The Court Administrator

OFFICIAL PUBLICATION OF THE INTERNATIONAL ASSOCIATION FOR COURT ADMINISTRATION

Communication/Relations Between the Judiciary and Society

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"THE COURT ADMINISTRATOR"

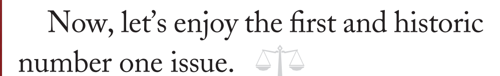
Our International Association for Court Administration (IACA) has the International Journal for Court Administration (IJCA), with excellent articles, and a modern Newsletter. However, we felt the need for another publication to transmit experiences of success in Courts and Tribunals around the world.

"The Court Administrator" came to fill this need. In simple and direct articles, it will share the latest innovations and successful experiences in the Courts of the five continents, from different points of view, and ways to make the Judiciary Power respected and efficient.

Judge Vladimir Passos de Freitas, IACA President

This dream became a reality thanks to the collaboration of a small but great team: Sheryl Loesch, Ralph DeLoach and Eileen Levine.

Now, let's enjoy the first and historic number one issue.



EDITOR'S MESSAGE

I would like to welcome everyone to the first edition of *The Court Administrator*.

This new publication will attempt to fill a perceived void between the International Association for Court Administration (IACA) newsletter, which is intended to provide information about the activities of IACA, and the International Journal for Court Administration (IJCA), which is more of an academic, scholarly publication.

Ralph L. DeLoach
Clerk/Court Administrator
Kansas District Court (retired)

The Court Administrator will include articles and information that will focus more on best practices sharing, and a hands on, nuts and bolts approach to court administration.

It is hoped that it will provide an alternative forum for those of us who want to share our observations and experiences regarding important court administration issues.

Our editorial policy has not yet been fully formulated. We hope to be able to communicate an editorial policy which is compatible with the informal nature of this publication in time for the next edition. For this edition, we accepted articles on a specific topic "Communication/ Relations between the Judiciary and Society." We also limited the length of the articles to a maximum of approximately 1500 words.

We have not yet determined the frequency of the publication, but we will be sure to provide adequate notice to those of you who would like to submit an article for the next edition. Additionally, *The Court Administrator* intends to accept advertising from businesses, organizations, and others who have an interest in the courts and court administration.

We were very pleasantly surprised to receive a plethora of articles for the first issue. All of the articles were well written and worth reading. The first edition will be published to coincide with the July 2017 International Conference in Washington DC.

It is a privilege for me to assume the duties of The Court Administrator's first editor. I attended the first IACA conference in Ljubljana, Slovenia and several others thereafter. I have been out of the loop for the past several years. I am happy to be back in the saddle. It is my wish that you will find each issue interesting and informative.

Finally, I would like to convey a very big thank you to Judge Freitas for his leadership, Sheryl Loesch, Eileen Levine and certain unnamed co-conspirators whose help was indispensable to the production of the first edition of *The Court Administrator*.

Technology Should Enable, Not Define, Modern Commercial Courts

by: H.E. Justice Ali Shamis Mohamed Shamis Al Madhani, DIFC Courts; Vice President of IACA's Middle East Board

His Excellency Justice Ali Shamis Al Madhani, Judge of the DIFC Courts, is also the Current Chairman of the Middle East Board for Courts Administration under the International Association for Court Administration (IACA). His Excellency was sworn in as a Judge of the Dubai International Financial Centre (DIFC) Courts in 2008; he was also appointed and sworn in as a Judge of the DIFC Courts Court of Appeal in 2008. His Excellency Ali Shamis Al Madhani is also a member of the Joint Committee of the Dubai Courts. His role is to handle cases relating to COA and to provide expertise on DIFC English language common law. As current Regional Vice President of the Middle East Board for Courts Administration under IACA, His Excellency is involved in meeting other regional judiciaries, fostering good relations and coordinating with regional counterparts in mutual areas of relevance.

His Excellency Ali Shamis Al Madhani is located in Dubai, United Arab Emirates.

The focus of His Excellency's article is to discuss how, ultimately, modern courts must be enabled, but not defined, by technology (and social media). Incongruous though it may sometimes seem, commercial courts are fundamentally people-first organisations, with customer service an absolute prerequisite for success now and in the future.

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For most people, the words courts, service and innovation are rarely uttered in the same breath. After all, courts are generally places where people are compelled to attend, while, for the most part, proceedings would not be that unfamiliar to someone looking on from a century ago. Yet customer service and technological innovation have become two hallmarks of the best modern commercial court systems.

Streamlining the Process and Engaging the End-User

Recent innovations like electronic registry systems have allowed for the extremely fast and efficient filing of documents, payment of fees, and access to case information from anywhere in the world. At the Dubai International Financial Centre (DIFC) Courts, we are digital to the core, with e-Registry filings in the first quarter of 2017, for instance, recorded at over 90 per cent. Moreover, our e-Filing and e-Registry systems have served as a benchmark for one of Europe's leading commercial courts for the design and implementation of their Case Management System (CMS).

In terms of the courtrooms, advances in audiovisual technology mean parties do not necessarily need to be present in the same location, but can instead attend hearings virtually. This is something the DIFC Courts have implemented successfully in the main court for some time now, with lawyers and parties attending hearings via videoconferencing, supported by digital and video transcripts, with public hearings available for viewing on YouTube. Since 2016, the Courts' smart Small Claims Tribunal (SCT) enables parties to resolve disputes from any location by participating via smartphone or phone. Only the judge need sit in Dubai in the purpose-built smart SCT room, flanked by screens showing the parties, with a control panel to either open the virtual courtroom to all, or to switch to private mode with one party only. The amount or value claim for this court has a cap at USD$136,128 (AED 500,000).

continued

Social media is now being integrated into the operations of court systems around the world. The first step is using channels such as Twitter, LinkedIn and Instagram to communicate with stakeholders, individual court users and the larger legal audience. The next step is to deploy these channels effectively for case management, for example for e-service of claims. The old system of posting a letter to the last-known address, or placing an ad in a local paper for a party who is likely to have skipped the jurisdiction, seems archaic in today's world.

Resolving Disputes On-line

New technology means that now the entire dispute resolution process can conceivably be taken into the online realm.

The DIFC Courts believe this could be particularly useful in relation to the growing e-commerce sector, where transactions often transcend borders and disputes are usually relatively straightforward. We envision a three-stage process, with evaluation and facilitation of the dispute conducted online by the e-commerce platform as part of their buyer-seller money-back guarantee process. However, if there is no settlement, an enforceable decision at the adjudication stage could be made by a judge online sitting in a virtual court, based on submitted documents and testimony via web and video conferencing. We have kicked off this process for small claims with our smart Small Claims Tribunal using technologies for digital case management combined with Microsoft's Skype for business communications platform.

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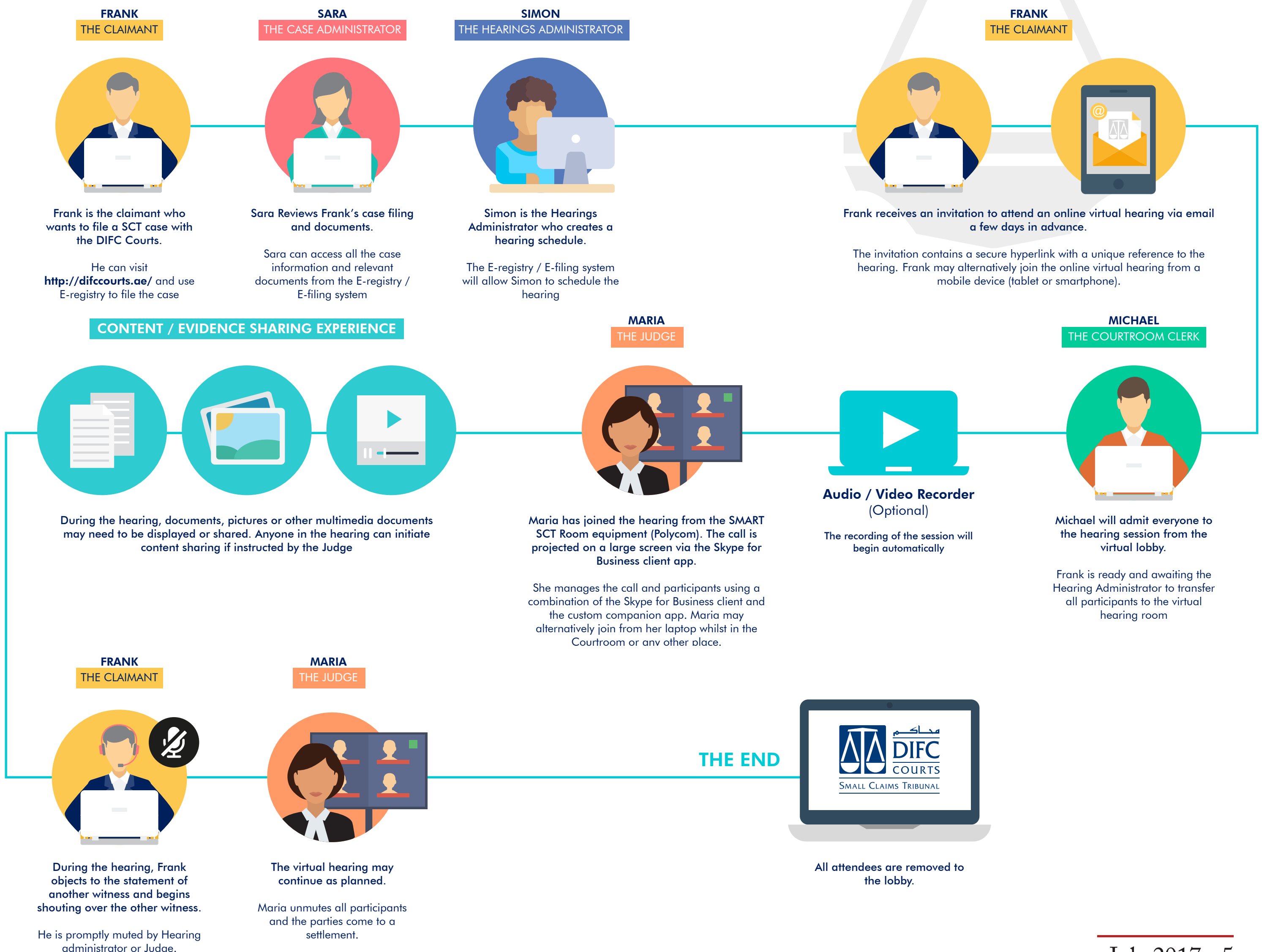


This process would ensure that both the merchant and their customer can access wherever they have a broad band connection and a smartphone or laptop, and deliver the third step to complete the online dispute resolution pathway.

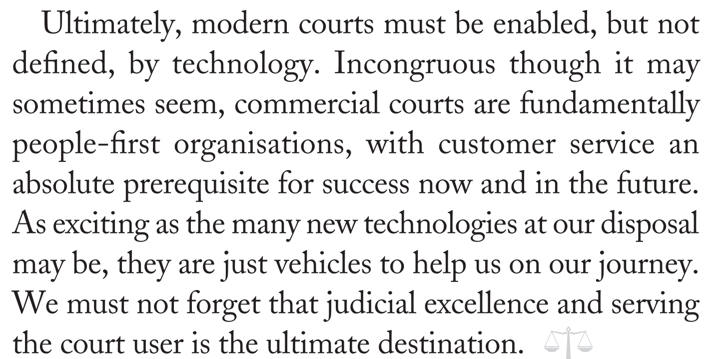
Service and Happiness

The many technological advances seen in top commercial courts around the world in recent years are positive, but in reality they are only part of the reason that service standards are being driven higher. Arguably, the biggest shift is in the mindset of commercial courts. They are adapting to the fact that they are no? longer seen as the default option: companies and individuals can choose how and where to resolve their disputes.

In this context, service matters greatly. Research shows that the settlement rates in commercial cases are higher where the courts provide a good user experience. In light of this, in 2015, the DIFC Courts were proud to be the first Dubai government entity to receive five stars for service under a new rating system introduce by the UAE. Since then we have installed a “happiness meter” in our lobby, which revealed that 96% of visitors to our Courts last year were happy with their experience. The Courts are currently preparing a submission in 2017 for the six star rating, which will further reinforce customer service and public service excellence at the heart of the Courts’ strategy.

The DIFC Courts, like an increasing number of our peers around the world, understand that fast, efficient and professional service, whether enabled by technology or by the actions of a member of the Registry team, can make a real difference to outcomes.

Ultimately, modern courts must be enabled, but not defined, by technology. Incongruous though it may sometimes seem, commercial courts are fundamentally people-first organisations, with customer service an absolute prerequisite for success now and in the future. As exciting as the many new technologies at our disposal may be, they are just vehicles to help us on our journey. We must not forget that judicial excellence and serving the court user is the ultimate destination.



The Judicial System is on Assignment in Brazil

By: Analice Bolzan, Journalist, B.L. (Bachelor of Laws), Federal Court of Appeal 4th Region Communication Advisor

Ms. Bolzan is the Communication Office's Director of the Federal Court of Appeal 4th Region attached to the presidency. She is responsible for the Social Communication area of TRF4: content production, media relations and social networks located in Porto Alegre, Rio Grande do Sul. Brazil.

Her article approaches the growth of the judicial system in Brazil and the press coverage in those facts, as well as the analysis of the importance between the Judiciary and the media as a communication instrument with the society.

Ms. Bolzan may be reached at analice@trf4.jus.br.

The main newspapers and millions of TV sets and news websites in Brazil reveal daily, a phenomenon that is happening in the country's journalism. Currently, more than 80% of the national news exclusively covers prosecutions, mandates, preliminary injunctions and Federal Police operations that ensue arrests and habeas corpus.

The most emblematic case that has been taking over the Brazilian newscast is the "Operação Lavajato", that means "Operation Car Wash." The inquiry is shaking the country's institutional powers by unraveling corruption and money laundering at the Brazilian public company, Petrobras, and contractors. The press coverage is keeping up a rushed pace since facts are still being exposed every minute and require new headlines according to the instantaneity of journalism. However, this kind of work also demands a minimum understanding of the areas of Law.

At this moment, the Judiciary also endures one of its biggest challenges. Besides verifying an increasing demand for lawsuits due to the judicialization of the public relations, a result of the lack of public policy's effectiveness on health, housing, security and corruption control, the Judiciary now has the duty to communicate more with society and the press. The challenge to inform clearly and follow the civil service's rules is institutional and resides with both the judicial communication areas and the magistrates and public employees.

The challenge is already being faced at the Federal Justice of the 4 th Region, that cover the Federal Court of Appeal, 4 th Region (TRF4) and the Federal Justice of the southern states of Brazil: Rio Grande do Sul, Santa Catarina and Paraná. The 4 th Region is responsible for the judgment in first degree of the "Operação Lavajato" (at the 13th Federal District Court of Curitiba, Paraná State), and for the second instance appeals (at TRF4). Thereby, the public entity's media areas are now assuming an even more strategic position in institutional policy. It's up to them to make the intermediation between both of these worlds: the Judiciary and the media.

It will be possible to ensure clarity in the legal content on the media, the judicial acts' transparency and the institutional image through a professional communication consulting. When a journalist from a main media calls the communication office from the TRF4 searching for information about "Operação Lavajato" sentences, the goal is to assist in the fastest way possible, as journalism demands instantaneity and complete information. However, it is often necessary to explain what for most people of the judicial area

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is basic in a lawsuit but it's not always understood by the journalists: who went against who, what do the parties want, the decision's content and what will be the procedural requirements going forward.

To handle this rising demand, we are creating communication structures to assure that properly transmitted information has become the duty of the institution. The only way we can reduce the margin of error in the legally published information, is through content creation at the communication consulting and by qualified press service. Legal terms' errors in reports displease magistrates and public employees, with good reason. When the TRF4 media does a journalistic report about a judicial decision explaining the main issues, what the legal terms mean and the process of the proceedings, it will ensure that the information on media and the internet will be more accurate.

Thereby, we are giving our vision of the facts; the Federal Justice of the 4 th Region's point of view. We need to be aware that, most times, our response will be only one of the sources within the published journalistic material. A good report presupposes listening to all the parties involved; the magistrates, the plaintiffs, the defendants, the lawyers, the Federal Public Ministry (MPF), the specialists and society. But it is important that the Judiciary fulfils its intent with clarity, objectivity and quality, so that the citizen has a guarantee of their right to public information. It's said in journalism: "If you don't speak, someone will speak for you." It's better that this speech comes from the institution. To pass on our information, the magistrate's interview is not always the appropriate tool. We can opt for news articles, notes or information straight to the reporter. But the information given by the judge to the Communication Office to clarify the press and, consequently, the society, is fundamental for the Judiciary Power's transparency.

Currently, Brazilian magistrates are the main source of this information and the institutional advocates in this relationship between the Judiciary and the media. Even if they respect the limitations brought by the Organic Law of the National Magistrate (Loman), it is possible to provide clarifications, disclose the public judicial decisions and maintain this communication channel open to society. For a long time, the national Judiciary Power was seen as an airtight box and distant from the society. Now, the Judiciary Power is the main subject in the media and is included on social networks, individual conversations, in classrooms and in the lives of all Brazilian people.

An example of this is that today in Brazil, known as the country of football, less people know the names of the players on Brazilian football teams or when the next eliminatory game for the World Cup in Russia will be played, and more people know who the ministers of the Federal Supreme Court (STF) are. This is because they are the ones that are in the daily headlines; deciding constitutional issues ranging from marijuana legalization, to the use of stem cells to the removal of senators and ministers accused of corruption.

These days, Brazilian judges have varied decisions to make about the medicine supply to public health patients, about interest and public contracts of home financing, about installation of hydroelectric power plants and possible consequences on the environment, about access to public scholarship, politician arrest warrants, executives and businessmen involved in corruption which became a common headline in the country. Looking from that angle, the Judiciary cannot back out from communicating with the press and through digital platforms as a way to communicate with society. The magistrate has an important role on this matter.

One of the most striking steps in this trajectory was the installation of TV Justiça, in 2002. The Judiciary Powers broadcast live TV sessions of the Federal Supreme Court (STF) and had in their schedule, programs of several of the Justice's fields. One of the biggest national trials before "Operação Lavajato" had its session broadcast live. Called "Mensalão", or big monthly allowance, it was a political corruption scandal through buying parliamentarian votes in the National Congress between 2005 and 2006, and it involved one of the country's largest political parties and some

continued

members of Luiz Inácio Lula da Silva's government. The proceeding of the so-called "Criminal Action 470," which was brought by the Federal Public Prosecutor's Office, was followed as a "novel" by the general population, who became familiar with terms such as infringements, injunctions and many others.

The Federal Justice of the Southern Region has invested in this transparency. Since 2012, their trial sessions are also broadcast live. The "Tela TRF4" project allows the monitoring of the judgments in any place through the internet. Later, the videos of the judicial acts are attached to the electronic process, called e-Proc.

Another important acting field of the Judiciary is the production of TV shows as an instrument to communicate with society. The TV show "Via Legal" which has been aired for 14 years on open broadcast channels and TV Justiça (cable), with news reports created by the five Federal Courts of Brazil. Colloquial language is used along with actors playing parts of those involved in the lawsuits to make the process look more human. The Federal Justice's news team listens to the individual that originated the lawsuit and what influence has the outcome of the lawsuit had in the person's life. Even though it's called "institutional", the show is praised by its journalistic characteristics and quality of the professionals and has received national awards such as Vladimir Herzog Human Rights Award and ESSO Journalism Award.

However, by the characteristics of the modern society, the Fourth Region's Federal Justice's focus of action is on digital communication. Today all content produced is turned to digital media platforms on the internet, such as the TRF4 web page, Twitter, YouTube and Facebook. These communication channels demand a new language for each platform, prioritizing service, legal content and disclosure of judicial decisions that affect the community. The biggest difference of the digital platforms is the direct communication between the Justice and people without the need of the media, allowing for a closer relationship between the institution and the user. Among the five Federal Courts of Appeal only TRF4 has a fanpage, since 2012, with around fifty thousand followers.

The work of the Communication Office in the Federal Justice of the Southern States of Brazil represents the main objective of the Judiciary Power: providing public services. The Law of Access to Information (LAI), in force since 2012, ensures transparency of public acts to every citizen, has come to reinforce the strategic importance of communication inside the institution. The transparency and interactivity are the rules of your time and we can't miss this historical trip.

View samples of the Fourth Region's Federal Justice's digital communication tools by clicking on the following links:

http://www2.trf4.jus.br/trf4

https://www.facebook.com/TRF4.oficial

https://twitter.com/trf4_oficial

https://www.youtube.com/user/TRF4oficial

The Judiciary's Guides to the Social Media Galaxy

By: Dr. Marilyn Bromberg, Senior Lecturer, The University of Western Australia Law School and Solicitor

Dr. Bromberg is a Senior Lecturer at the University of Western Australia Law School, where she currently teaches Civil Procedure and Law in Action. She has a Graduate Certificate in University Teaching. Dr. Bromberg also researches social media and the courts, Body Image Law and Health Law. In addition to her teaching schedule, she also practices law where she is located, in Perth, Western Australia, Australia.

Dr. Bromberg's article briefly discusses the ethical guidelines for the judiciary regarding social media in four countries: the United States, Canada, the United Kingdom and Australia.

Dr. Bromberg may be reached at marilyn.bromberg@uwa.edu.au

Introduction

The repercussions of the judiciary acting unethically on social media can have a significant impact on the public's confidence in them.[1] An example of a member of the judiciary acting unethically on social media is if a member of the judiciary exchanges messages on social media with a lawyer who appears before him or her.[2] Indeed, several members of the judiciary have experienced ethical challenges when they use social media.[3] This is one of the reasons why many jurisdictions have created ethical guidelines in this area ("Guidelines").[4]

The Guidelines reviewed for this article do not advise the judiciary against using social media in a personal capacity. The Tennessee Judicial Ethics Committee's guidelines state that the judiciary can use social media in a personal capacity, but they must do so 'cautiously'[5] and the Federal Court of Australia Draft Guidelines are similar.[6]

This article will briefly discuss some areas where the Guidelines are lacking and the Guidelines' stance regarding the judiciary becoming 'friends' with lawyers who may appear before them. It ultimately argues that more work in this area would be helpful. Due to word limit constraints, this article confines its discussion to Guidelines in Canada, the United States, the United Kingdom and Australia

Some Areas Where the Guidelines are Lacking

The Guidelines lack information that may be helpful to the judiciary in a few areas. For example, several do not address privacy issues.[7] They do not state that judicial officers should use the strongest privacy settings possible when they use social media. While the public may still see judicial officers' social media posts when their privacy settings are the strongest, such a reminder could be helpful to minimise the chance that this occurs.

Many of the Guidelines do not discuss anonymous social media pages.[8] Judicial officers may create social media pages that do not contain their name or their photograph. In fact, they may create a fake name for their social media page and use a photograph of a pet, outdoor scenery or anything but them as their profile photograph.[9] Nevertheless, the public may still learn that the social media page belongs to the judicial officer. It could be helpful to state that the judiciary should still be prepared for the public to learn about information that they posted on this kind of social media page.

The Guidelines do not address concerns regarding the posts that a judicial officer's family member makes.[10]

continued

A judicial officer's family member may make a post on social media that relates to the judicial officer's case, the court system generally, etc. A judicial officer's family member does not choose to have the constraints on their life that a judicial officer does when they run for office or accept a judicial appointment. Nevertheless, the judicial officer's family member's actions on social media may impact upon the judiciary and the public's confidence in it. Consequently, it is important to consider their actions on social media. Judicial officers may find it beneficial to receive advice on this.

A UK guidance, Blogging by Judicial Officers, says that members of the judiciary should not state their occupation on their social media pages.[11] Many of the Guidelines do not give advice regarding whether the judiciary should state their position on their private social media pages,[12] but they should. This way, the public may not assume that the judicial officer represents their court's opinion. This may be different for judicial officers campaigning for their position if they use their private social media pages to win votes. If the public finds the social media page of a judicial officer appealing, it may increase their confidence in the judiciary. Nevertheless, at some point in the future the social media pages that look appealing to the public could make it appear that the judicial officer has a bias for or against a person or entity who appears before them. This could lead to a possible apprehension of bias and a recusal.[13]

Whether Judicial Officers Can Friend People Who May Come Before Them

If a judicial officer becomes a friend on social media with a lawyer or other participant from a trial, a possible apprehension of bias may occur and recusal may be necessary. Guidelines are divided on whether a judicial officer should be able to friend a lawyer who may appear before them. Some Guidelines state that judicial officers should not friend lawyers who appear before them,[14] while others state that they may.[15] It is advisable for all Guidelines to provide guidance in this area because it can occur frequently, particularly in some small jurisdictions.

Conclusion

Judicial officers are appointed or elected due to their high ethical standards, among other reasons. One might argue that any Guidelines or very comprehensive Guidelines are unnecessary.[16] Nevertheless, social media can pose situations that arguably have never occurred before. For example, the ability for a judicial officer to make a remark that hundreds of millions of people worldwide can see within seconds. Guidelines can assist, but more work on them would be helpful, particularly in the areas mentioned where they appear to be lacking. Admittedly, some of the Guidelines appear to be drafted as a response to a specific question from a judicial officer,[17] so they may not attempt to be comprehensive. Still, making the Guidelines more detailed may be helpful to judicial officers.

It is also important to revert to the Guidelines periodically to determine whether they should be modified due to changes to how social media work and to apply lessons learned from instances where the judiciary used social media unethically. It is similarly important to teach the judiciary how to complete some of the tasks associated with using social media (e.g. to adjust the privacy settings of their social media). Some jurisdictions currently do so.[18]

[1]For a discussion of the repercussions of the judiciary's social media use impacting on the public's confidence in the judiciary, see Marilyn Krawitz, 'Can Australian judges keep their "friends" close and their ethical obligations closer? An analysis of the issues regarding Australian judges' use of social media' (2013)23 *Journal of Judicial Administration* 14. For a discussion of what social media are, see Marilyn Bromberg-Krawitz, *Issues Paper for a Symposium: Challenges of Social Media for Courts and Tribunals* (May 2016) AIJA and the Judicial Conference of Australia <http://www.aija.org.au/Social%20Media%20Sym%2016/Papers/Krawitz.pdf>

[2]For an example of a member of the judiciary who exchanged messages on social media with a lawyer who appeared before him, see, Pubic Reprimand of B. Carlton Terry Jr., NC Judicial Standards Commission Inquiry No 08-234 (2009).

[3]See, for example, *In the Matter of Whitmarsh*, New York State Commission on Judicial Conduct (28 December 2016); *In re Bass,* Public Reprimand, Georgia Judicial Qualifications Commission (18 March 2013); *In re Stevens*, Agreed Order of Suspension, Kentucky Judicial Conduct Commission (8 August 2016); Owen Cowcott, 'Judge Sacked Over Abusive Online Posts', *The Guardian* (online), 13 April 2017. <https://www.theguardian.com/law/2017/apr/12/judge-sacked-over-online-posts-calling-his-critics-donkeys>; Canadian Centre for Court Technology, *The Use of Social Media by Canadian Judicial Officers* (2015)

continued

<https://www.cacp.ca/law-amendments-committee-activities.html?asst_id=844> 26 - 27.

[4]See, for example, Federal Court of Australia, Draft Guidelines for Judges about Electronic Social Media (2013), American Bar Association, Formal Opinion 462, Judge's Use of Electronic Social Networking Media (21 February 2013); Canadian Centre for Court Technology, The Use of Social Media by Canadian Judicial Officers (2015)

<https://www.cacp.ca/law-amendments-committee-activities.html?asst_id=844>.

[5]01 Op. Tennessee Judicial Ethics Committee (2012).

[6]Federal Court of Australia, Draft Guidelines for Judges about Electronic Social Media (2013).

[7]See, for example, 07 Op. Maryland Judicial Ethics Committee (2012). But note that there are some Canadian documents that address the judiciary and social media privacy use, such as Martin Felsky, *Facebook and Social Networking Security*, Canadian Judicial Council

<https://www.cjc-ccm.gc.ca/cmslib/general/Facebook%20security%202014-01-17%20E%20v1.pdf>.

[8]See, for example, American Bar Association, Formal Opinion 462, Judge's Use of Electronic Social Networking Media (21 February 2013). Note that Australian Judges mostly do not state their position on their social media pages: Alysia Blackham and George Williams, *A Balancing Act* (1 May 2017) Law Institute Victoria

<https://www.liv.asn.au/Staying-Informed/LIJ/LIJ/May-2017/A-balancing-act>. For an example of a member of the judiciary who made comments on social media using a name different from his own and who lost his job as a result, see, Owen Bowcott, 'Judge Sacked over Abusive Online Posts', *The Guardian* (online), 13 April 2017

<https://www.theguardian.com/law/2017/apr/12/judge-sacked-over-online-posts-calling-his-critics-donkeys>.

[9]Marilyn Bromberg-Krawitz, *Issues Paper for a Symposium: Challenges of Social Media for Courts and Tribunals* (May 2016) AIJA and The Judicial Conference of Australia

<http://www.aija.org.au/Social%20Media%20Sym%2016/Papers/Krawitz.pdf>.

[10]For a discussion about a judicial officer's family members making inappropriate posts on social media, see

Marilyn Bromberg-Krawitz, *Issues Paper for a Symposium: Challenges of Social Media for Courts and Tribunal*s (May 2016) AIJA and the Judicial Conference of Australia <http://www.aija.org.au/Social%20Media%20Sym%2016/Papers/Krawitz.pdf> 14 - 16.

[11]Senior Presiding Judge for England and Wales and Senior President of Tribunals, *Blogging by Judicial Office-Holders* (August 2012)

<https://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/Guidance/blogging-guidance-august-2012.pdf>.

[12]See, for example, 20 Op. Florida Supreme Court judicial Ethics Advisory Committee (2009).

[13]For a discussion of bias in this situation, see Judge Judith Gibson, *Should Judges Use Social Media?* (31 May 2013) New South Wales District Court

<http://www.districtcourt.justice.nsw.gov.au/Documents/Should%20Judges%20use%20social%20media.pdf> 5 - 8.

[14]See, for example, 20 Op. Florida Supreme Court Judicial Ethics Advisory Committee (2009).

[15]See, for example, 2012-07 Op. Maryland Judicial Ethics Advisory Opinion (2012), American Bar Association, Formal opinion 462, Judge's Use of Electronic Social Networking Media (21 February 2013)

[16]For a discussion regarding whether guidelines for the judiciary in this area are necessary, see, Marilyn Krawitz, 'Can Australian Judges Keep their "Friends" Close and their Ethical Obligations Closer? An Analysis of the Issues regarding Australian Judges' use of Social Media' (2013)23 *Journal of Judicial Administration* 14, 32 - 34.

[17]See, for example, the question from a member of the Kentucky Judiciary that was answered in JE-119 Ethics Committee of the Kentucky Judiciary (2010).

[18]See, for example, Lorana Bartels and Jessica Lee, 'Jurors Using Social Media in our Courts: Challenges and Responses' (2013) 23 *Journal of Judicial Administration* 35, 49.

Communicating About the Court – Using Performance Metrics

By: Ms. Janet G. Cornell, Masters of Public Administration (MPA) and Fellow,
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Ms. Cornell's article discusses how Court performance metrics are an increasingly important tool to communicate between the judiciary and society. This article summarizes why court performance measures are critical, how to get started, and strategies for consideration.

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One aspect of communication and relationships with those outside the court is the ability to talk about and publish information on the functions that courts perform. Communicating about court operations with court employees, non-court justice system partners, and the public is important. One element of increasing importance related to communication is the utilization of performance measures (metrics, data, analytics) to talk about what courts do, how resources are used, and what the outcomes are.

It is increasingly important to use data, statistics, and facts. Consider this:

- Our vehicles have gauges to inform us if the vehicle needs the fuel replenished
- We obtain monthly or periodic reports on our financial investments
- We obtain medical assessments when we interact with health care providers (weight, blood pressure, diagnostic tests)

Why are courts so reticent to use data, statistics, and facts to talk about their work? Well, it is difficult to take court-based information and determine what is useful and meaningful to those outside the court. It is also a dilemma to determine what we should say about the court role and functions. And we may struggle with how to use our court data to describe the work that the court does.

Here is a real life scenario, where a court - my former court - found itself using limited court performance measures and discovered benefit in employing broader metrics and creating data to "tell the story" about the functions carried out by the court.

A "Real Life" Court Scenario

- ➢ The court had taken budget cuts over a period of 3-5 years. Staffing and job positions were cut. Special (project) funds were used to provide general fund budgetary savings. Fiscal challenges like never before seen were now felt in the community.
- ➢ Elected officials were divided on budget and fiscal policy decisions. There was turnover in elected officials. A highly political enforcement program had been in place where much of the actual work occurred in the court environment, placing the court in the middle of much divided public opinion.
- ➢ The court had a relatively low profile, with minimal interaction with local officials. The court was not seen as the "judicial branch."

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- ➢ A monthly, one page, memorandum with aggregate statistics was provided to local leaders. Aggregate statistics indicated volumes of cases filed, closed, and pending. The court subtly believed that "we're the court we know our business – others don't need to".
- ➢ Minimal data was made available and disseminated about the business of the court in a way that the public could view. Public awareness of the court was limited. There was increased pressure to use government performance metrics.
- ➢ Members of the local budget commission made disparaging and critical comments about the court at public meetings ("the court is not doing its part in scrutinizing and understanding its operation"). Elected officials began repeating the concern. Litigants, hearing this, also became vocal.

This example includes budget and fiscal challenges for the court, amidst a very political environment. Elected officials' understanding of court functions was limited. Minimal court performance statistics were used. Court leaders felt frustrated that leadership actions over court operations were not understood.

Here, then, is what this court did to overcome the challenge!

- Publication of expansive data – we began to use broader data than was previously done. We found a way to publish data other than simple aggregate totals of the numbers of cases filed, case closed (adjudicated), and numbers of cases remaining open.
- Application of NCSC CourTools[1] – all ten CourTools measures were tallied, first with internal quiet review of the results to check understanding of what was being captured, and later with public dissemination.
- Utilization of other measures to describe court functions – other measures were created. Some included measures of the different customer interactions (e.g., number of litigants appearing on site at the court, number of phone call interactions, number of financial transactions that occurred and whether on site, by mail, by phone or by web).[2]
- Incorporation of High Performance Courts concepts[3]– we then incorporated the CourTools and other measures into a description of how they related to the High Performance Courts Framework. For example, noting performance related to a "Customer Perspective," or those that captured "Internal Operating" performance.[4]
- Presentation and briefing for the elected officials and funding agency – briefings were made for local government leaders, and a citizen committee, on the measures and their importance to the work of the court. Information was provided about the relevance of measuring court performance with court-based metrics.

As we experienced, the use of performance data was beneficial. Here is how to do it:

1. Consider which operational areas matter. Determine a way to count and measure those areas. Practice with the measures to see if they can be obtained. Identify a way to sustain the measurement. Start somewhere. Think about what MATTERs, what you can MEASURE, and what you can MAINTAIN.
2. Use as many data elements and performance measures as you can (the ones that are important to "tell your story"). Create the data. Use manual and automated methods, and low-tech and high-tech ways – do not feel that you must wait for the perfect automation to capture them. Be willing to start with manual capture methods that may be automated at a later time.
3. Talk about the data, even if it is not positive. Be conversant about what the data means, and ensure court leadership can address the findings from the data. Add discussions about data and measures to your management and leadership meetings. Put the topic on the regular agenda. Continually assess the operation using the measures.

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4. Use strategies and techniques to become a high performance court. Helpful strategies have been asserted about how to be a court that excels[5]:
    a. Share the vision
    b. Explore the court's cultural landscape
    c. Abandon the myth of the lone ranger
    d. Focus on the court's customers
    e. Get court administration staff members involved
    f. Promote collegial discussion
    g. Share the results
5. Find a way to urge and manage change. What if you are not "the boss"? Here are some ideas[6]:
    a. Analyze and strategize on how you want to use metrics
    b. Take initiative and get started
    c. Get feedback on the goals and process
    d. Create an environment for change
    e. Be realistic in your work for change
    f. Accept that you may not be liked in this venture

While I was already a believer in the use of court measures, my direct experience (with the risks of having a data void, and the benefits of using court-based metrics) made me a "super-believer" in the value of having (and creating) measures, publishing them, and finding ways to continually talk about them. As I have said in workshops on court performance, "courts should have a statistical presence!" Using data, metrics, and factual performance information adds knowledge about the court operation, minimizes the use of anecdotes and impassioned stories, and increases your credibility. It will lead to improved communication and relationships between the court and the public.

[1]See www.courtools.org

[2]See Cornell, J., "One Court Looks at Itself in the Mirror – The "Bucket List" Project – a Low Tech Self Review", The Court Manager, Vol. 27, No.4, Winter 2012-2013,National Association for Court Management, and Cornell, J., "Court Performance Measures: "What You Count, Counts!"", The Court Manager, Vol. 29, No.1, Winter 2014, National Association for Court Management.

[3]See http://www.ncsc.org/Information-and-Resources/High-Performance-Courts.aspx

[4]An example of such a report and document can be found at http://www.scottsdaleaz.gov/Assets/ScottsdaleAZ/Court/CourtPublications/Annual+Reports+and+Executive+Summaries/Annual+Executive+Summary+FY+11-12.pdf

[5]Ostrom, Brian, Roger Hanson, and Judge Kevin Burke, "Becoming a High Performance Court," The Court Manager, National Association for Court Management, Vol. 26, Issue 4, 2012.

[6]Content adapted from Ledford, Ron and John M. Powell, "Managing Change from the Sidelines – A Playbook for Success," unpublished article, 2013.

Relations between the Judiciary, the Judge and Society through CyberCulture

By: Judge Marcos de Lima Porta, Brazilian Judge and Coordinator of IACA Commission of Judicial Education

Judge Marcos de Lima Porta is currently a state appellate judge, judging public lawsuits, in São Paulo, Brazil. Judge de Lima Porta has a Ph.D. in public law. Judge de Lima Porta's article deals with the obligations and responsibilities that a judge might have when using the cyberspace. The aim of this article is to point out some suggestions for answers to the question: how would it be possible to reconcile participation in this cyberculture with the magistracy? The Judge suggests that judges should follow "netiquette" -the rules of etiquette that apply when communicating over computer networks, especially the Internet- when taking part in social media such as Facebook, Instagram & WhatsApp, etc…

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The emergence of new technologies and new media enabled the creation of a "virtual world" which has been expanding exponentially in our society.

The judge is, therefore, a social actor who interacts with other social actors. He is not cut off from the world. And that applies not only for the times the judges are actually "on duty", that is, when they are working, but also when they are on their days off spending time with their families and friends.

So, it is normal for a judge to take part in this virtual world within that cyberculture through the internet, Facebook, WhatsApp, and other social media.

In this context, some peculiarities of their professional activity should be guided by their independence and impartiality. The aim of this article is to point out some suggestions for answers to the question: how would it be possible to reconcile participation in this cyberculture with the magistracy?

Human beings need to communicate and to interact. It is by means of communication that we can establish our social interaction and, therefore, promote the circulation of knowledge, ideas, and information.

According to Pierre Lévy,[1] communication techniques have three "times of the spirit": a) primary orality which administers our memory and our practical everyday communication; b) writing, which turns that primary orality memory into documentation; and, c) the Informatics, which enables the world interconnection through computers and new memories and brings about a new field of communication.

That latest category could be called cyberspace. Material and intellectual techniques will have an impact on it. And practices, attitudes, ways of thinking and values will be developed together with the growth of cyberspace.[2]This is our modern cyberculture: Facebook, e-mails, and WhatsApp are some trademarks of that phenomenon.

The use of these tools by judges will require, above all, planning. Judges have to consider some important questions such as: What to do? How to do it? When should it be done? With whom should it be done? What is the media that should be used?

Those who are interacting in social media should keep in mind they are citizens and, therefore, responsible for their actions (Gabriel Catarino).[3]

For a judge to take part in this cyberculture, they should stick to what we call "netiquette."

Some of those rules could be summed up as follows: avoid using the Internet to write a personal diary; do

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not add people to a conversation without introducing them; pay attention to correct spelling; refrain from posting advertising or political messages which might be politically incorrect or prejudiced; take part in closed groups; do not give opinions on political issues; do not share posts of hatred, violence, alcohol consumption or nudity; and, last but not least, avoid posts that show off ostentation.[4]

There are some suggestions presented by Patricia Peck Pinheiro[5] on how to protect images within that cyberculture. Those suggestions would be useful to judges as well.

How to protect CEOs in social media:

a) To enable people to protect their privacy in the digital world;

b) To monitor the digital reputation to avoid excessive exposure in the media on the web;

c) To act quickly when it comes to incidents of digital image crisis;

d) To avoid personalizing criticism;

e) To plan the publication of contents through text revising and paying special attention to the tone and language used in those texts.

It should be added there is a need for judges to stick to ethical codes and procedures which refer to the proper conduct within the code of legal Professional Ethics (in Brazil, for instance, judges should abide by the rules of the magistracy and the code of magistrates' ethics).

From a different perspective, it is also important to deal with the safety of the information. It includes some fundamental components in the information network – people, procedures, policies, hardware, software, data and networks in order to protect confidentiality, availability, integrity, authenticity, and the legality involved in the process.

There is a study carried out by IBM on the most common flaws from world wide web users and, according to the article by Victor Auilo Haika,[6] they are: a) wrong system configuration; b) inadequate corrections (patches); c) the use of user´s names and standard passwords, the latter being easily guessed; d) loss of laptops and other digital devices; e) information leaks by wrong e-mail digitizing; and, f) double clicking on e-mail attachments which have been infected by viruses or clicking on unsafe internet links.

The same author still warns us: "human behavior can suffer from digital threat and contribute to cybercrime for many reasons such as: a) not being used to using the internet; b) being a gullible person; c) having a low perception ability or maybe having this ability damaged by a physical or psychological condition; d) despair, greed, emotional problems; and e) being in the wrong place at the wrong time.[7]

Finally, a judge could and should take advantage of the cyberculture to summon people to appear in court, as a means of evidence, to homologate deals, and to design audiences as well as other judicial practices. All these procedures aim at the effectiveness of the trial. There are many good practices related to this topic in Brazil, for instance: a) small claims summoned via WhatsApp ("Juizados Especiais Federais da 3ª Região intimam partes via WhatsApp" -- Conjur: 23.12.2016); b) Court in the district of Brasilia carrying out virtual trial ("TJDF realização sessão com julgamento virtual!" -- Enamages: 17.11.2016); c) training clerks to enable them to use the bailing system ("Treinamento prepara analistas para uso do sistema de alvará de soltura" -- CNJ: 14.11.2016); d) Pedrinhas prison opens two videoconference rooms ("Penitenciária de Pedrinhas inaugura duas salas de videoconferência" -- TJMA:14.11.2016); e) via WhatsApp, a judge in the state of Minas Gerais in Brazil allows convicts to do a national school exam ("Via WhatsApp, juiz de Minas Gerais autoriza preso a fazer prova do Enem" -- Conjur:05.11.2016); f) First verdict via WhatsApp ("Justiça de Tocantins emite primeira sentença por meio do WhatsApp" -- TJTO: 04.11.2016); g) Defendant accused of international drug traffic is interrogated by WhatsApp ("Acusado de tráfico internacional é interrogado por WhatsApp em São Paulo" -- Conjur: 05.04.2017); h) lawyers can use WhatsApp to follow lawsuits in São Paulo ("Advogados

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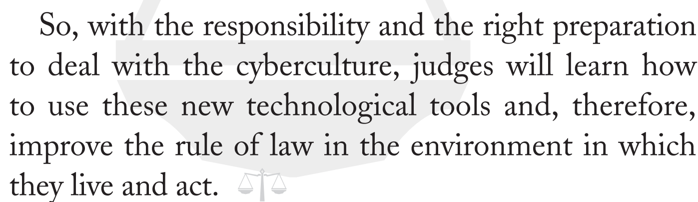
podem usar WhatsApp para acompanhar processos em São Paulo" -- Conjur: 23.04.2015); i) Judge uses Skype to promote reconciliation between a couple who had broken up (Juiz usa Skype para promover audiência de conciliação com casal separado" -- Conjur: 25.07.2015); j) Judge photographs decisions and sends them by WhatsApp to notify parties ("Juiz fotografa despachos e envia por WhatsApp para notificar partes" -- Conjur: 07.01.2016); k) Video made on WhatsApp makes a judicial deal possible ("Video feito por WhatsApp possibilita homologação de acordo judicial" -- Conjur: 13.01.2016); l) labor justice uses e-mail and WhatsApp to increase reconciliations ("Justiça do Trabalho da 8ª Região usa e-mail e WhatsApp para aumentar conciliações" -- Conjur: 09.08.2016); and, m) electronic communications are equal to personal summons, determines the Superior Court ("Comunicações eletrônicas equivalem a intimações pessoais, fixa STJ" -- Conjur: 17.02.2016).

So, with the responsibility and the right preparation to deal with the cyberculture, judges will learn how to use these new technological tools and, therefore, improve the rule of law in the environment in which they live and act.



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Translator Luiz Mota Freitas

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[2]Jaciara de Sá Carvalho. Redes e Comunidades, São Paulo: Instituto Paulo Freire, 2011.

[3]Redes Sociais: responsabilidade, reserva e comportamento, in Ética e Redes Sociais. Centro de Estudos Judiciários de Portugal (http://www.cej.mj.pt/cej/recursos/ebooks/outros/eb_Etica_Redes_Sociais.pdf).

[4]Manual da AMB para magistrados: o uso das redes sociais. http://www.amb.com.br/novo/wp-content/uploads/2016/08/Manual-da-AMB-para-magistrados_-o-uso-das-redes-sociais_SITE_v2.pdf .

[5]Direito Digital Aplicado 2.0 2ª ed., rev. at. e ampl., São Paulo: Editora Revista dos Tribunais, 2016, págs. 29 a 33 – Como proteger a imagem do alto executivo nas mídias sociais.

[6]Conscientizar em Segurança da Informação é proteger seu negócio.in. Direito Digital..., ob.cit., pág. 133.

[7]Conscientizar em Segurança da Informação é proteger seu negócio.in. Direito Digital..., ob.cit., pág. 134.

To Brief or Not to Brief Court Interpreters

By: Dr. Muhammad Y Gamal, Senior Diplomatic Interpreter at the Australian Federal Government

Dr. Gamal works as an interpreter during high level diplomatic meetings, visits and consultations. He provides linguistic and cultural assistance during interpreter- mediated training in Australia and overseas. Dr. Gamal resides in Sydney in the state of New South Wales, Australia.

Dr. Gamal's article argues that for a better administration of justice, court interpreters need to be fully briefed about the matter in which they will interpret. To ensure the linguistic presence of a defendant, at least in trials, interpreters should not be guessing what the case is about but focus on meaning and translating.

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Court interpreters are now a familiar sight in the legal system of almost all communities and countries. International as well as national laws have now enshrined the right to an interpreter in criminal proceedings and interpreter-training programs are increasingly becoming established in universities all over the world. The news of an interpreter-mediated trial whether in Melbourne or in Miami is not an unusual piece of media coverage.

However, there are administrative and professional issues when it comes to the use of interpreters in court.

One of the major issues is the logistics of securing the service of interpreters. In some countries, the Department of Justice contracts a service provider who provides qualified interpreters to the courts. This model of outsourcing the service to a private contractor is applied in numerous countries. The second model is pretty much the same but rather than a private supplier, the Department of Justice contracts another government body that provides the service of organizing qualified interpreters for the legal system. The third model does not outsource the service but keeps it within the controls of the Department of Justice and particularly the court itself through the establishment of an interpreter panel. In all models; the training, licensing and in some contexts certification, are given to an academic or professional institution.

Regardless the pros and cons of each model, the acid test is the quality of the service of providing interpreters to assist in the administering of justice. None of these models, and notwithstanding some operational issues such as the availability of interpreters in the language (and dialect) required, the number of interpreters for a certain time and in a certain location or the expertise of interpreters in the type of legal proceedings, exercise any control over the quality of interpreting. Once interpreters are qualified or accredited they are deemed fit to work in the legal system. Unlike legal practitioners who specialize in the various areas of law, and appear only in cases of their expertise, court interpreters are regarded as specialists in all domains and once 'qualified' they are expected *ipso facto* to possess all necessary legal knowledge to enable them to interpret in any court appearance be it a hearing, an arbitration or a trial.

Most court interpreters work as freelance community interpreters which means that they have to accept assignments outside the legal context to maintain a viable career. While this arrangement is regarded as fundamental to their professional development through exposure to a wide range of real-life assignments, the experience gained is quite often undermined through one of the most controversial practices of the legal profession: not briefing the court interpreter.

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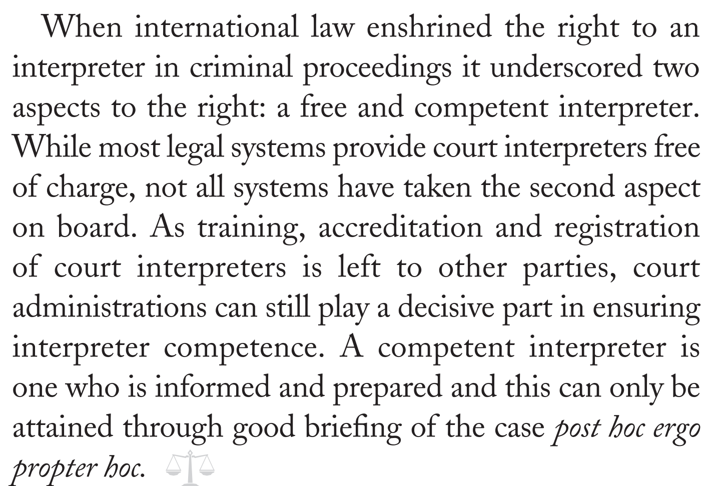
Withholding information from the court interpreter is regarded, in some quarters, as essential to maintaining the impartiality of the interpreter. Interpreters, and particularly legal interpreters, argue that without proper briefing they are compromised by the system. As professionals, they have gained their qualifications and realize that freelance practice involves life long learning and they keep track of their development with each assignment. Furthermore, they are keenly aware of the code of ethics which informs their professional practice and guides their performance. To professional interpreters, the concept of impartiality is only guaranteed through their inclusion in the communication process. To this end, they need to be informed about the case in order to ensure smooth interpreting not only for the defendant but also for the court.

Most service providers, and indeed court administrations, do not seem to make a distinction between the various types of court interpreting. The skills required for a hearing are different from those expected in an arbitration or a trial. In the former, an interpreter usually appears in short matters that tend to be straightforward, not legally complex or intricate in detail. This type of court appearance also tends to be highly repetitive which allows interpreters to work in a simultaneous mode without too much strain on their short-term memory or epistemological ability. In the second, arbitrations tend to be short and dense with details and require subject matter knowledge both factual and legal. The strain on interpreters is high as they are expected to be fluent not only in linguistics but also in the professional and legal contexts. In the latter, court trials are longer, complex and dense requiring a much higher degree of mental fitness on the part of the interpreter as the mode of interpreting varies from whispering to consecutive and simultaneous.

Without proper briefing on the case, its facts and its salient features, interpreters would find themselves under too much unnecessary strain trying to understand not only the languages spoken but also the legal concepts and arguments. At times, they also have to deal with and overcome poor acoustics, incredibly high speed and legal asides some of which are expressed in Latin. They have enough to contend with *ab initio:* understanding languages and translating them. When interpreters accept an assignment they want to know what they are interpreting: translating is not, and should not be, a guessing game.

When international law enshrined the right to an interpreter in criminal proceedings it underscored two aspects to the right: a free and competent interpreter. While most legal systems provide court interpreters free of charge, not all systems have taken the second aspect on board. As training, accreditation and registration of court interpreters is left to other parties, court administrations can still play a decisive part in ensuring interpreter competence. A competent interpreter is one who is informed and prepared and this can only be attained through good briefing of the case *post hoc ergo propter hoc.*



The Judiciary and the Use of Social Media in Brazil

By: Prof. Fernanda de Carvalho Lage, LL.M

Professor Lage is a Lawyer and Professor at the National School of Formation of Magistrates in Brazil.

Her article focuses on how the globalization process and the emergence of social media have generated a new political and democratic space. The aim of her article is to analyze the relation between the Judiciary and the social media in Brazil and its use as a tool to inform, educate and engage citizens. Professor Lage is located in Brasília, DF, Brazil.

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The globalization process and the emergence of social media have generated a new political and democratic space. The relationship between the Judiciary, the media and society is a theme that involves the principle of transparency in the public sphere.

This relationship also brings up discussions about the right of the citizens to be part of the public debate and to be informed about the functioning of the Judicial system. By some, it is thought that the Judicial Powers only communicates by their decisions. However, that it is an incomplete point of view because it ignores one very important mission of the Judiciary: communication with the society.

The democratic legitimacy of the Court´s decisions and policies is directly related to its accessibility and understanding by the people. When we talk about informing the public, we include giving them an explanation of the existing law and its effects as well as publicizing decisions such as sentences and paradigmatic cases and explaining the reasons and emphasizing the main points.

The publicity is part of the democratic system and it will only be achieved when we have not only a means of public participation, but also when we achieve efficient publicity for the actions of the State. In this context, the society is made of communication and the judicial power needs to be part of this communication system.

The National Justice Council (CNJ), an organization of the judiciary in Brazil, has published a "Social Media Manual of the Judiciary." It aims to show how the Council (CNJ) has been working in the social media and how that experience can serve as a model for the management of other digital channels of the judiciary by showing its strategies, handling rules, methods of prevention, and flow of daily publications as well as techniques to attract the public's interest in the published messages and basic practices for the administration and security of social networks.

Social media is a relevant way of approaching the courts by society and is also a place to listen and understand the citizens' opinions and needs. Its function is not only the dissemination of content related to the publicity of judicial decisions and institutional policy. It is also the propagation of issues of public interest and promotion of human rights.

This activity is fundamental to promote transparency and understanding of the public about the court system and the judiciary. In addition, it permits a more effective interaction, generating collaboration and interactivity.

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The use of social networks has many advantages, including: they are personal and intimate; they are more interactive because of the use of multimedia tools as videos and images; and, they are practical and enable a fast exchange of information.

Today's influential social media, including Facebook, Youtube and Twitter, allows greater rapprochement with the population, provides constant updates and produces news in real time. It is interesting to highlight some rules established by the National Council of Justice to guide institutional activity in social media in Brazil, for example: all images and texts must pass through a Portuguese-language reviewer; to only use photos from free stock images or with the permission of the image´s author; and to only publish content of public interest related to justice, politics, ethics, democracy, human rights and related to the activity developed by the Institution.

To achieve greater reach with the public in social media, the courts should follow some main goals: A) The interaction with the general public should improve of the public image of the organization. This goal stresses the need to provide relevant and attractive contents as well as news of interest and issues related to commemorative dates; (B) The court should publish a volume of information that is reasonable, within a limit of proportionality, and also on a regular basis; C) The court should use illustrations and images in a creative way, in order to attract the attention of the reader; D) The court should analyze the best times for posting to undrestand the hours with the largest audience; and E) The court should use language that is understandable to all citizens.

It is crucial to emphasize that social media spaces must be used responsibly, maintaining a dignified and respectful place for all. Likewise, it should be an Ombudsman space for complaints about or critics of the judiciary's actions on the Internet.

For instance, in its channels, the Brazilian National Justice Council publishes quotations from Court´s Ministers, videos of campaigns or programs of social action, parts from the Constitution and citizen's laws, and other topics relevant to justice and democracy. In this way, when using social media, the courts and judicial bodies need to develop a strategy for observing guidelines so it can be a tool to inform, educate and engage citizens.

The courts have increased their participation in social networks as a way of intensifying the dialogue with society and giving greater transparency and publicity to their actions. The inclusion of these new dynamic and interactive tools aims to broaden the channels of communication with the public and democratize access to information.

The Public Outreach Of Court Administration Of Latvia

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V. Mitnicuks is responsible for communication with the mass media and communication in general within the institution of Court Administration of Latvia. He is especially involved in the training of judicial communicators and works with their qualification improvement.

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This article briefly describes communication between Court Administration and society. It also touches on the subject of improving the quality of judicial communicators and outlines future plans regarding the issues.

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In all Latvian courts, there is a court communicator who efficiently ensures information exchange between the court, social media and society, thus raising public awareness, transparency of court activities, and more trust in the judicial system.

Furthermore, in providing services to the court visitors, it is highly important to listen to opinions as to the quality of the services provided, because this is how the public attitude towards courts is shaped. It is truly crucial to constantly improve communication skills and create new ways to engage the public in a dialogue; therefore, within the European Social Fund project, "Justice for Growth", court communicators are to undergo training in the next couple of years.

To ensure the success of communication, effective and successful exchange of information and public outreach are set to be some of the main operational priorities.

The courts are aware that communication is highly essential for raising understanding as to the court activities which in turn raises public trust in the judicial system. Through cooperation between the Council for the Judiciary, the Supreme Court, and the Judicial Ethics Commission, Judicial System Guidelines and Judicial Communication Strategies were developed. The courts use these strategies on a daily basis by communicating with society and media regarding any questions in which the public may take an interest.

Court Communicators

To communicate in a more effective way and to encourage cooperation between court communicators and society and media, the Court Administration (hereinafter referred to as the "Administration") organizes seminars for court communicators during which court communicators' skills are improved. During these seminars, court communicators are informed as to the topicalities in the field of communication and the latest trends in cooperation and communication. These seminars provide improved communication skills with respect to dialogue with society, media and crisis communication as well as give further insight about how to give an interview in front of a camera.

Social Media

Good practice shows that it is efficient to inform society as to the topicalities of the Administration through mass media by sending press releases or preparing answers to information requests submitted by media. On a regular basis, information regarding projects implemented by the Court Administration and

continued

courts as well as any related news is prepared and posted on the website www.ta.gov.lv, court portals www.tiesas.lv and manas.tiesas.lv as well as social networks *Facebook* (@tiesuadm) and *Twitter* (@tiesuadm and @zemesgramata).

To ensure communication between institutions subordinated to the Ministry of Justice, meetings for communicators from the subordinated institutions take place each month to discuss information of interest to society and good practices to use to present this information. Furthermore, these meetings are where we plan public outreach events and how to raise public trust in courts.

To improve and promote court communication with society, the July, 2017, Latvian Herald's portal "On Law and State" (www.lvportals.lv) will be upgraded with an individual section under which information and news as to the general Latvian justice system are to be gathered and posted. In this portal, people will be able to learn about topicalities and day-to-day operations of the judicial sector. Even now this portal is a place where people can ask justice-related questions which are answered by specialists from their respective fields. Furthermore, it is planned to create within this portal a vast network which will incorporate all courts in Latvia to inform society and provide answers to questions regarding specific court proceedings administered by the courts.

Furthermore, in the Administration's portal manas.tiesas.lv, people have access to several popular court services. **Among the most popular are the following**:

- tracking proceedings in progress (allows one to get access to data regarding course of certain case proceedings),
- viewing court calendars (allows one to get familiar with court sessions scheduled),
- accessing anonymized court adjudications.

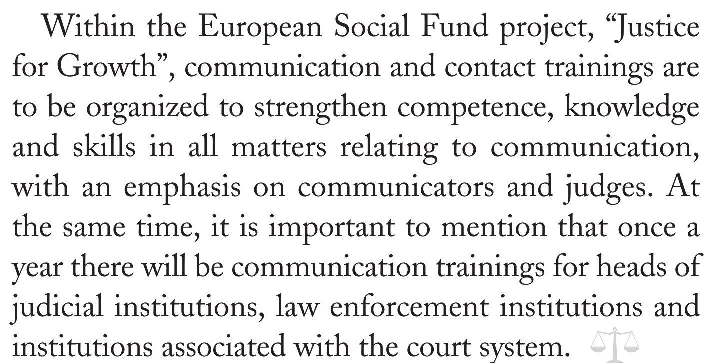
Quality of Services Provided

To improve the quality of services in courts and land register offices and to learn the opinion of court visitors regarding the quality of services provided, court accessibility and court operations in general, in the website www.tiesas.lv, there are surveys for court visitors, sworn advocates, prosecutors and lawyers. Furthermore, the courts and land register offices as well as the Administration currently implement quality survey systems for electronic services.

To display information, the courts are being equipped with information screens where visitors can learn topical information, court sitting schedules, court room locations and other information related to the operations of the courts.

ESF project "Justice for Growth"

Within the European Social Fund project, "Justice for Growth", communication and contact trainings are to be organized to strengthen competence, knowledge and skills in all matters relating to communication, with an emphasis on communicators and judges. At the same time, it is important to mention that once a year there will be communication trainings for heads of judicial institutions, law enforcement institutions and institutions associated with the court system.



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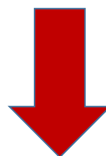

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