Keynote Opening Speech By the Hon Chief Justice Andrew Li At the Legal IT Conference for Legal Practitioners

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The Court System and Information Technology

Mr President (of the Law Society), Distinguished Guests, Ladies and Gentlemen, I am honoured to be invited to give this opening address. I am delighted to see so many of you from the legal profession. Your presence is a demonstration of the profession's keen interest in keeping pace with technology. For friends from overseas, my warmest welcome to Hong Kong. I hope you can find time, amidst the busy schedule of this Conference, to enjoy our city.

In this era of rapid change, the revolution brought about by the widespread application of information technology will continue to have a tremendous impact in all areas of human endeavour. The 'cyberspace' has given new meaning to geographical boundaries. And e-commerce is going to influence significantly how public and business transactions are being and will be conducted in the future.

The courts and the legal profession will have to continue to adapt to cope with these rapid changes. Apart from the need to face cross-jurisdictional legal issues and resolve disputes over business activities in the virtual world, they will have to address the impact of information technology on their work.

In Hong Kong, the courts and the legal profession are responding positively to these challenges. As far as the courts are concerned, I have set up a Technology Working Group under the chairmanship of a senior judge to oversee the planning for potential applications of information technology in the Judiciary. As to the legal profession, I understand that both the Law Society and the Bar Association have each set up dedicated committees on the use of information technology. The Law Society's Management & Technology Committee holds regular seminars to review the latest trends and examine applications which can assist practitioners in the advancement of their businesses. The Bar Association's Special Committee on Information Technology is set up to deal with information technology requirements and operations of its secretariat and related issues concerning their members.

In the context of rapid global developments in this field, it is important that we do not only focus on our own jurisdiction. We should also follow closely developments both in the region and around the world. This Conference provides a very good learning

opportunity for all of us to share experiences and exchange views. In subsequent sessions, you will be able to hear more about the use of information technology in the Hong Kong legal system from our local speakers. We also look forward to learning more about the best practices and emerging technologies in other jurisdictions from our overseas speakers.

In this address, I shall first speak on the objectives of the Judiciary in the use of information technology. I shall then turn to a number of important issues relating to its successful application.

The Objectives

The starting point must be: technology is there to serve, not to dictate. In the context of the Judiciary, technology should improve access to justice, promote the efficiency of judges and the courts, and strengthen public trust and confidence.

Improve Access to Justice

In a society governed by the rule of law, the legal system must ensure that the citizen has access to justice at reasonable cost and speed. To meet community expectations, the court system must be able to resolve disputes between citizen and citizen and between citizen and State, not only fairly but also economically and expeditiously. Justice which is not affordable or delayed will amount to a denial of justice.

Successful application of information technology can help improve access to justice by improving the efficiency of court procedures and practices, thereby reducing costs and minimizing delays. Information technology can assist the courts in exercising better case management, listing and managing case progress and providing necessary data to enable decisions to be given to ensure disposal of cases without unnecessary delay.

Of course, in order to improve access to justice, information technology will need to be applied within a framework of appropriate and effective court procedures. In this regard, at the Opening of the Legal Year in January 2000, I announced the setting up of a Working Party to review the civil rules and procedures of the High Court and to recommend changes thereto, with a view to improving access to justice at reasonable cost and speed. The Working Party has just published its Interim Report and Consultative Paper and is in the course of consulting the profession and the public. There is no doubt

that the system is in urgent need of reform. There is also no doubt that information technology would play an important role in the reform process.

Enhance Efficiency

Appropriate use of information technology can help the work of judges and facilitate court procedures. The efficiency of court proceedings will be enhanced. The Judiciary, the court users and the public will all benefit as a result.

Let me cite a few examples to illustrate this point. With the use of audio-recording in our courts from which official records are prepared, judges do not need to take detailed notes and any dispute as to what was said can be easily resolved by reference to the audio recordings. Another example is that our judges now have convenient access to extensive legal reference materials through the Judiciary's information system. A further example is that in conjunction with City University, we are now building up a bilingual database of judgments in Chinese and judgments translated into Chinese. When completed, it will provide Judges, at a click of the mouse, with a number of alternative Chinese versions to a legal term, together with the context in which the term has been used in previous judgments. This device will greatly assist our bilingual judges in discharging their judicial duties under a judicial system where both English and Chinese are official languages.

Strengthen Public Trust and Confidence

The mission of our Judiciary is to maintain an independent and competent judicial system which upholds the rule of law, safeguards the rights and freedoms of the individual, and commands domestic and international confidence.

Justice needs to be done and justice needs to be seen to be done. Open justice is a fundamental feature of our system. Court lists are readily accessible from the Judiciary website. To maintain and strengthen public confidence, it is important that the public has easy and convenient access to judgments of the courts. For this purpose, we have made court judgments available on our website and both local and overseas viewers now have easy access to them.

Successful Application

To meet our objectives, we need to adopt a prudent and progressive approach in developing the application of information technology in the Judiciary.

Management of change

First and foremost, we need to bear in mind that introducing information technology is not only about building the hardware and installing the software. It is also about changing the mindset, habits and behaviour of those using it or whose work will be affected by it. It is important for judges to appreciate how information technology can assist them in their work and that the technology is now user friendly. It is also important to let administrative staff in the courts know how information technology can enable them to perform their duties and serve the court users better.

Need to be Prudent

Secondly, we need to be prudent in planning and implementing information technology projects in the courts. Those who have experience in implementing large information technology projects will agree that such projects can go wrong on a number of counts. For instance, the user requirements have not been communicated properly to the system designers, (who may have no previous exposure at all to the field concerned), resulting in systems not being able to fulfil its declared capabilities. Moreover, the investment in information systems is a substantial one. With rapid advances in the industry, systems can in extreme cases become outdated soon after they are built. It is therefore important to evaluate the demand carefully instead of treating them as 'nice-to-have' items.

To deal with these problems, we believe that it is prudent to adopt a phased and incremental approach in implementing large scale information technology in the Judiciary. We need to plan in a comprehensive and systematic manner. But at the same time, we need to allow considerable flexibility for on-going adjustments, refinements and enhancements.

On the subject of implementation, undertaking pilot projects in a useful approach. For example, we are adopting this approach in experimenting with electronic filing of documents and in developing our Technology Court.

Co-ordinated Approach in Planning and Implementation

Thirdly, I believe that the implementation of information technology system in the courts must rely on the concerted efforts of judges, judiciary administrators, court users, system developers and information technology experts. Judges should be involved at an early stage, better still taking the lead, so that the system introduced will suit their needs. Judiciary administrators should be responsible for drawing up detailed system specifications to ensure that the functions of the system will reflect the actual operations of the courts.

Court users, in particular the legal profession, play an important role in the administration of justice. If the use of information technology in the court process is to be successful, the understanding, co-operation and support of the profession is of paramount importance. For example, where the parties and the courts have to exchange data and information, it is important to develop compatible formats and platforms.

Systems developers and information technology experts should present viable and cost-effective technological solutions to identified issues. They should also present judges and administrators with prototypes and obtain feedback before launching into full-scale implementation of any systems.

Training and Development of Judges and Court Staff

Fourthly, the effective implementation of information technology system must be underpinned by well-considered and well-organized training programmes for judges and court staff.

As far as judges are concerned, our Judicial Studies Board has identified information technology training as one of the core elements in our training programmes. And we regard as equally important that such training be provided to our supporting staff.

Cross-fertilization with Other Jurisdictions

Last but not least, with the development of the global economy and the borderless nature of information technology, it is important that we should look beyond our own jurisdiction and learn from experiences in other jurisdictions.

This Conference represents the efforts of the legal professions in Asia in pursuit of the common mission of promoting application of information technology for legal practitioners and the courts. I am delighted to see it held in Hong Kong. The scale and mix of participation that I see today should facilitate useful exchanges of views and experiences, resulting in fruitful cross-fertilization.

Conclusion

The courts are constantly facing rising expectation of the community. The ultimate aim in the application of information technology in the court system is to serve our court users and the community better. I am sure there will be fruitful and constructive discussions on how this can and should be achieved in the subsequent sessions of this Conference.

With these remarks, it gives me the greatest pleasure in declaring the 'Legal IT Conference for Legal Practitioners' open. Thank you.

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