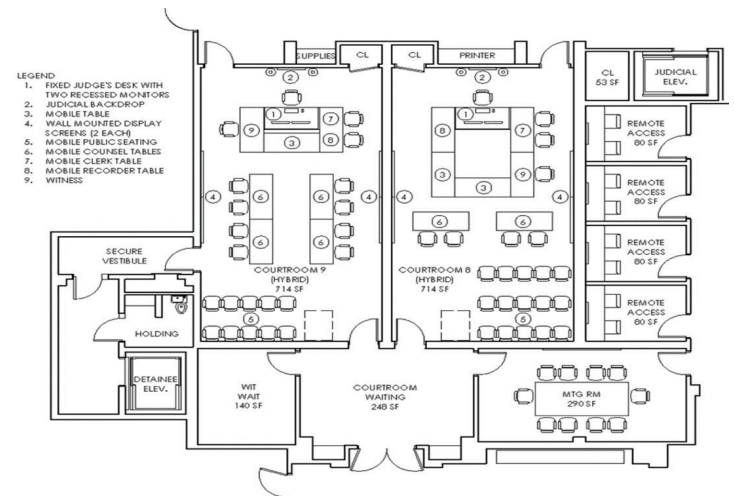
Questions posed included how to grapple with the organizational and behavioral changes needed to shift to a PCJ focus. Certainly recognizing the need for training models for judges and administrators will help. A focus on courts services, communications, and a reorganization of court administration will also facilitate this shift. Justice Zogaj mentioned that because so many residents have never set foot in a courthouse, one goal is to make each person's first contact with the court a positive one.

Next, I attended a fascinating overview of Court Services Delivery Innovations and their Effect on Courthouse Space. The question was posed, should the courthouse be a place visit or should it be a service (or both)? The panel—David Slayton, VP, Court Consulting Services; and David Sayles,

National Center for State Courts—highlighted four main shifts that correspond with the goals of PCJ:

- Operational change
- Expanding public access
- Improving customer service and engagement
- Sustainability and continuity.

The panel discussed surveys identifying hearings and case events that can be conducted remotely. Hybrid courtrooms and hearing rooms with increased technology may result in smaller footprints and greater cost savings. Here is an example:



As to accessibility, the panel proposed a variety of possibilities, recognizing one size will not fit all. Encouraging easier access would likely increase the public's participation in and understanding of the court system.



continued





The next plenary session focused on Justice in Times of War and Conflict, with panelists Anna Adamska-Gallant, International Expert of Judicial Reform, EU Project “Prava Justice,” Kyiv, Ukraine; and David Vaughn, Chief of Party, USAID/Ukraine Justice for All Activity.



Ukraine’s goals include ensuring the continuity of court operations; promoting accountability for war crimes; and supporting access to justice.

The Ukrainian judiciary is operating at about 87 percent capacity, having moved many services from occupied territories as possible. Ten courts have been totally destroyed and 85 critically damaged. Of the total 5,000 judicial spots, over 2,000 are vacant. But judges have still issued 2.4 million decisions this year. As to war crimes, 31 cases are currently filed, with four convictions and 39,837 ongoing Investigations by Office of the Prosecutor General.

I next attended a breakout session titled “Model Court Initiative – Platform for Good Practices and Benefits of

Grassroots Approach,” with panelists Ms. Adamska-Gallant, Pollini Li, Natalia Tsap, and Yenheniia Bondarenko. The project began before the invasion of Ukraine, but the panel was still able to present a comprehensive discussion of Ukrainian courts’ needs on a local level. The group began with the model court principles of respect, inclusiveness, and sustainability. They identified three pillars for success. The first is customer service, with an emphasis on an integrated front desk, a visual navigation system, and effective communication and human resources. The second pillar is court security, which incorporates an interactive manual about the personal safety of judges and court staff, the implementation of an incident reporting system, and training on basic first aid/life support. The third pillar is courtroom and court office activities, emphasizing functional space allocation, courtroom designs, furniture, layout and acoustics, and audio enhancement inside courtrooms.

Wednesday’s plenary opened with “Judicial Modernization Around the World,” featuring Marc Giroux, Commissioner for Federal Judicial Affairs, Canada, and Interim Director and Senior General Counsel, Canadian Judicial Council. The panelists were Hon. Richard Wagner, P.C., Chief Justice Canada, and Chairperson of the Canadian Judicial Council; Hon. Tatu Leppänen, President of the Supreme Court of Justice of Finland; Hon. Ivor Archie, Chief Justice of the Supreme Court of Trinidad and Tobago; and Hon. Loretta Rush, President of the Conference of Chief Justices of the United States. The panel focused on judicial security in today’s world. Different approaches to interaction with the press were presented. Though Finland’s Court system consistently receives high approval ratings, the Chief Justice recognized security issues still exist. Chief Justice Archie has received a variety of threats, a number of which were politically motivated. Various courts support a communications or press office which holds press conferences on a regular basis. This outreach does not touch upon particular judicial decisions, but on the judiciary as a whole, its purpose, and efforts to make it more accessible and transparent. Justice Rush spoke of the importance of judicial participation in civic outreach efforts. She noted that in the United States, judges often serve as “super-conveyors”—if a judge attends an event, others are sure to follow. She observed that she spends a good deal of time shuffling defendants to mental health facilities or substance abuse treatment centers. In response, she is “super-convening” a thousand-person Mental Health Summit with judges from

*continued*

every county in Indiana, the State's governor, and a variety of state and federal law makers and community leaders. She encouraged courts to further dig into problem-solving roles they may fulfill.

The next session, Artificial Intelligence and Judicial Systems: Opportunities, Benefits, and Challenges, with Hon. Virginia Covington, (United States District Judge for the Middle District of Florida), and Andrew Gross, Esq., delved into the development of artificial intelligence and its potential uses going forward. The panel discussed the use of algorithms and compared caselaw where some artificial intelligence would be permissible and some where it would not.

The next panel, "Open-Source Management Systems – Advancing Judicial Modernization Around the World," was moderated by Jeffrey Apperson, Vice-President, International Relations, NCSC, and featured panelists Jim McMillan, Principal Court Technology Consultant, NCSC, and Chief Justice Archie. The panel focused on how to develop an online case management system. Trinidad and Tobago are part of a twelve-member consortium that "share" an open-source software, allowing ownership of the software and the ability to customize various dashboards depending on a court's needs.



The panel presented various aspects of workflow management; staff pool management; automated task generation; payment and disbursement recording systems; case sealing; document generation, categorization, and filtering; statistical reporting; and the development of other improvements including case weighting. The approach seems easily scalable and easily tailored. Being open source, it has no license fees. The hope is the consortium will enlarge and become more regionally based to benefit all members.

Next was a retrospective on judicial and court responses to the coronavirus pandemic—using technology to ensure

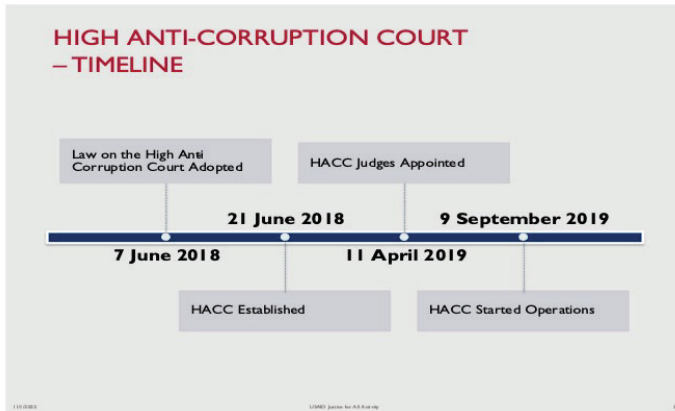
continued access to justice. Panelists included Elaine Borakove, President, The Justice Management Institute; Tim Dibble, Vice-President, The Justice Management Institute; His Lordship Honorable Justice Buwaneka Aluwihare, PC Judge of the Supreme Court of Sri Lanka; and Critstine Malai Turturica, Vice-President for Technical Direction and Business Development, Millennium Partners.

My takeaway was that although remote hearings increased during the early stages of the pandemic, organizational structural barriers to PCJ persisted. In Sri Lanka, in-person proceedings are expected for civil cases, and the backlog of cases is a perennial issue. In a country of twenty-two million, there are only five hundred judges saddled with a huge number of cases. Very few criminal proceedings can be held virtually. Similarly, the Moldova court system exemplifies the tension between the solemnity of the court and the court's role as a service provider. Pushback against virtual hearings exists in many countries and may be difficult to overcome.

The last substantive session I attended was titled "Establishing an Effective Specialized Court: Lessons from Ukraine's High Anti-Corruption Court," featuring Hon. Mishchenko, Makriyan Halabala, High Anti-Corruption Court, Kyiv, Ukraine; Olha Nikalaeva, Legal and Judicial Adviser, Kyiv, Ukraine – Chemonics; and Bohdan Kryklvenko, Chief of Staff of High Anti-Corruption Court. Ukraine's Anti-Corruption Court came together exceedingly quickly, despite not having enough trained judges. It was clear though that ordinary courts lack the capacity to deal with these cases. A panel of international experts formed a public council and assisted in the selection of judges. Comprising the panel were judges with at least five years' experience, attorneys with seven years' experience, and law professors. (In a February 21, 2021 speech, Russian President Vladimir Putin cited this panel and selection procedure as evidence that Ukraine is not independent.)

The selection of court staff was also extremely important, given the highly sensitive data involved. For the first group of 120 vacancies, 3,000 applications were received. After the selection of the first 38 judges, the Chief of Staff for the Court had 88 days to stand up a court, which included (among other tasks) hiring staff, creating internal operational documents and forms, finding a building with adequate space, and assuring security for all participants' security.

*continued*



The court's launch was deemed a success, but public criticism arose around the speed of verdicts. A robust communication policy has helped manage public expectations via a Youtube livestream.

### HIGH ANTI-CORRUPTION COURT – NUMBERS

- 38 – Judges
- 287 – Staff
- 210 – Cases Pending
- 88 – Verdicts Issued
- 27 335 – Pre-Trial Motions Considered

Transparency continues to be a key part of the court's success.

I also attended a brief session about IACA two publications: The Court Administrator and the Journal. Dr. Tim Bunjevack, Co-Managing Editor of the International Journal for Court Administration and Eileen Levine, Executive Editor, The Court Administrator presented. Both the Journal and The Court Administrator average three issues a year, all free and open source. Some 6,000 readers have been measured, and the Journal articles range from scholarly works to reviews, commentary and, in The Court Administrator, best practices for court administration around the world. My takeaway is that The Court Administrator and the Journal would provide a terrific vehicle for the FMJA to publicize the various teaching and training it engages in around the globe.

Membership in IACA is only \$50 a year, and I look forward to maintaining the connections I have made and following the program of the group and its dedicated Board.

*Editor's Note: All of the Presenter's slides referenced in this article may be located and downloaded from the IACA website under the IACA Conference Tab: Helsinki Conference Materials. For additional information on conference programs, please contact the conference presenters directly.*



## Establishing The System of Support for Vulnerable Court Users in Ukraine

By: Yevhenia Bondarenko, Polina Li, and Svitlana Maistruk



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### Abstract of Article:

*Before the launch of the judicial reform in 2015, the Ukrainian judiciary was not responsive enough to the needs of vulnerable court users due to the lack of a systematic approach to addressing this issue countrywide. In 2018, the EU Project “Pravo-Justice” started promoting the need of establishing a system of support for vulnerable court users including witnesses and victims of specific types of violent crimes within the Model Court Initiative. To date, representatives of the judiciary implemented more than fifty (50) projects in different parts of Ukraine aimed at improving service for vulnerable court users, resulting in the respective policy acts. The article covers approaches and practices for establishing and rolling out the system of support for vulnerable court users in Ukraine.*

Providing access to justice for all court users was among the top priorities of the judicial reform launched as a result of the amendments to the Constitution of Ukraine and other laws in 2015.

In the past, the Ukrainian judiciary was not responsive enough to the needs of vulnerable court users due to the lack of a systematic approach to addressing this issue countrywide. The perception of unfair treatment and the perceived inexistence of support services, including special facilities and infrastructure, are further barriers to access to the justice system.

In 2018, the EU Project “Pravo-Justice” started activities related to promoting the need of establishing a system of support for vulnerable court users including witnesses and

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victims of specific types of violent crimes within the Model Court Initiative. As a result of conducting three specialized training courses for trainers, graduates prepared and started implementing more than 50 projects in different parts of Ukraine aimed at improving service for vulnerable court users including the establishment of volunteer service in courts. Additionally, the community of certified trainers is working on establishing services for vulnerable categories in their organizations as well as spreading knowledge and skills obtained during the training course.

Such a movement resulted in the respective policy acts. Thus, in June 2021, President Volodymyr Zelenskyi signed the Decree on approving the Strategy for the Development of the Justice System and Constitutional Judiciary for 2021-2023 (hereinafter - the Strategy), which defines the main principles and directions for further sustainable functioning and development of the justice system.

For this purpose, the Strategy identifies as one of the directions and activities forming the attitude of judges to the court as a socially responsible authority, increasing attention to the needs of participants in the trial in order to improve access to justice and promote people's perception of the court as a public body that resolves disputes and protects rights and interests; settlement at the legislative level of the issue of support for trial participants from among victims of domestic or sexual violence and persons who have witnessed such violence; introduction of special measures of information and psychological support for participants in the trial, including: special psychological trainings for judges and court staff (conflict management, trauma psychology, stress resistance); providing user-friendly information about trials, rights and responsibilities of witnesses (information letters, special appendices, delivery of relevant information together with summonses, videos, etc.); the possibility of creating a volunteer service to provide information support to victims and witnesses.

### **Local example: establishing services for vulnerable court users in the Ternopil District Court of the Ternopil Region**

The court developed a plan to establish a service for vulnerable groups of court users, which consisted of the following elements: volunteer service, inter-institutional cooperation, and the launch of full-fledged services for vulnerable court users. The volunteer service, as the basis of

the service for vulnerable groups, started its work on June 11, 2021, in the Ternopil City and District Court of the Ternopil Region.

Court volunteers are responsible for the following areas: redirecting citizens to free legal aid system; informing citizens about available victim support services, (hotlines, social centers, etc.); popularizing the use of electronic services for remote court proceedings.

The court representatives monitored all social projects in which it was possible to involve the court in order to establish inter-institutional cooperation for the implementation of a service for victims.

Currently, there are three areas of inter-institutional cooperation: coordination council on family matters, gender equality, prevention of domestic violence, and combating human trafficking; NGOs; working group on the implementation of the model of protection and socio-psychological support of children in the justice process.

### **Local example: benefits of services for vulnerable users are available at the Vinnytsia Court of Appeal**

Vinnytsia Court of Appeal implemented the following solutions under its project on services for vulnerable categories of court users: integrated front desk, court volunteering service, establish institutional interaction and redirection of citizens.

The creation of an integrated front desk made it possible to assess the needs of visitors upon entering the court and to provide them with court services in a better way.

Court volunteering service became a source for filling vacant positions during the war. Since court volunteers had the necessary skills and knowledge, one of them was already appointed as the secretary of the court sessions. This provided an opportunity to compensate for personnel losses due to the war, and also sent a positive signal to the volunteer community.

The Memorandum was concluded among representatives of Vinnytsia Court of Appeal, Vinnytsia City Court, and the Regional Center of the Free Legal Aid providing an opportunity to gain experience from three institutions at once regarding the needs of certain categories of vulnerable users.

Thanks to the cooperation with the NGO "Bureau of Institutional Development" in the area of redirection, court

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volunteers helped to spread information on how to combat domestic violence. With representatives of the patrol police, they shared their experience on how to get help from the mobile brigade and break the cycle of domestic violence. The court also cooperates with the interdepartmental working group on the prevention and countering of gender-based domestic violence.

Additionally, the court is involved in activities within the regional interdepartmental group on the creation of the interdisciplinary center “Barnahus”. The members of the group actively work to ensure that the interrogation of children is organized in the most favorable, friendly, and comfortable conditions.

All the above-mentioned activities by the Ternopil District Court of the Ternopil Region and Vinnytsia Court of Appeal

did not require additional funding and were elaborated by the court representatives as their own initiative with the mentor support from the MCI experts. Therefore, the services for vulnerable court users in the two above mentioned courts due to the bottom-up approach continue to be resilient and sustainable initiatives even in the face of the challenges caused by the Russian aggression. Moreover, the services can address the needs of the victims and witnesses of war crimes, which is very important for effective litigation of such cases and ensuring access to justice for such kind of vulnerable court users.

\*Non-governmental organization





## Court Performance Management in the Republic of Rwanda: Leading the Way to People-Centered Justice – Part 2

*Niceson Karungi, Adam Watson, and Ingo Keilitz*



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*Part 1 of this article, published in the previous edition of The Court Administrator, introduced people-centered justice, an approach focused on those served by courts instead of those who “run” them – judicial officers, court administrators, and other officials. It discussed the role of technology in achieving this focus in general terms. Here in Part 2, we focus on the functionality of Rwanda’s Integrated Electronic Case Management System (IECMS), and the Judicial Performance Management System (JPMS), and the mechanics of converting data tracking, performance measurement and management to service delivery outcomes in Rwanda. We will describe how technology enables daily improvements in service delivery to achieve people-centered justice.*

The Rwandan justice system’s Integrated Electronic Case Management System (IECMS) serves as the single point of entry for securing and recording case-related information and efficiently sharing that information among relevant sector institutions. The system, developed by Synergy International Systems, Inc., has been operational since January 2016 and comprises modules for six institutions of Rwanda’s Justice Reconciliation Law and Order Sector (JRLOS): the Rwanda Investigation Bureau (RIB), the National Public Prosecution Authority (NPPA), the Rwanda Judiciary, the Rwanda Correctional Services (RCS), the Civil Litigation Service (CLS), and Judgment Execution and Online Auction (see Figure 1). In May 2022, after six years of continuous technical support services provided by Synergy, the full scope of technical support and maintenance of the IECMS was handed off to JRLOS.

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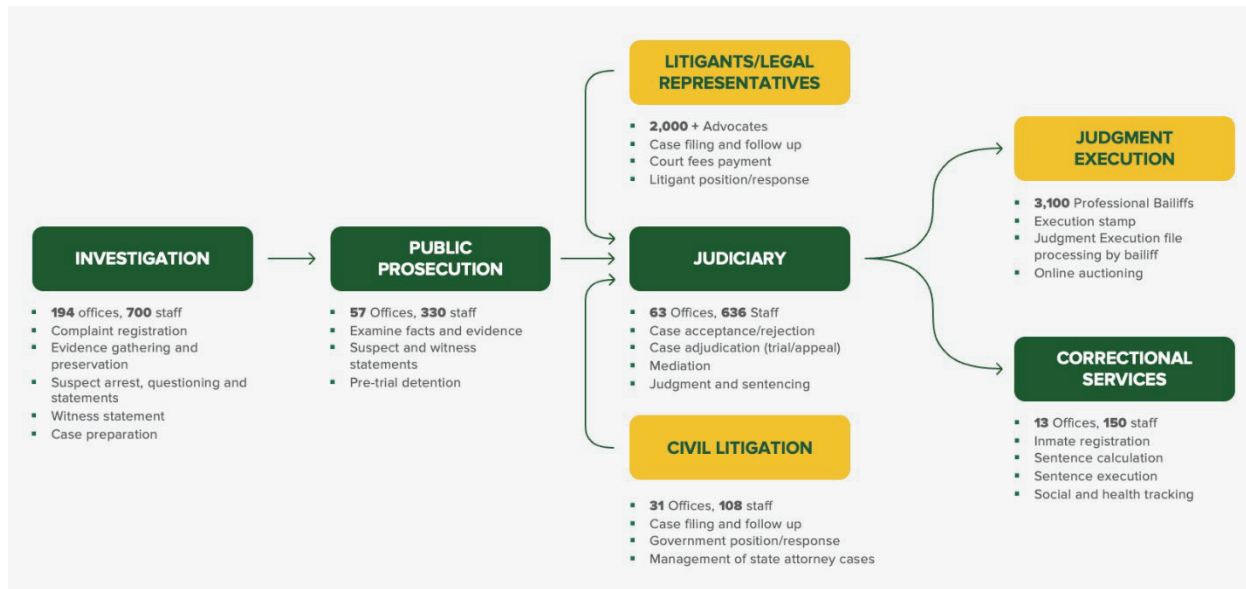


Figure 1: JRLOS Institutions Using IECMS in Criminal and Civil Matters

Whereas IECMS captures all case-related information in both civil and criminal matters from filing to execution in all JRLOS institutions, the Judicial Performance Management System (JPMS) is a system specific for the Judiciary of Rwanda, which is integrated with IECMS, to measure court performance through case related operations in real-time. It also enables Judiciary administrators to track non-case related data, such as progress against the Judiciary's overarching strategic plan and annual action plans and their impact on case statistics.

### IECMS: People-Centered Functionality for Daily Operational Case Management

The IECMS is a daily operational tool for more than 2,000 advocates, 636 court administration professionals, 700 investigators, 330 prosecutors, 3,100 bailiffs, 108 civil litigation officers, and 150 correctional service officers to support service delivery across the entire informational chain of custody in the JRLOS, including investigation, prosecution, case filing and processing, adjudication, decision writing, and judgment execution. It is also used by JRLOS leadership to monitor and improve performance.

From the perspective of people-centered justice, the key stakeholders of the IECMS are the individual litigants and the advocates who represent them. From the initial creation of an account to electronic case filing, payment of court fees, receipt of notifications, case status or event follow-up, judgment execution and online auctioning, the user experience

for an individual litigant is not simply an extractive process to collect data. It is, first and foremost, a service. Providing the individual litigant with meaningful information and a positive user experience is itself a process that improves access to justice. The IECMS's helpdesk function gives users a single reference point to submit questions and get answers, as well as review other previously asked questions. The IECMS is a transparent platform where litigants can monitor in real-time all activities performed on their cases, both by their advocates or the court.

### JPMS: Converting Data Tracking to Performance Measurement and Management

The JPMS implemented in 2020 tracks case related statistics from IECMS, and administrative task statistics related to Judiciary initiatives to draw correlations between planned projects and tasks and their impact over time on case statistics. The goal of this is to improve performance measurement and management (PMM) of people-centered justice. In defining the strategic plan implementation, the vision is broken down to weighted objectives based on their importance to achieving the overall Judiciary vision of enhancing the rule of law, from objectives to indicators, and activities, all the way down to daily actionable tasks in a top-down approach. After implementation, results are aggregated, in a bottom-up approach, to quantitatively measure real-time performance and outcomes. (Figure 2).

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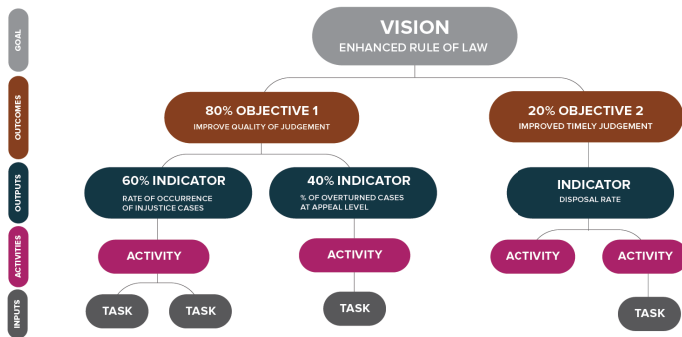


Figure 2: The Judiciary Vision Breakdown into Daily Tasks

In JPMS, the Judiciary measures the strategic plan from vision to daily tasks using three parameters in a comparative manner: performance (percentage of achievements against set targets), work progress (percentage of activities completed compared to planned activities), and budget execution (percentage of budget spent compared to planned budget). These parameters are compared in real-time to assess what works and what does not, enabling the Judiciary to correct course dynamically to improve results. For instance, if more than 50% of planned activities have been implemented and the budget has been fully spent, but the performance has not improved, then either the activities or indicators must be reassessed as the intended objectives are not being accomplished.

Targets are set at the indicator, court, activity, and task level for both judicial officers and administrative staff. For each task, performance is measured by the timeliness in which it is performed, the quality of output, and the conduct of the staff offering the service. It is believed that court clients must be given quality service, in a timely manner, and must be met with the highest conduct and competence from court staff. Therefore, all these parameters (timeliness, quality, and conduct) must be fulfilled for each task, by each individual staff. For example, the registrar at the reception is expected to decide about admissibility of each case within two days and other claims within one day. This decision is considered good quality if it is not overturned by the court president or judge. In addition, the registrar must exhibit a high level of customer care towards court clients which is measured by the percentage of complaints submitted by clients in relation to those serviced.

Court administrators can then use the JPMS to track overall aggregated performance of various indicators against set targets, with the ability to drill down to the raw data and actual results. For example, they can measure the average time it takes a case to be judged per court – analyzing showstoppers and delays per roles involved (clerk, registrar, judge, etc.), as in Figure 4 below. With this visibility they can quickly identify outliers and develop strategies to improve performance of particular roles and ensure faster justice delivery to the people.

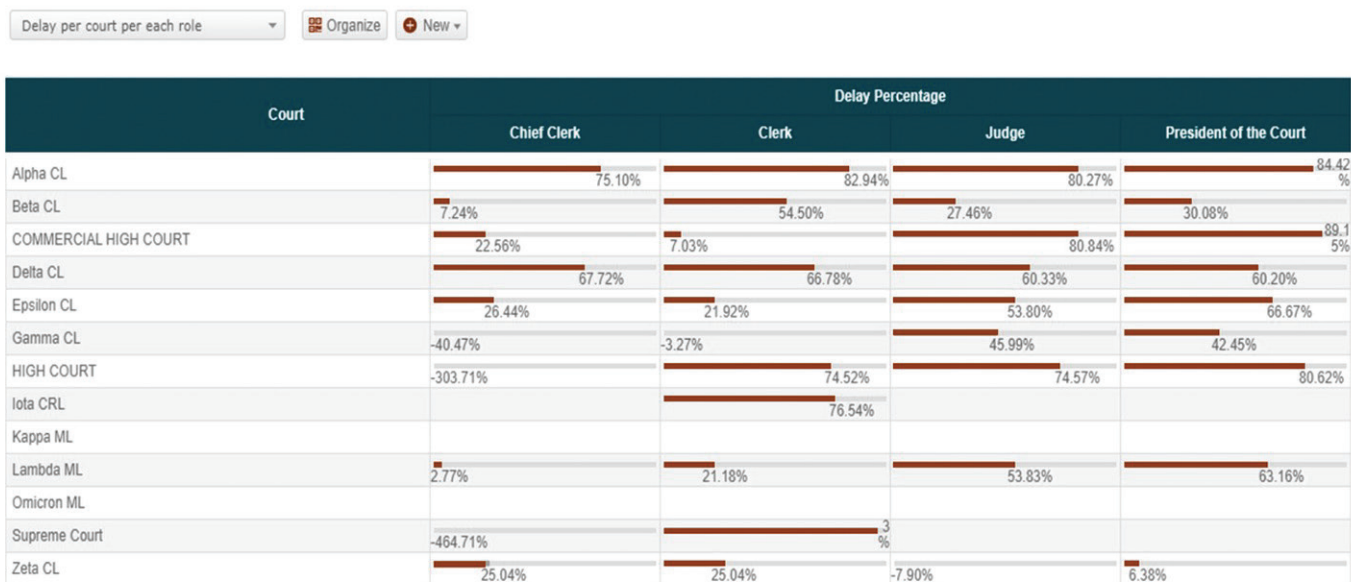


Figure 4: Percentage Delay Per Court for Each Role

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2. Rate of case adjournment						
Indicator / Court / Individual	Baseline	Target	# of adjourned cases	# of cases with hearing scheduled	Actual	Performance%
<b>Rate of case adjournment</b>	<b>11%</b>	<b>10%</b>	<b>24%</b>	<b>24%</b>	<b>24%</b>	<b>42</b>
<b>COMMERCIAL COURT</b>	<b>11%</b>	<b>10%</b>	<b>21%</b>	<b>21%</b>	<b>21%</b>	<b>48</b>
Vera Vena			10%	10%	10%	
Harris Southworth			19%	19%	19%	
Oretha Boedeker			23%	23%	23%	
Chance Bouffard			22%	22%	22%	
Marna Ratner			23%	23%	23%	
Bonny Severa			17%	17%	17%	
Cori Dollard			23%	23%	23%	
Napoleon Mehl			10%	10%	10%	
Joanie Geller			10%	10%	10%	
Valda Kearns			10%	10%	10%	
Caryl Egerton			29%	29%	29%	
Bernarda Kilmon			29%	29%	29%	
Veda Hitchcock			21%	21%	21%	
Jamee Guffey			21%	21%	21%	
Tabatha Raatz			13%	13%	13%	
Shawn Hefley			0%	0%	0%	
Rebeca Ord			30%	30%	30%	
Cyrus Labree			31%	31%	31%	
Letitia Presler			13%	13%	13%	
<b>COMMERCIAL HIGH COURT</b>	<b>11%</b>	<b>11%</b>	<b>38%</b>	<b>38%</b>	<b>38%</b>	<b>26</b>
Lynsey Sijacques			41%	41%	41%	
Carol McNulty			45%	45%	45%	
Robbin Upchurch			38%	38%	38%	
Frances Timko			23%	23%	23%	
Chere Seabrooks			27%	27%	27%	

Figure 5: Rate of Case Adjournment by Court and Judge

When court administrators identify poor performance, they can easily filter by court and analyze data at the individual or case level. For example, when it is identified that the rate of adjourned cases is high, they can filter and identify which judges adjourn the highest percentage of cases and investigate the reasons. The rate of case adjournment is automatically identified by comparing the number of adjourned cases in relation to number of cases scheduled for hearing (Figure 5). Once the actual percentage of adjournment is identified, it is compared with the target to derive performance per judge or court.

## Converting Performance Measurement and Management to Service Delivery Outcomes

As we suggested in Part 1 of this article, even the “right” court performance measures must be made to “talk.” Most justice systems employ some level of performance data collection, reporting, and analysis. The next step beyond simply reporting on performance, is to analyze the data for trends, gaps, or red flags. This type of analysis can then inform decision-making and learning. Being able to demonstrate that learning has occurred and been applied to further improve performance is

the goal. What the Judiciary of Rwanda has done with its data and analysis is the key question when it comes to demonstrating a real focus on people-centered justice.

**Case backlog:** The IECMS revealed that between 2016 and 2019, new cases in primary courts increased by 56.9%.<sup>1</sup> The Judiciary understood that the continuation of this trend would present a challenge to fighting the case backlog. To create a balance between filed and pending cases against judged cases, mechanisms including court annexed mediation, small claims procedures, and measurable timelines for on-time case processing were put in place, and 20 additional lower court judges and registrars were hired in 2022. Between 2019 and 2020, mediated cases in pretrial increased by 6%<sup>2</sup> while mediated cases by the judge increased by 42% between 2020 and 2021. Using this approach ensures that the individual litigant’s matter is settled in the shortest time possible, eliminating unnecessary trial time and reducing the case backlog.

**Trial date certainty:** Analysis of trial date certainty, including analysis of case adjournments by judge and by court over time, revealed that irregular summons accounted for 10% of adjournments and led to new provisions in procedural laws

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for pretrial conferences and preliminary hearings that spell out processes that reduce adjournments. In addition, litigants access monthly hearings online, and are notified of trial dates and any changes in real time by IECMS via e-mail and text.

**On time case processing:** In Rwanda, a case is considered backlogged if its judgment is not handed down within six months of its registration. The entire case process from filing to judgment has timelines for each step, defined by procedural laws and configurable in IECMS, which flags delayed items and sends notifications when deadlines are approaching.

In this way, the Judiciary of Rwanda is executing continuous improvement based on analyzed data to achieve people-centered results.

## Ongoing Challenges and Lessons Learned

The JPMS is still in the early stages of utilization, and we expect the system to evolve as challenges are overcome, and lessons are learned and applied. Below are some identified challenges and lessons learned.

- **Capacity constraints.** Low levels of technical knowledge among system users, both court staff and litigants, could lead to inaccurate data inputs which produce erroneous information for the set measures. Such analysis could lead to misinformed decisions, so continuous training of system users is required.
- **Resistance to change.** As with all new systems and procedures, the JPMS implementation has faced resistance. It is to be expected that resistance will arise as people believe their personal capacity or productivity are under scrutiny. As such, periodic meetings and workshops are being put in place to explain performance measurement and management concepts and motivate system users.
- **Customer Satisfaction information:** Although a lot has been done in encouraging litigants to share their perceptions and thoughts on court procedures, litigants rarely use the provided channels to share such information. The Judiciary is therefore looking for additional ways of sensitization, and currently holds weekly talk shows on the radio, leveraging television networks and newspapers to promote citizen engagement and feedback.
- **Client involvement in court administration.** It is important to involve client representatives in court

administration boards to ensure that their needs are well presented. For instance, the Rwandan Judicial High Council, which is the supreme governing body of the Judiciary, includes members of the Bar Association, Human Rights Commission, Ombudsman, institutions of higher learning, and Ministry of Justice, to ensure that decisions and measures in relation to performance management, among other things, consider citizen needs.

## Conclusion

Here are our recommendations for court administrators who want to achieve people-centered justice.

- *Identify the Right Indicators.* Not all standard indicators of court performance will point us toward people-centered justice. What are the most relevant measures?
- *Automate and Decentralize Data Collection.* Automating data collection from Case Management Systems, collecting data from a broad swath of stakeholders, and presenting data in performance dashboards that can be easily understood and broadly distributed will help to drive people-centered change.
- *Build a Culture of Learning.* Without a systematic approach for integrating the review, analysis, implementation, and learning, no changes will be realized.
- *Make Data Open and Transparent.* Demonstrating progress over time through consistent tracking, reporting, and learning will produce a virtuous cycle of improved performance with real results for people.

As opposed to the popular and traditional opinion that performance monitoring and management hinders judicial independence, the Rwandan Judiciary has learned that instead it paves an intentional path to a clear vision while promoting accountability, transparency, and public trust. Powerful technology, such as the IECMS and JPMS embraced by the Rwandan Judiciary, has the potential to transform the way justice institutions and stakeholders work together, and most importantly, the way they interact with the people they serve. This can be done right now, in real time – not just in annual reports, thereby powering continuous improvement and people-centered justice.

# Modern Court Management Initiatives in Ukraine: The Importance of The Bottom-Up Approach And Building A Network Of Courts

By Polina Li, Svitlana Maistruk, and Natalia Tsap



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## Abstract of Article:

*The changes in the judicial system of Ukraine, implemented since 2015, included ensuring that greater user and service orientation as the key factors in the modern approach to the delivery of justice in Ukraine. Therefore, a number of initiatives in the field of court management aimed at improving the quality of court services and improving the organization of court operations have been launched. Taking into consideration the ongoing war of aggression against Ukraine and continuing judicial reform in Ukraine, the article presents an analysis of the importance of a bottom-up approach and building a network of courts involved in such initiatives to strengthen their capacities in scaling up modern court management initiatives across Ukraine.*

Since 2015, numerous amendments to the Constitution of Ukraine and other laws have made significant changes in the judicial system of Ukraine. Their purpose has been to contribute to the development of an independent and effective judicial system in line with the fundamental principles and standards promoted by the European Union. This also included ensuring that greater user and service orientation were the key factors in the modern approach to the delivery of justice in Ukraine. The reform was supported by Ukraine’s international partners.

However, the following problems of the daily functioning of courts of the first instance in Ukraine have been identified:

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lack of infrastructure for people with disabilities; lack of advanced HR policies; insufficient level of communication about the work of the court with the society and mass media; lack of navigation in court premises; lack of convenient information about the schedule of court sessions, lack of a unified approach to the organization of an integrated court desk as the first point of contact for a court visitor to obtain the necessary information; etc.

These problems, among other things, had a negative impact on the level of public trust in the judiciary. Therefore, since the beginning of the reform, a number of initiatives in the field of court management aimed at improving the quality of court services and improving the organization of court operations have been launched.

Due to the full-scale Russian aggression in February 2022, the Ukrainian judiciary faced unprecedented new challenges related to security, financing of the judiciary, access to justice, and addressing the needs of vulnerable court users, whose number significantly increased. The questions arose “Did those initiatives that focused on the spreading best solutions for the court management turn out to be resilient and sustainable for court management? What was the advantage of the initiatives using a bottom-up approach while implementing?” Taking into consideration the ongoing war of aggression against Ukraine and continuing judicial reform in Ukraine, there is also an increasing need for further analysis of the importance of a bottom-up approach and building a network of courts involved in such initiatives in order to strengthen their capacities in scaling up modern court management initiatives across Ukraine.

### **Case of the Model Courts Initiative Community Building**

In 2018, the Model Courts Initiative (MCI) was launched in Ukraine by EU Project “Pravo-Justice”. MCI was aimed to ensure that greater user and service orientation were applied in a process of delivery of justice in Ukraine with a view to improving client service through the establishment of front-office facilities, better handling of vulnerable groups of court users, increasing internal and external court communications, improve security, and implementing other modern court management initiatives.

The MCI is being implemented through the bottom-up approach allowing changing of the mindset of judges and court employees at the very first level.

For two years, six selected model courts have worked on developing and implementing model solutions. They and others interested have used the MCI Handbook developed as a result of the joint efforts by international experts, numerous Ukrainian legal professionals, and representatives of civil society actors in the field of justice. The Handbook serves as a toolkit that provides users with the knowledge of particular potential solutions and contains a set of tools for its implementation. It envisages the guidelines for all involved in the multifaceted process of court management, right from the initial phase of planning and erecting a new courthouse or refurbishing an existing one to the everyday court operations carried on by judges and court staff.

In 2020 due to pandemic restrictions, a significant part of activities within MCI have been conducted utilizing new IT tools. Thanks to these solutions, it has become possible to engage more than 2,500 judges and court employees to actively participate in the MCI. Many Ukrainian courts expressed their will to become part of MCI officially and implement model solutions in their respective courts in cooperation with Pravo-Justice experts.

As a result, at the beginning of 2021, Project launched a new phase of MCI which involved additional 70 courts by creating a “platform of good practices”, which allowed representatives of the Ukrainian judiciary to share their own best experiences with colleagues from other courts in different spheres (client orientation, services for vulnerable court users, IT solutions, court security, communication, HR, etc.) following the best European practices presented in the MCI Handbook.

Thus, the Model Courts Initiative scaled up to 76 courts from all over Ukraine, building a community of court administrators who want to make real changes in the system. Model solutions are being implemented in various Ukrainian courts, not only in the model ones involved in the MCI Project but also independently, upon the initiative of the management of specific courts. Therefore, using widely a bottom-up approach encouraged greater buy-in from team members of courts and a significant number of such local involvements influenced policy making in the area of court management in Ukraine. An important outcome is that the bodies of court management included MCI recommendations into their internal regulations, supporting better dissemination of best practices, also by including them into account while building new courts and repairing damaged ones during the aggression.

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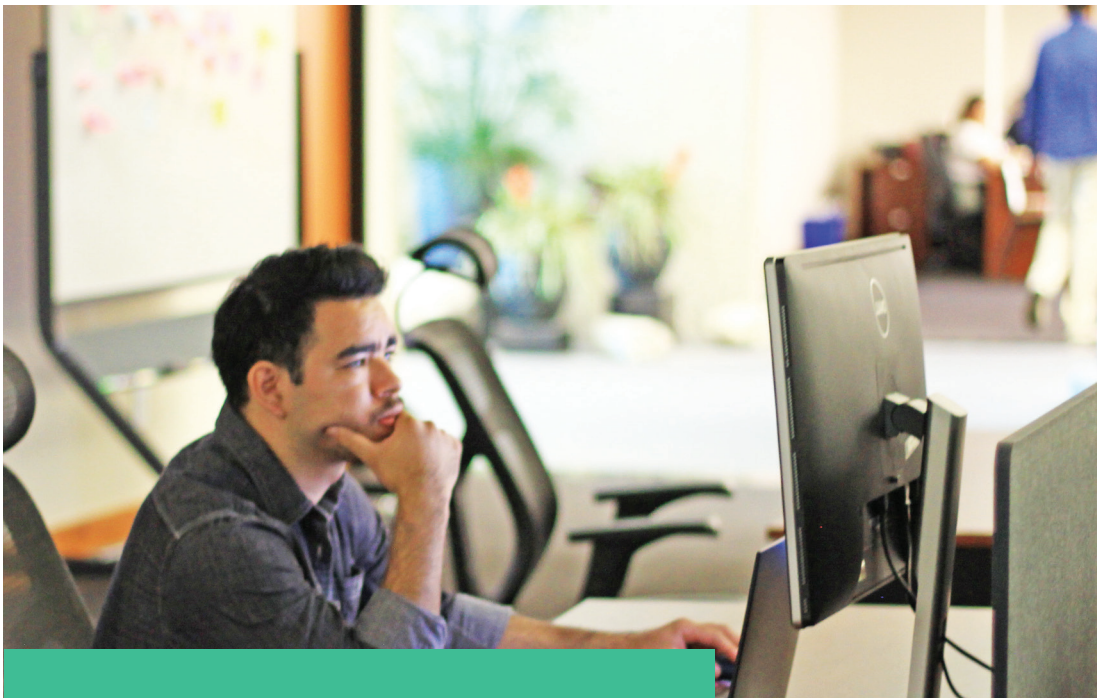
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*"Thomson Reuters Case Center was delighted to be part of the LACA conference in Helsinki this year. It was a fantastic opportunity to engage with key figures on relevant topics surrounding and promoting the effective administration of justice through digital solutions."*

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**Mahesh Rengaswamy**, Senior Director of Digital Courts Strategy,  
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**Carine Habib**

*Manager – Creative Services*

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*We spoke with multiple leaders from each jurisdiction and exchanged business cards with several judges and court administrators and were able to validate why VIQ Solutions is the courtroom technology of choice to drive speed and efficiency for court professionals. We are also in the process of putting together a list of the contacts we interacted with and will be engaging in further discussions with them."*

*Pictured from left to right:* **Sen Kuganathan, Portfolio Director**  
UK, EMEA & APAC, VIQ Solutions [skuganathan@viqsolutions.com](mailto:skuganathan@viqsolutions.com)  
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*Murielle Grant & Tim Grant attending LACA conference in Helsinki*

*“For The Record was proud to support and attend the LACA conference in Helsinki, Finland. The LACA Organization arranged a great facility and thoughtfully programmed conference. Being received by the Mayor of Helsinki at the beautiful Helsinki City Hall was a highlight of the week. For The Record would like to thank the LACA conference organizers and all the staff at the Clarion Hotel Helsinki for an excellent event.”*

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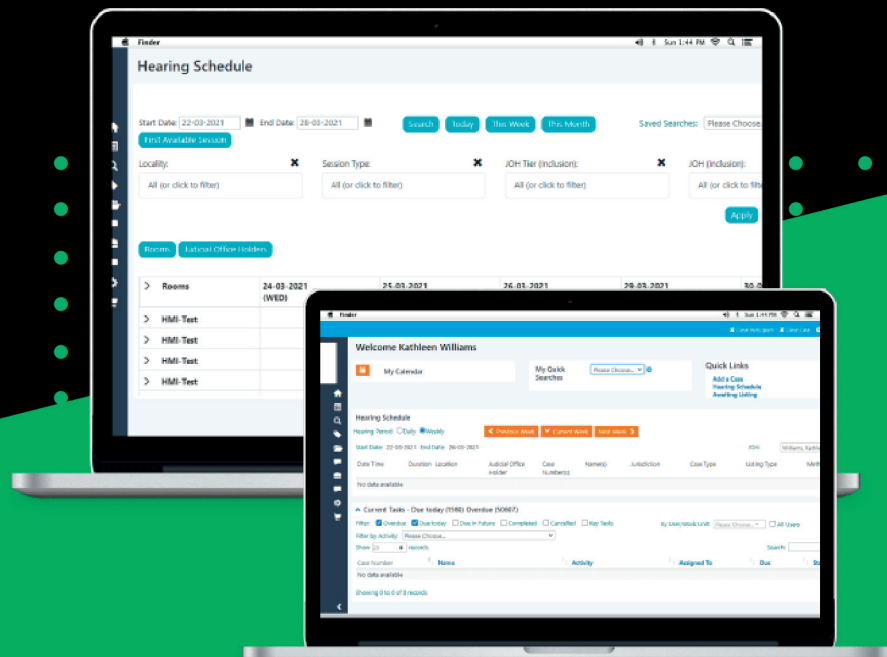
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## READYTECH



*Ashleigh Barbe-Winter, Simon Kelso and Tim Beaumont in Helsinki*

*“ReadyTech is proud to have sponsored the 2022 IACA Conference and would like to express our sincere thanks again to the organizers.*

*We met and heard from some true leaders from around the world and were amazed by the determination and resilience to ensure that the theme of the conference ‘People Centered Justice in the New Normal’ is at the forefront of the future thinking. We were grateful to share our experiences from Australia, Canada, the Pacific and the UK, and enjoyed hearing about how courts globally are responding to the challenges they’re facing.*

*Technology has a big role to play in enabling courts to thrive and we look forward to being part of IACA in the years to come.”*

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*Pictured left to right:  
Bjarni Sv. Gudmundsson, Product Director Justice and  
Lesley Franck, VP Sales and Partner Relations*

*“The Casedoc team appreciates the opportunity to attend the IACA Conference in Helsinki. Casedoc strives to transform justice through court case management, offering a connected people-centric and cloud-based solution that can help courts worldwide ranging in size from small to medium local courts to large national courts. Casedoc has found the conference to be highly relevant and a great venue for meeting like-minded judicial innovators.”*

**Bjarni Sv. Gudmundsson**  
*Product Director Justice, Casedoc*  
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*Hope Kentnor, founder of eDevLearn, is committed to improving court administration by developing customized online training and development micro-courses for courts, businesses, and associations. Hope is passionate about improving the world with learning. So many amazing and inspirational discussions on improving the rule of law. Every session was rewarding, and she is very eager to attend the next conference!*

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A blue-themed graphic for Synergy eCASE. On the left, the Synergy logo is at the top, followed by 'SYNERGY eCASE' in large white letters. Below that, it says 'LEADING CASE MANAGEMENT SOLUTION FOR AN IMPROVED, PAPERLESS JUSTICE SYSTEM' and 'Everything from case e-filing and document management to virtual court'. At the bottom left is a QR code and 'Request a Demo' with contact info. On the right, a 3D isometric illustration shows a blue board titled 'INTEGRATED CASE MANAGEMENT SYSTEM' with icons for 'INVESTIGATION' (magnifying glass), 'COURTS' (building), 'CORRECTIONS' (handcuffs), and 'PROSECUTION' (scales of justice).

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**Adam Watson, Vice President,**  
*Accounts & Customer Success*

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*"Accenture works at the intersection of business and technology providing strategic advisory, consulting and technology services to justice clients globally. We were delighted to attend the IACA conference in Helsinki to discuss these services in more detail with IACA members. During the conference we had the honour of jointly hosting a breakout session with the National Courts Administration of Finland where we discussed the work we have been doing to modernise the Finnish courts by switching from paper based to digital working methods in the Courts and Prosecution Authority. Our presentation focused on the importance of the development of technology using Agile methods to enable flexibility, the need for a network of change agents to bring users on the journey with you, and the importance of creating a culture of experimentation. The audience had a lot of questions and it was great to engage in the discussion!"*



**Lily Robinson, Global Justice Lead, Accenture**

[Lily.robinson@accenture.com](mailto:Lily.robinson@accenture.com)

## Time: The Currency of the Judiciary

By: Nathan Jensen, Assistant Director for Court Services, Administrative Office of the Illinois Courts



Nathan Jensen holds a master's in public administration from Sam Houston State University, Huntsville, Texas. He has been Certified as a Court Manager from the Institute for Court Management. Prior to joining the Administrative Office of the Illinois Courts, Mr. Jensen was a Court Administrator in Montgomery County, Texas for six years, and before that, he worked with the Second Administrative Judicial Region of Texas for seven years.

The Court Services division is responsible for overseeing the Illinois Supreme Court's Judicial Performance Evaluation program and the Peer Judge Mentoring program. They are also responsible for staffing a variety of committees and commissions, including committees of the Illinois Judicial Conference and Illinois Judicial College, E-Business Policy Board, Committee on Illinois Evidence, the Legislative Committee, Conference of Chief Judges, Judicial Performance Evaluation Committee, and the Commission on Elder Law. The division also is responsible for compiling quarterly and annual statistics, assisting in the creation of the Annual Report, drafting policy for e-business initiatives, and acting as the principal liaison to Chief Judges, Trial Court Administrators and Circuit Clerks in the State of Illinois.

Located in Springfield, Illinois, Mr. Jensen can be reached at [nathanjensen28@gmail.com](mailto:nathanjensen28@gmail.com).

### Abstract of article:

*Courts often focus on their caseload, but must not neglect the age of their cases, and the time it takes to finish them. This article reviews both paper and electronic methods of tracking the age of cases, best practices for managing time within the hearing, and how transparency regarding court time improves overall outcomes. Readers will become acquainted with the philosophy behind and the reasons for keeping track of case age.*

"It is the time you have wasted for your rose that makes your rose so important." — Antoine de Saint-Exupéry, *The Little Prince*<sup>1</sup>

Courts, knowingly or unknowingly, show what they care about on a regular basis by how they spend their time. Like the rose in *The Little Prince*, the rest of the world may not understand why courts operate the way that they do. Courts care about efficiency, fairness, due process, justice, and eliminating delay. In seeking after these principles, special attention must be paid to the importance of time.

It has long been believed that cases constitute the currency of the court (e.g., I have 800 cases, I need to work down my caseload), when each judge knows new cases are being filed every day that will maintain or increase that caseload. The true measure of judicial work is how time is spent. When judges shift their thinking from managing their caseload to

managing their time, a fundamental change begins.

However, there is a countervailing problem: cases that are rushed or pushed through have a variety of issues, such as:

- the need for appellate review,
- the lack of verdict enforcement due to unclear rulings, or
- lack of confidence in the process due to procedural unfairness.<sup>2</sup>

How can court administrators provide better safety nets as they support judges performing this balancing act of due process and time management? A few suggestions follow.

### Track the Age of a Case

Listening recently to a colleague who had worked with court administrators in Russia several years ago, I was surprised to learn that one jurisdiction there created new files every year for their cases, including new case numbers. While this may have had the outward appearance of cleanliness and order, it made tracking the age of a case more difficult.

For those courts with robust case management systems, tracking the age of a case is likely quite simple. For the rest of the world, there are typically two methods, electronic and paper.

*continued*

1 de Saint-Exupéry, Antoine, translation by Katherine Woods. *The Little Prince*. New York, NY: Reynal & Hitchcock, 1943

2 Tyler, T.R., and Y.J. Huo. *Trust in the Law*. New York, NY: Russell Sage, 2002



Spreadsheet applications, like Excel, offer useful help for keeping an index of cases and measuring how long they have been pending with the court:

	A	B	C	D
1	Case Number	Case Title	Filing Date	
2	20-03-00567-CV	Edgecorp v. Tenner	3/5/2020	
3	20-03-00981-CR	State v. Smith	3/8/2020	
4	20-03-01101-CV	Capital v. March	3/10/2020	
5	20-03-01102-CV	Capital v. April	3/10/2020	
6	20-03-01103-CV	Capital v. May	3/10/2020	
7	20-03-01104-CV	Capital v. June	3/10/2020	
8	20-03-01145-CR	State v. Jensen	3/21/2020	
9				
10				
11				

In an adjacent column, enter the current date by typing in Ctrl+; (semi-colon):

	A	B	C	D	E
1	Case Number	Case Title	Filing Date	Today's Date	
2	20-03-00567-CV	Edgecorp v. Tenner	3/5/2020	9/3/2022	
3	20-03-00981-CR	State v. Smith	3/8/2020	9/3/2022	
4	20-03-01101-CV	Capital v. March	3/10/2020	9/3/2022	
5	20-03-01102-CV	Capital v. April	3/10/2020	9/3/2022	
6	20-03-01103-CV	Capital v. May	3/10/2020	9/3/2022	
7	20-03-01104-CV	Capital v. June	3/10/2020	9/3/2022	
8	20-03-01145-CR	State v. Jensen	3/21/2020	9/3/2022	
9					
10					
11					

The age of the pending cases can then be calculated in a third column by subtracting the filing date from the current date (D2-C2):

	A	B	C	D	E
1	Case Number	Case Title	Filing Date	Today's Date	Age of Case in Days
2	20-03-00567-CV	Edgecorp v. Tenner	3/5/2020	9/3/2022	912
3	20-03-00981-CR	State v. Smith	3/8/2020	9/3/2022	=D3-C3
4	20-03-01101-CV	Capital v. March	3/10/2020	9/3/2022	
5	20-03-01102-CV	Capital v. April	3/10/2020	9/3/2022	
6	20-03-01103-CV	Capital v. May	3/10/2020	9/3/2022	
7	20-03-01104-CV	Capital v. June	3/10/2020	9/3/2022	
8	20-03-01145-CR	State v. Jensen	3/21/2020	9/3/2022	
9					
10					
11					

While the above example uses the U.S. dating system (month, day, year), these dates can be formatted to fit local practice (day, month, year). Even for those court administrators without the means to track cases electronically, case numbers can be organized in such a way that the age of a case can be determined at a glance.

Case numbers in the examples above (20-03-xxxxx-CR) are formatted with the two-digit year, followed by the two-

digit month, followed by a sequential number and the case category. If I am reviewing these files in September 2022, I know without opening the file that the case is 2 years and 6 months old. Such a change in filing practice can require training, time, and willpower to implement, but if your jurisdiction has limited technological means, it can make all the difference.

The sense of urgency that develops when looking at the age of a case (particularly in those jurisdictions that have developed time standards!), is an important sense to cultivate. However, judges and court staff should not allow that urgency to control the proceedings. Channeling that knowledge into a purposeful hearing is the next goal.

## Prepare for Meaningful Interactions

Many Courts function with the understanding that frequent interaction with parties involved in the dispute moves a case forward. Accountability is the ultimate purpose behind these frequent interactions, but accountability is often not the result of these frequent interactions for a variety of reasons. Unprepared parties, overworked judges, the waiting game (defined below), and inflexible scheduling all lead to hearings without purpose. What can the court do to better manage time and improve the court user experience?

- Use court staff to assess pressing case issues. Judges need to be able to focus on decision making. Court staff often have the education necessary to read a pleading and distill the main points for the judge. The judge is therefore able to come prepared with not only a history of what's occurred in the case but what next steps should look like to move the case closer to disposition. This preparation also allows the judge to ask pertinent questions that serve two functions: gathering information about the case as well as putting the parties on notice that there is no apparent delay in the decision-making process.
- Eliminate the waiting game. The waiting game is the tendency parties and attorneys have of waiting until the last possible moment to do what the court had ordered done during the immediate last hearing. It is human procrastination. How can we beat human tendencies? Judges have the calendar at their disposal and should recognize that if information has not been shared or some task has not been completed, the judge can schedule the case for hearing sooner than one month out, or even

*continued*

sooner than that. One judge that I worked with was known for telling non-compliant parties that he would bring them back in 3 days. If the ordered task was not completed after 3 days, he would schedule them for the following day. Such judicial activity has far reaching and even reputational effects in a jurisdiction.

- Examine how long a hearing takes. Whenever a court undertakes a weighted caseload or workload study, best practices dictate that time sufficiency should also be measured. Part of determining whether there is enough time for a hearing should be analyzing whether the parties have sufficient time to express their feelings about the process to the judge. Courts must rule based on the facts of the case, there is no question. However, judges have an opportunity to ensure that the parties “feel heard.” Research by the Center for Court Innovation in New York and others has shown that parties obey court orders more often when they ascertain the process to be fair and just. Communication not only between parties, but between parties and the court itself is paramount.

### **Providing Access to Time and Age Information**

Courts demand honest answers. Witnesses and experts are put under oath to tell the truth, and penalties exist for breaking that oath. It is reasonable to expect the court process to likewise be an honest process, with openness and transparency. This mutual trust and confidence should extend to conversations about the court’s current and historic time availability.

For those jurisdictions with time standards and court rules regarding the expected timeframe for motion practice and

trial, all of that information should already be known by the parties. In order to ensure a fair process for the litigants, courts should courteously remind the participants involved about those timeframes. This can be done with an initial order in the case setting out expectations of time spent on various phases of the case, with an open acknowledgement that the timeline can be adjusted for good cause. Acquainting the judge with newly filed cases would therefore be an essential activity.

In addition to the information relayed to parties at initial filing, age of active pending case data is an important piece of data to provide to the public as well as the parties involved. Whether the judge is elected or appointed, independent or part of a Ministry of Justice, each judge is a public trust and should engage in activities that maintain and improve that public trust. As stated at the beginning, each judge is usually more than willing to share the number of cases they have, but the age of those cases is another matter. The aphorism is not “justice with too many cases is justice denied,” but “justice delayed is justice denied.”

### **Conclusion**

In the world today there are many calls for reform, from bail to gender equality. Courts rightly have a role to play in bringing about change. Still, if courts refuse to address the basic issues related to their own day-to-day responsibilities, the call for alternative and more effective tribunals will only become louder. By shifting focus from caseload management to time management, courts provide themselves with tools to eliminate delay, promote efficiency, and increase confidence in the courts as an authoritative institution.

## Update from IACA's Partner Organization – National Association for Court Management (NACM)

*Pamela Harris, Maryland State Court Administrator, President-Elect of IACA and Former President of NACM*



Our professional labors in working for the judiciary can sometimes be overwhelming, as experienced during the public health emergency, bringing unprecedented challenges to our leadership and all of our employees' personal and professional lives. Over the past two years, many judiciary employees found themselves spinning,

pivoting, or grasping for different ways to accomplish core functions and to ensure due process for those entering the halls of justice as our constitutions require us to do.

During these challenging times, NACM and IACA have endeavored to assist their members with pertinent information about how to respond to the public health emergency. This acknowledgement is not intended to exclude efforts by other court associations globally, the Federal Court Clerk's Association, the Mid-Atlantic Association for Court Management (MAACM), which includes six states and Washington, D.C., or the other 21<sup>1</sup> state associations that have developed organizations dedicated to employees' growth in the various court systems across the United States.

This has been an extraordinary time in all of our lives and thankfully for those involved with NACM and/or IACA, these two organizations continue to provide professional opportunities for personal growth and competence, leadership, and effective and efficient management strategies that will continue to be in the forefront of advancing continuing education.

Throughout the years, NACM and IACA have shared

similar goals in promoting inspirational educational opportunities to advance the knowledge, talents and proficiencies of their associations' membership. NACM, on a national level, and IACA on an international level. Both organizations endeavor to ensure that they are relevant by promoting educational opportunities that support professional development, systemic improvements in the court management profession, and succession planning of future generations of court employees. Both organizations provide among other things, educational conferences with content filled with practical best practices, webinars, publications, promoting committee activity, and both organizations providing their members with a rich forum to share valuable information to strengthen professionalism of court managers and leaders.

The experience of association membership has demonstrated that the benefits of sharing ideas, listening and collaborating with others faced with the same challenges, and learning how others have dealt with those challenges is invaluable. Brainstorming solutions and developing strategies and partnerships can assist courts to work toward innovations. Experience has shown that in the state courts, the management of courts can be very complicated depending upon the structure, electoral process, rules and statutes, as well as leadership of the courts. Thus, it is difficult to replicate exactly what works for one jurisdiction in another. However, even in unified courts, or the federal courts, the culture of one court can be vastly different than another.

Nevertheless, assembling court employees together with similar challenges to promote professional court management and the administration of justice while, at the same time, advocating for the rule of law has helped leadership progress with issues such as promoting fair and accessible justice,

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<sup>1</sup> NACM State Association Listing. Alabama Municipal Court Clerks and Magistrate Association; Arizona Court Association; Arkansas Association of Court Management; California Court Association; Colorado Association for Municipal Court Administration; Georgia Council of Court Administrators; Kansas Association for Court Management and the Kansas Association of District Court Clerks and Administrators; Louisiana Court Administrators Association; MAACM which includes New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Washington, D.C.; Michigan Association of Circuit Court Administrators and Court Administrators Association; Minnesota Association for Court Management; Mississippi Court Administrators Association; Missouri Association for Court Administration; Nevada Association for Court Career Advancement and Association of Court Executives; Ohio Association for Court Administration; Oregon Association for Court Administration; Oregon Association for Court Administration; Pennsylvania Association of Court Managements; Municipal Court Administration Association of South Carolina; Texas Association for Court Administration and the Rural Association for Court Administration and the Texas Court Clerks Association; Washington District and Municipal Court Management Association and the Association of Washington State Court Administrators; and Wisconsin Clerks of Circuit Courts.



enhancing public perceptions of courts, improving caseload management, increasing community collaboration and, most importantly, cultivating accountability and transparency. IACA and NACM stand ready to assist any state, country, province or jurisdiction with establishing an association for their region(s). Both organizations remain available to assist court leaders in building capacity to improve professional development to ultimately benefit, not only court managers and leaders, but to also positively impact the people court institutions serve. The value of court association membership cannot be emphasized enough given the fact that courts are isolated institutions with no other institution with which to compare. Participation in association activities allows a group of associated individuals to share experiences and interests for the advancement toward or continuing professionalism.

As described in IACA's literature<sup>2</sup>, "IACA is a global association of professionals who share a common interest in promoting improved administration and management in justice systems throughout the nations of the world. It is a non-profit association that promotes the administration of justice and the pursuit of excellence internationally through collaboratively working with justice system officials to develop the institutional framework and operational efficiency of courts..." Further, IACA's mission is to:

- 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.

With the professional networks that are available through associations either nationally or internationally, court professionals can learn, network, attend conferences, or join committees that will help court managers as well as leadership with the profound responsibilities we have while working for judiciaries in the United States or across the globe.

Moving forward in this "new normal" following the pandemic, many courts are finding a perplexing backlog of cases, therefore, they must be cognizant of where they have been and how they need to adapt to progress effectively. Peter Drucker, one of the pillars of management theory said, "*the greatest danger in times of turbulence is not the turbulence; it is to act with yesterday's logic.*" This new era with which courts find themselves is changing exponentially with transforming speed. The world is changing rapidly around us, and we need to keep pace as we cannot afford

to be stagnant, our leadership in the courts must adapt and transform our environment to be meaningful.

This era of change is affecting all of us no matter where we live. On a larger scale, IACA and NACM predominantly deliver the opportunity for court managers to come together to learn, keep current on initiatives impacting judiciaries and those working in them, and seek insights to what the future is bringing. In 1862, in his address to Congress, President Abraham Lincoln stated:

"We can succeed only by concert. It is not 'can any of us imagine better?' but, 'can we all do better?' The dogmas of the quiet past, are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew, and act anew". (emphasis added)

We live in a world of constant change as can be gleaned from a 160-year-old passage from President Lincoln, yet many people struggle with change. The world has recently weathered adversity and despair over losses that some of us cannot even imagine. Our lives in one way or many will forever be changed. As we step into our future, we should embrace the "new normal" by effecting change. Indeed, for our courts to continue to be able to meet the needs of current times, it is essential that we are accountable and transparent. We must continually review what we are doing to see how our practices align with improving the administration of justice in order for our people to trust our institutions and the decisions that come from them.

That change will only come about by acting anew and employing strategic efforts in making our courts more efficient, timely, effective, and more accessible. Gratefully, court association membership facilitates discussions and guides their members with tools to implement change. Membership and attendance at conferences sponsored by IACA and NACM can help with leading-edge topics associated with effectively managing courts. Neither organization is affiliated with any specific political ideology or persuasion, thereby, allowing free discourse at any organizational level<sup>3</sup>. Members have a forum to discuss challenges, find solutions, and return to their workplace feeling energized and worthwhile.

Thank you for all that you do daily for the people you serve, leading and managing your courts in the most efficient manner, and for working diligently toward a better tomorrow. As Theodore Roosevelt once stated, "*Far and away, the best prize that life has to offer, is the chance to work hard, at work worth doing.*" I know you will agree that administering justice in an honest, fair and efficient manner is an extraordinary honor that is certainly worthwhile.

<sup>2</sup> <https://www.iaca.ws/faqs1>

<sup>3</sup> Id.

## Building An Efficient Justice System Through an Open Justice Platform

By: Simon Kelso, Head of Strategy, Justice at ReadyTech



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One of the fundamental pillars of an efficient justice system is a modern and robust case management application, with online environments for participants and administrators and interoperability between independent justice organisations creating a holistic and effective operation.

The evolution of case management systems over the last decade has seen the growth of options from which justice sector leaders may choose; from specific custom builds -jurisdiction by jurisdiction- to enterprise commercial-off-the-shelf (COTS) systems, and the more recent rise of low code/no code generic platforms.

Lastly, there remains a belief in some justice sector organisations that their requirements are so unique that only a bespoke system developed from first principles will meet the distinctive requirements of their operations. Which is the right one for your organisation?

These decisions must often be taken in the context of the organisation's previous investment in case management tools. These may now be operating beyond their original specifications, but the risks and costs associated with their wholesale change are beyond the organisation's appetite.

It is not only important to understand the opportunities and costs of adding enhanced functionality but also the whole-of-life costs and risks of your investment. Organisations must ask themselves 'are we building a system that will grow with our

requirements and changing circumstances? Or are we locking ourselves into applications which face redundancy that can only be resolved by yet another major round of high-cost, high-risk first-principles system development?'

### The justice sector – a complex environment

While the sector is often referred to as a 'justice system,' in reality the various organisations in this system are separate entities that operate in a highly independent manner from each other. Even in distinct parts of the sector such as courts, there are multiple tiers. Each has a different purpose and focus, and each has different cycles of system investment and funding, with different appetites or priority for software changes.

In a perfect world, there would be a fully integrated system across the entire justice sector where party and case data would seamlessly flow through each jurisdiction with levels of data integrity and operational efficiency.

### Understanding the challenges

At the beginning of any major change initiative, there is remarkable optimism. At last things will change for the better when every problem ever experienced and outstanding for years will be solved. And all this will be achieved while staying on budget and within timelines. This aspiration

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should remain, although to achieve it requires the presence of key fundamentals.

The main contributors to a successful justice sector change program arises when there is: -

- clarity and sufficient testing of objectives;
- a strong appreciation of the development risks;
- a disciplined governance framework to ensure priority is given to business impact rather than easy technology solutions;
- the adoption of industry best practice around agile system development; and
- the piloting of minimum viable product (MVP) approaches rather than big-bang releases.

Without these characteristics difficulties such as excessive scope creep, budget overruns, interdependencies, and timelines all become increasingly challenging to manage particularly where the governance layers are not aligned.

A considerable risk is failing to understand the whole-of-life costs for the project's maintenance and long-term viability. Achieving the balance between a highly bespoke system which is costly to maintain and risks early redundancy, or the use of a more generic justice sector system that transitions to new platforms and applications as the need arises. One where the agency can participate in a community of justice sector users providing advantages of access to their innovations and enhanced functionalities with costs dispersed across multiple clients.

Sufficient investigation is required to ensure there is a complete and collective understanding of what problems require solving. Rigorous testing of these requirements ensures that those with the highest business and user impact are prioritised.

### **Commercial off-the-shelf (COTS) solutions**

COTS solutions have the underlying functionality to meet the majority of a justice clients' needs through configuration. However, trying to solve absolutely every issue will require customisation.

Getting to the start line by using out-of-the-box functionality that meets 80-90 per cent of requirements should not be underestimated. Organisations need to be cautious about getting bogged down and causing delay. The last 10-20 per cent of the functionality required for a particular justice agency can then be added in subsequent

phases of deployment or as required.

Recognising the need for phased releases aligned with an organisation's capability also minimises the distraction and potential action-paralysis of conversations about why the last 10-20 per cent is not completed in initial deployments.

The user experience of the first phase rollout also crystallises the priority and real needs of remaining enhancements and this knowledge is invaluable in subsequent sprint cycles.

Collaborating with a vendor that has a community of clients in the same sector has significant advantages. User groups and similar community discussion forums generate ideas and provide insights into successful transformations that can be adopted with confidence by other clients and at minimal cost compared with bespoke developments.

### **Low/no code applications**

The emergence of low code/no code platforms in the justice specific case management sector can appear, at least superficially, to address everything. However, a similar issue to the COTS products occurs that while a generic platform has pieces of user functionality, they still need to be assembled thus resembling a customised solution that is built specifically for a jurisdiction. This option tends to be attractive for the 10-20 per cent of functionality that COTS products do not have out of the box; however, organisations need to be mindful they will still need to assemble the other 80 per cent.

Low code/no code platforms that work well in areas such customer relationship management (CRM) may initially appear to address case management needs especially at a prototype stage. However, the workflow that is built on top of the technology stack means each iteration of the software becomes unique, and thus similar to custom developed software.

Jurisdictions are finding, as good as some of the low code/no code technology platforms are, case management in the justice sector is a different beast. Understanding the intricate workflows, legislative restrictions, and privacy requirements, all while increasing access to justice is critical to success.

While the baseline technology stack may be a starting point that software developers will build on, upgrades and scalability become high-cost areas and lock the organisation into arrangements that are to the organisation's long-term detriment.

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## Open justice platform – COTS solution from low code base

An open justice platform provides an option that allows the justice sector to access the benefits of a low code solution that is effectively a combination of out-of-the-box functionality. One that is purpose built for the justice sector from a low code base. The core configuration has been built based on years of experience working with, and within the justice sector to ensure the software is supporting the operational and strategic needs.

The ease of configuration provides the users with the ability to take control of the software, without the need to continually rely on the vendor for every change, while maintaining accessibility to upgrades and support. This also applies to most COTS solutions, although the open justice platform allows for the enhanced functionality to be made available to the entire client base or kept unique to the jurisdiction, including the source code and intellectual property.

Providers of an open justice platform and/or COTS solution have the domain knowledge and experience from specialising in the justice sector. The functionality of the software solutions has been based on client need and feedback from the justice organisations. As enhancements are added to the core solution, existing and future clients receive the benefits. Software that has been deployed multiple times becomes robust and the implementation process refined to be more efficient.

### Modularity

A contemporary open justice platform includes a modular approach. This enables organisations that have invested heavily in other software applications the opportunity to implement modules that will complement the suite of applications that are currently in operation. This is especially true if the organisation has limited funding and/or a small appetite to move away from legacy applications.

The modules can be integrated through APIs or operate independently of other solutions depending on the module and organisational need.

The approach allows modules of software that are normally part of a larger case management platform to be implemented in stages. This reduces the risk and cost of entry for an organisation not looking to replace an entire case management system or are only at a stage where they are investing in a

solution to address a particular problem. Leveraging those successes can eventually lead the organisations closer to a fully integrated 'justice system.'

Modular approaches have advantages with system upgrades. There is greater confidence that changes will have no impact on other functions and system integration testing and user acceptance is simpler, quicker, and less costly.

### Upgrades and updates

To keep pace with advances in technology software requires maintenance and upgrading for enhanced functionality, security, access needs, and other continually emerging requirements.

When an organisation decides which software solution it will invest in, understanding how the solution will maintain currency to meet the ongoing expectations and needs of the users is a key factor in the decision on the type of solution to choose.

COTS solutions and open justice platforms provide the options to have an upgrade to the latest software version, thus taking advantage of bug fixes, new functionality and enhancements that are available to the entire client base from the core solution.

Where organisations fail to keep the solution at the current release, they risk requiring a significant 'lift and shift' to move the organisation onto the current version. This will be at a higher cost and with a materially poor impact on the core functions. It is preferable that these upgrades, managed in partnership with the vendor, are effectively maintained so system improvements are timely and seamless.

With custom built solutions and low code/no code platforms, there is not a single version of the case management system that would enable an across-the-board update at regular intervals. Thus, as each case management system is its own iteration, any upgrade will be a more significant event.

#### Strategic thinking and change management

Software implementations in the justice sector are a considerable change management exercise. Too often, a new case management system or other software implementation is thought of and managed purely as a technology project without strong enough consideration to the change aspect for an organisation.

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Regardless of which approach is taken – COTS, open justice platform, low code/no code platform or custom-built software, the technology will only work if it is deployed properly and works effectively for the business. There will always be users of an organisation who, even if openly critical of the old system, will be highly apprehensive about adopting something new. They can be the biggest hurdle or the strongest advocates and must be thoughtfully managed to allow a project the best chance of success.

Legacy systems and other software solutions have received considerable investment over the years. Thus, while there may be a desire to modernise, there are always blockers. Overcoming the blockers by engaging with experts (within or external) that understand the challenges, obstacles, and the character of the organisation can help develop the strategy to deliver the best outcome for the systems users and the community.

## How to choose the right solution

There are several options available for justice sector organisations seeking to use software to enable their own transformation programs that address modern community and business operational needs.

When making a choice about which direction to head, the successful organisations are those that:

- are business and user centric in their design goals;
- find solutions that address the balance between immediate and long-term requirements;
- work closely with the experienced vendors to gain a comprehensive understanding of the options and their respective capabilities;
- recognise and manage the challenges of stakeholder engagement and the scale of change management effort required; and
- have business-lead project-governance in determining priorities around client and business impact.

By engaging with vendors early, particularly during the development of requirements and scoping stages, organisations will be well placed to ensure the overall goal is achieved within the timeframe and budget allocated.

## Protecting Judges and their Families

### Who is responsible for ensuring their safety beyond the courthouse?

By Ron Zayas, Chief Executive Officer of 360Civic



*Ron Zayas is an online privacy expert, whose company provides online protection and solutions for judicial officers, law enforcement, and social workers. Located in Orange, California, Mr. Zayas may be reached at ron.z@360civic.com.*

#### Abstract of Article:

*Once personal data of private citizens and public servants is exposed, what can be done to remove it from the Internet? The answer is, it depends...on which state, what laws are at play, and how much muscle can be put behind proactive efforts to remove information quickly. It's a complex data security issue, and particularly timely in the wake of recent events.*

*For judicial officials, the impact is immense and demonstrates further cracks in the privacy shield between public servants, their families, and the general public – potentially adding to a growing pattern of violence. This article will provide insight into online privacy laws and challenges, highlighting proactive strategies and best online practices that help reduce risk for judges and their families.*

Violence against judges and prosecutors has increased throughout the world. The United States and Mexico have been at the forefront of this disturbing trend.<sup>1</sup>

The United States Marshals Service reports that the number of attacks and threats against judges has increased nearly 400% from 2015 to today. Recent high-profile attacks, a politically divided nation, and outrage over recent judicial decisions suggest that this trend may continue in the foreseeable future.<sup>2</sup>

While law enforcement does its best to protect judicial officers, there is a lot of personal information that is publicly available on the internet.

Given these troubling facts, jurists and court administrators

must work with law enforcement to take action to protect themselves and their families.

#### What is the Threat?

Threats to jurists generally fall into three categories:

- Governmental or societal threats to the independence of the judiciary
- Pressure and threats from outside groups on judiciary decisions
- Threats from individuals who feel victimized by a particular judge.

The latter two share attributes in common and can usually be addressed with similar strategies and tactics. Both require a cooperative approach between courts and their officers and may even extend to all public-facing employees.

#### Understanding the Nature of Modern Judicial Threat Vectors

For the overwhelming history of the judiciary in most countries, threats came in the form of disruptions within the courthouse. Bailiffs, armed law enforcement, and security screenings were designed to stop an individual or organization from attacking a judicial proceeding or menacing or killing judges. The Columbian Supreme Court massacre, where M-19 guerillas took over the judiciary building for two days and murdered twelve (12) magistrates, was the most extreme

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1 <https://insightcrime.org/news/brief/mexico-judges-admit-to-feeling-intimidated-by-criminal-groups/>

2 <https://abcnews.go.com/US/murder-judge-esther-salas-son-highlights-surge-threats/story?id=71873951>



exemplification of this type of threat. Courts have strived to protect officials by increasing security, adding armed resources, and creating a heightened sense of awareness of possible threat avenues at the courthouse.

### Threats in the Internet Age

In today's world, such dangers have expanded beyond attacks on hardened areas into online harassment and threats to a judge's home or family. Regardless of the motivation, the ultimate goal is the same: using terror, violence, or the threat of violence to influence the decisions of the judicial system and its officers. Modern adherents using fear to change policies have come to understand the physical and psychological impact that bringing threats home to those who had come to feel relatively safe at work. By conducting simple searches online, in virtually any country in the world, would-be attackers can quickly find the home address, names of family members and even identify the schools attended by children of those they consider offending judges. This realization has greatly expanded the breadth of the security perimeter that must be enforced to protect the integrity of the judicial system.

Today's violent would-be influencers use the ease of locating private information (the address, names of relatives, and even daily habits) of judicial officers to devise strategies of intimidation, which generally follow this pattern: 1) search and locate the home of a judge, prosecutor, or even mediator you wish to influence; 2) review images of the victim's home for weaknesses, and gather GPS information to track movements and patterns; 3) pick the perfect time to appear at the home, school or meeting place of the victim. Some have even started using social media and crowdsourcing to locate targeted officials and amass a gathering of like-minded individuals when they are far away from their courts and judicial protective personnel.



### The Role of Privacy in Attacks

This strategy works because privacy has become a commodity to be sold and bartered. Countries with loose or non-existent privacy protections allow companies and organizations to collect, aggregate, and sell or trade personal information in a way that was never available before. When this information is accessible, it can easily be used to locate and harass anyone for any purpose.

Protection of jurists' private information requires a cooperative effort from the government, court administrators, and the judicial officers themselves. Each of these sectors plays a vital role in combating those who seek to influence public and personal policy through extra-legal means.

### Government Action

The European Union (EU) has legislated privacy protection for its citizens with the groundbreaking General Data Protection Regulations (GDPR). These 2016 regulations have placed effective restrictions on how companies and organizations collect, protect, and disseminate information. By being at the forefront of defining the right to privacy, the EU has safeguarded not just its ordinary citizens but also its judicial and law enforcement personnel by limiting how much data can be collected. The GDPR also give EU citizens the right to be forgotten and the authority to search and eliminate information of a personal and identifying nature. The extraordinary fines and examples that the EU has exacted from major companies like Google and Facebook, both of which parasitically feed off the information of others, has led to a general decrease in the ability for anyone to quickly search and locate any person's home address.

Governments in other parts of the world have been slower to act. In North America, Canada leads the way with its Privacy and Personal Information Protection and Electronic Documents (PIPEDA) Acts\*. While not as exhaustive as GDPR, it goes a long way in establishing a right to privacy and protecting the information of all citizens in Canada, which again lowers the threat to those in sensitive occupations.

In the U.S., California, with its California Consumer Privacy Act (CCPA) and its specific statutes to protect judges and law enforcement personnel, has established a bar for protecting information. While the CCPA is no GDPR, or even as comprehensive as Canada's PIPEDA, it is still unique among the 50 United States in defining the online privacy rights of citizens. Seven other states also have statutes to protect judicial and law enforcement occupations.

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American companies have become accustomed to monetizing the private information of others, and are loath to give up this lucrative trade, putting extreme pressure on legislatures to do nothing. But recent incidents — attacks on election workers, the murder of the son of a federal judge, the planned assassination of a Supreme Court justice — have led to watered-down protections bills slowly working their way through the U.S. Congress. There may be some federal relief soon. But even states that have protection statutes must work with outside companies to locate and remove private information. Otherwise, it stays in place, with few consequences for offending websites that list the names and home addresses of protected individuals.

Asia — notably Australia, Hong Kong, India, Japan, Macao, Malaysia, New Zealand, the Philippines, Singapore, South Korea, and Taiwan — have implemented new statutes to increase online security or have broadened existing protections. Again, just as a rising tide raises all boats, broad-based online privacy protection protects everyone, including judicial officers.

What can be done? Courts and individuals must come to understand their need for privacy protection, and advocate for stronger laws that safeguard online privacy.

### Actions for Court Administrators

As court administrators and officers, it is imperative to recognize the protections available and utilize them. Courts can advocate for stronger laws and penalties for individuals and organizations that violate the privacy of judges. They can take direct action to search for and request the removal of offending data from sites with in-house resources — though this is a long and difficult process that must be repeated regularly. Private companies may be retained to conduct these searches and protect their members. While any expenditure in eras of



*When people take issue with a judge's decision, they may take things too far. It's imperative for judges to keep their home address, phone number, and other personal information private to hold potentially dangerous individuals at bay.*

tight judicial budgets is difficult, it is far more efficient to band together and protect judges at a court, district, or national level, than it is for judges to protect themselves independently.

Removing private information is also a cost-effective way to avoid more costly security measures, or to deal with lawsuits from those affected by violence and who feel their employers have not implemented best practices in terms of security.

Providing workshops, training, and resources for judges to learn how to protect their information is inexpensive (and even generally free) and allows for a more open and cooperative way to build awareness, just as active shooter drills and emergency response plans have helped protect lives during crises.

What can be done? Appropriate resources (either internal or external) to search and remove private information from the Internet; provide training and guidance for judges and other public-facing personnel to understand the threat.

### The Power of Individual Efforts

While violent organizations and groups, lax laws, and voracious private entities are mostly to blame for the overabundance of private information available on the Internet, individuals also often contribute to the release of their data.

Judicial officers need to recognize the types of actions and behaviors that lead to companies collecting and selling their information. Refraining from voluntarily giving out information, limiting the use of social media, and using disposable email addresses, VOIP phone numbers, and virtual private networks can limit an individual's online footprint and help them stay protected.

What to do? Judges should be aware of the laws and protections available to them. Many resources exist to help judges identify and neutralize threats before an incident happens. Proactive, preventive actions are much more effective than trying to respond after your information has been used against you.

### Keep Personal Info Private

Understand what personal information you have out there and locate the resources available to you and your court to remove it. Change your behavior to limit exposure of any new information, and actively seek out and support government officials that will pass legislation to protect privacy.

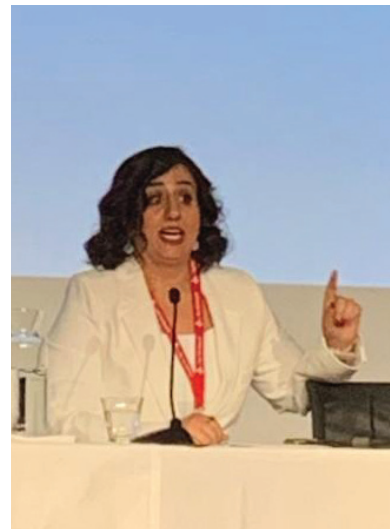
Protecting judicial officers and personnel involves more than just providing for the physical safety of the courtroom. But if handled in tandem, online threats can be neutralized and minimized.

\*[https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/02\\_05\\_d\\_15](https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/02_05_d_15)

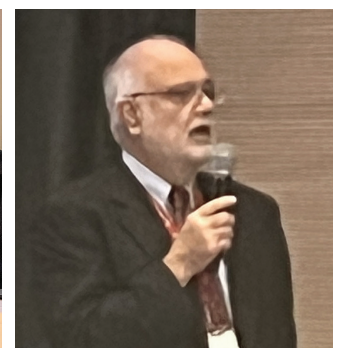








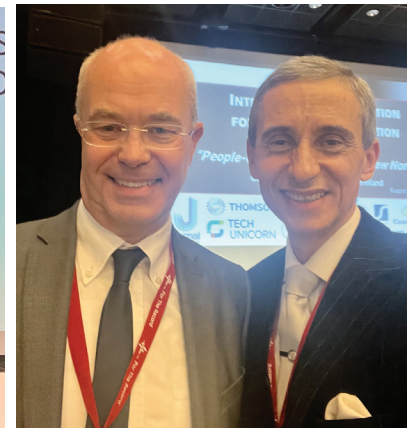
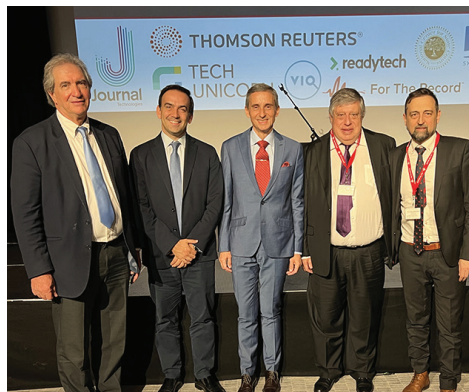




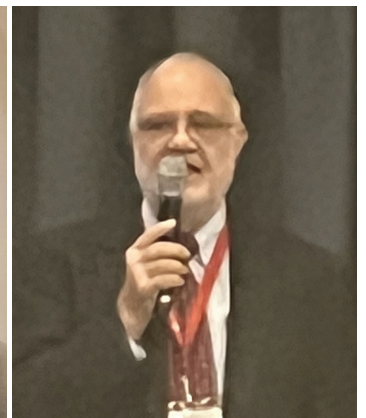
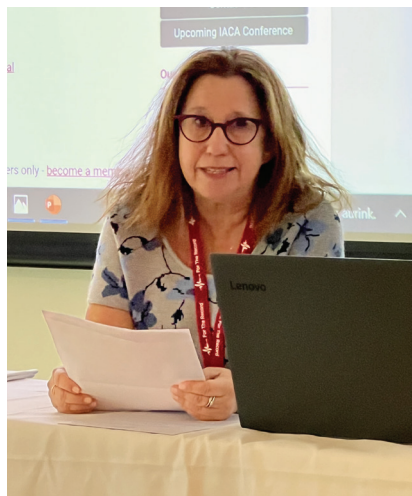
















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