

**OFFICIAL OPENING OF THE <e.law> MOOT COURT
QUEENSLAND UNIVERSITY OF TECHNOLOGY
FACULTY OF LAW
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“The Future of Technology in the Courts”

The Hon Paul de Jersey AC, Chief Justice of Queensland

However inconvenient older lawyers – like me, may find coming to grips with some aspects of “modern” technology, only a fool would pass it up. I have discovered that one’s children can be very helpful in this. I have been a member of the profession for three decades. I am old enough to recall in 1971 being intrigued by the desk dictaphone. Mind you, there are some Judges – and probably practising lawyers as well – who still write judgments and opinions by hand, but that is usually explained by considerations other than discomfort with the technology.

I am personally intractably committed to the optimal use of technology within the Queensland court system. It is undoubtedly the way forward. We must all become comfortable with it. It is part of the key to increasing accessibility to justice according to law, which is, after all, our fundamental aim.

The QUT <e.law> Moot Court is a significant and exciting addition to this Law School. You boast what I am told is “Australia’s most sophisticated, custom designed electronic courtroom”, and “the largest electronic moot court in the Southern Hemisphere”. No ordinary law school resource! In this moot courtroom, QUT students can be coached not only in advocacy, but in the electronic courtroom procedures of the future. I am told the facility will also be used for practitioners’

continuing legal education. So this moot court is an exciting tool for the transition of legal practice into the digital age.

A degree of under-resourcing in relation to technology converted me, upon appointment as Chief Justice some few years ago, into something of a judicial lobbyist! It was not a role I particularly relished, but executive Government responded, I am pleased to acknowledge, with a substantial allocation of funding which has allowed us to begin developing facilities enjoyed by other court systems, including \$1.2m under the most recent budget. The new developments have included wiring the criminal trial courts in the Brisbane District Court complex to enhance witness evidence; constructing a new video court in Brisbane and enhancing the existing video court; purchasing overdue equipment including conference telephones, document viewers, portable amplifiers; equipping the Court of Appeal for videoconferencing; providing internet access to the Judges, including to Judges' chambers in circuit centres; and the continuing development of an electronic case management system to allow tracking of cases from lodgment to readiness for trial. These are in the most part comparatively basic enhancements. Yet each has had a significant impact in increasing accessibility to justice, and enhancing the courts' effective functioning.

Our spirit is willing, and resources are beginning to flow! Their limitation has in the past encouraged us to be innovative, if not entrepreneurial. One project of which we are particularly proud in that context is the facility, established co-operatively with LawNow, for the online allocation of hearing dates. Enthusiastically embraced by

practitioners, judicial officers and registry staff, it earned a positive mention in the Australian Institute of Judicial Administration's "Technology for Justice 2000 Report" published this year.¹

Other innovative uses of technology in the courts, through related agencies, include the State Reporting Bureau's real-time reporting facility, which provides instantaneous transcript of court proceedings on in-court monitors, capable of annotation by judge and counsel; the Bureau's remote recording and transcription system, allowing proceedings to be recorded in remote centres, transferred digitally to an operational centre elsewhere, transcribed and then returned by modem to the remote centre for distribution; and the Queensland Police Service's capacity to create computerised reproductions of crime scenes, used, for example, to the great aid of the jury hearing the highly publicised trial for the murder of Keyra Steinhardt.

What of the future of technology in our courts? The possibilities, their beneficial outcomes, are exciting. There is a strong emphasis, at least at judicial administrative level, on the ends with technological advance might serve. The AIJA's second "Technology for Justice Project", which culminated in the report I mentioned earlier, reviewed the existing use of information technology in Australian and overseas courts, and promoted, particularly through its "Technology for Justice Conference", which I attended with other representatives of Queensland Courts, development within courts of most beneficial digital systems. Present developments – and those

¹ Leeuwenburg, J and Wallace, A. 2001. *Technology for Justice 2000 Report*. The Australian Institute of Judicial Administration Incorporated, Victoria.

recommended for the future, touch on the broad range of activities daily performed in the courts – from electronic filing of documents, computerised case management and the creation of electronic appeal record books in registries; through provision on the world wide web of a huge range of court-related information and services (the Singapore Courts even provide alternative dispute resolution options online²); to electronic courts such as this moot court, and voice-activated real-time reporting.

Of course these are just some of the vast changes which can be, and no doubt ultimately will be made. Australian courts have to date developed significantly in certain areas, and changed very little in others. They have been influenced by the cost and size of new technologies, as well as their specific jurisdictional needs. And naturally many administrative issues arise. For example, we are regularly reminded of the impact on our profession of globalisation. In introducing measures such as electronic case management and filing, and in increasingly using electronic courtrooms, an important consideration is the interoperability of our own electronic system with those of practitioners and of other courts. To this end, “LegalXML”, or “eXtended Markup Language” is being developed to provide “a commonly agreed set of legal tags, [to] enable data sharing across and between organisations, jurisdiction, even countries.”³ I won’t elaborate further - I am mindful of my speaking in the presence of Ms Allison Stanfield, Principal of <e.law> Australia and consultant for this project, but also the co-convenor of LegalXML Australia!

² *Ibid*, p 24

³ *Ibid*, p 11

The courts of this Law School's students' future will differ dramatically from those in which I first practised, now quite some time ago. The changes will be dramatic, exciting... if expensive! But importantly, for all the change, some critical aspects will remain. Technological enhancement is but a means to fulfilling better our age-old fundamental aim – enhancing the effectiveness and reach of our judicial system, increasing access to justice according to law.

I warmly commend the Law School, the University upon this initiative!