

DIGITAL CONFERENCING IN JUDICIAL ADMINISTRATION

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WITH THE THEME:

**INFORMATION AND COMMUNICATION TECHNOLOGY AS A CATALYST FOR
BETTER JUSTICE DELIVERY**

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1. Introduction

1.1. Background

An independent, effective, just and efficient judicial system that fosters respect for the rule of law is indispensable in a truly democratic system. Modernisation and improved efficiency of the court systems are paramount in order to ensure a high degree of protection of individual rights and therefore increase citizens' faith and confidence in the State. In order to bring about reforms in the judiciary to remove the archaic procedures and outmoded administrative and management systems, information and communications technology systems are of absolute necessity.

Computerization of the judiciary is one of the important ingredients of judicial reforms. Technological Developments in the field of information and communication technology have brought a turning point in the history of human civilization. It has brought about numerous changes and innovations in all fields of

human activity. It has resulted in enhanced efficiency, productivity and quality of output in every walk of life. There is an immediate need for exposing the judiciary to the numerous benefits of utilising information and communication technology (ICT) in judicial administration, to enable the Judiciary fulfil its constitutional role of justice delivery to all without fear, favour or discrimination.

1.2. JUDICIAL INFORMATION TECHNOLOGY POLICY OF THE NIGERIAN JUDICIARY (JITPO)

In 2012, the Nigerian Judiciary scored a major milestone when it approved a Judicial Information Technology Policy and also set up the Judicial Information Technology Policy Committee, with a Chairman well-qualified in all the competencies required for the revolutionary exercise.

One of the main objectives of the policy, in addition to being a guide towards the effective use of information technology in the Judiciary, is to "speed up the judicial process by making use of appropriate technologies for effective justice delivery."

Essentially, that is why, I believe, this National Workshop for Information and Communication Technology Staff in the Judiciary is being organised by the National Judicial Institute with the appropriate theme: *“Information and Communication Technology as a Catalyst for Better Justice Delivery.”* By extension, equally, that is why this topic of “Digital Conferencing in Judicial Administration” is very relevant at this stage of development of ICT in the Nigerian Judiciary. Among all the different aspects of Digital Conferencing, Video Conferencing is the most significant for the Judiciary than any other. Therefore, the presentation will focus on Video Conferencing in Judicial Administration.

2. Definition and History of Video Conferencing

2.1. What is Video Conferencing?

Video conferencing was created for a very simple reason: to make face-to-face business meetings possible even when people aren't actually face to face. And the idea is incredibly innovative. We're more productive when we look each other in the eye. We communicate more naturally, and we collaborate more effectively. So video conferencing was born in the hopes of making the value of face-to-face communication commonplace and ubiquitously accessible.

When video conferencing first came on the commercial scene in the 1980s, a number of companies were understandably excited about the opportunity to dominate the landscape. But technology back then was not as advanced as it is today. The solutions brought to market by most competitors were heavy and complex hardware systems, designed to be implemented within a single special conference room or board room.

Naturally, these systems were outrageously expensive, and they required expert assistance and ongoing management by specialized IT teams. The result was that only a fraction of conference rooms in the world, belonging to businesses with massive budgets, were actually equipped to handle video conferencing during meetings. And even for those companies, the necessity of engaging IT every time you wanted to hold a video conference quickly became a hassle.

Fast forward a few years, and web conferencing entered the picture. Web conferencing seemed, for a time, to be the answer to clearing the video barrier. It was more accessible, more affordable to implement, less resource-intensive, and somewhat easier to deploy and use. But even as web conferencing became an acceptable platform on laptops (and eventually smartphones) because of its interoperability between devices, it quickly became obvious that this type of

video connection was better suited for a conversation between two people and *not* for a meeting—let alone a conference room.

Video conferencing today is not what it used to be. The days of poor connectivity, bad audio, unclear images, and poor or cumbersome camera placement are over. Today's high-quality solutions offer seamless connectivity, crystal clear audio, HD resolution, full content sharing, and automated cameras that locate and frame all participants. Today's technology is vastly different and better than that of a few years ago, when video conferencing was at its infancy.

2.2. How video conferencing evolved

Video conferencing tools, in the past, came with a big price tag. However, with new, easy-to-use, cloud-based video conferencing tools, the dedicated technology needed to keep those legacy systems up and running, have been made obsolete.

This new set of solutions offer some great benefits, such as:

- Modern hardware that is easy to setup and maintain - no longer needing specialized IT knowledge to operate.
- Cloud-based video conferencing which uses the same high-speed Internet connections already in use in most workplaces to provide high-quality video and audio.
- New systems which leverage technology such as Wifi, tablets and smartphones to further untether video conferencing from fixed locations.
- Improved user interfaces that make jumping between screen shares and participants faces more intuitive.

2.3. Examining the value of video conferencing

Many global businesses have discovered that video conferencing helps foster creativity, improve rapport, build trust and encourage dialogue among team members. It also makes remote brainstorming sessions, check-ins and strategy discussions easier and more personable than they would be over a conference call. Not only can a video conferencing tool contribute to a healthy corporate

culture, but today's tools are also more convenient and can increase the efficiency of workers who already have a full plate.

2.3.1. Applications within the modern workplace

It's hard to deny that video conferencing will be a part of the big, digital future. From interviewing a new teammate in another country, to drawing up blueprints in real-time with several associates across the country, these platforms offer face-to-face time that can keep growing businesses on the move. Other potential uses include:

2.3.1.1. Meetings:

Video conferencing makes meetings livelier. Both internal and external meetings feel more personable with team members seeing one another face to face.

2.3.1.2. Training sessions:

Training a team spread out over several locations can be a challenge over the phone. Youtube videos may be helpful, but a viewer can't stop the instructor to

ask a question. Team training via a video conference puts all the key players in the same place at the same time.

2.3.1.3. Online collaboration:

Need a five-hour coffee-fueled brainstorm session with the entire team? Or maybe just a quick screen share with a colleague? Video conferencing is adaptable to both and everything in between.

2.3.1.4. Recruitment:

In our highly mobile culture, many traditional practices are fading, but most recruiters still don't feel 100% comfortable with a candidate until they can look them in the eye. Video conferencing bridges that gap.

2.3.1.5. Always-on portals:

Video portals allow global companies to link workers in their various offices and foster ongoing collaboration.

2.4. Video conferencing across different sectors

It's not complicated. We are in a rapidly growing and mobile society, but we still crave face-to-face contact with our colleagues, coworkers and friends. Video conferencing meets that need.

Historically, buying a video conferencing setup simply wasn't in the cards for most small businesses and startups. Today, revolutionary products are rewriting the rules for countless businesses across the globe because they offer the capability to engage in face-to-face conversation affordably and simply. Hence its use across different sectors, e.g. education, medicine, business, government, etc.

2.4.1. Distance Education

Around the world, video conferencing technology enables students to attend classes remotely. Some colleges and universities offer full degree programs completely online. This offers greater flexibility to students and professors. Students and lecturers can meet individually through video conferencing and lecturers can hold classes online. Students with video cameras can see the professors and other students equipped with similar video equipment.

2.4.2. Medical Field

Professionals in the medical field can utilize video conferencing technology to communicate with each other. Doctors can consult with specialists regarding specific treatment options. They can send a patient to see a specialist for a specific illness and the specialist can virtually meet with the referring doctor to discuss the test results and discuss potential treatment options. Internationally, video conferencing use entails treating patients abroad and consulting with medical professionals in other locations.

2.4.3. Business

Often business professionals have to travel long distances to meet with customers, colleagues or partners. Video conferencing allows them to meet virtually. Employees can work from home or at any other location with an internet connection and attend meetings through video conferencing. Lawyers can use video conferencing to conduct meetings as well.

2.4.4. Government

Government agencies use video conferencing in different ways, such as training employees, conducting meetings and conducting employee appraisals. Courts use the technology to cut travel time for court attendees.

3. Video Conferencing in Judicial Administration

3.1. Video Conferencing utility under JITPO

The Judicial IT Policy (JITPO) has not only endorsed the use of Video Conferencing, but has clearly laid down guidelines for its application to the Nigerian Courts. It provides as follows:

“The use of video-conferencing technology is greatly encouraged in the Judiciary. Video-conferencing can be used to connect people in different physical locations especially for critical meetings and discussions. Videoconferencing systems can also be used to enable testifying witnesses appear in court without having to travel to the courtroom. Expert witnesses, prisoners, and various other witnesses can provide the same testimonies from remote locations. From the prison,

prisoners will see and hear everything that takes place in the courtroom and will be able to answer questions posed to them by the judges and lawyers.”

3.2. Benefits of Video Conferencing identified in JITPO

“Videoconferencing in the court system offers significant cost savings and improved security by reducing the need for high-security prisoner transport. The entire courtroom experience will be made shorter, safer and more cost-effective.”

3.3. Acquisition of Video Conferencing Tools under JITPO

“Caution should be exercised in the selection of appropriate Videoconferencing technology in terms of cost, compatibility and security. The ICT department should do a thorough requirement analysis and business case before the final adoption of a particular Videoconferencing technology.”

3.4. General Uses and Benefits of Video Conferencing

Apart from the uses and benefits mentioned in JITPO, there are other instances in Judicial Administration where Video Conference technology presents a huge option for speedy, effective and efficient administration of justice. Such instances in both criminal and civil cases are discussed below:

3.4.1. Fingerprint and Chemistry Experts

In many criminal cases it is necessary to have testimony from fingerprint or chemistry experts usually stationed in major cities. They are usually assigned to numerous cases across cities and are often requested to testify at short notice in different places, sometimes on the same day. Often, a trial somewhere may have to be postponed because the expert must testify in another town. If, however, video conferencing were used, the expert could work in the laboratory until needed to appear on the screen in either of the two towns. The savings in time for many people, namely the presiding officer, legal representative and witness – and the improvement of the trial calendar are obvious advantages in this situation. With real-time reporting, expert witnesses can respond instantaneously in several courts across the country.

Again, the availability to experts of their own laboratory equipment, which may be immovable or transported only at great cost, may also be most helpful in clarifying their testimony.

3.4.2. Bail and Remand Hearings

Yet another area of criminal practice that requires video conference technology is bail and remand hearings, conducted through links between prisons and courts.

3.4.3. Child Witnesses, and others

A third instance of the use of video conferencing in court proceeding is to enable child witnesses, vulnerable and intimidated witnesses, or witnesses outside the country, to give evidence remotely.

4. Sample Court Rule for Video Conferencing

I have reproduced below a Canadian rule of court to show the sample wordings of the enabling rule to authorise video conferencing.

The Ontario Rules of Civil Procedure allow for witnesses in civil trials to testify remotely using videoconference technology. **Rule 1.08** of the ***Ontario Rules of Civil Procedure*** provides that *a witness's oral evidence at trial may be received by videoconference if the parties consent; and that in the absence of consent, evidence may be received by videoconference upon motion or on the court's own initiative. The receipt of evidence through videoconference is subject to the discretion of the court.*

The court, in exercising its discretion, takes the following factors into account, namely:

- the general principle that evidence and argument should be presented orally in open court;
- the importance of the evidence to the determination of the issues in the case;
- the effect of the videoconference on the court's ability to make findings, including determinations about the credibility of witnesses;

- the importance in the circumstances of the case of observing the demeanour of a witness;
- whether a party, witness or legal representative for a party is unable to attend because of infirmity, illness, or any other reason;
- the balance of convenience between the party wishing the videoconference and the party or parties opposing; and
- any other relevant matter.

5. Conclusion

In stressing the importance of information and communication technology in changing times, Prime Minister Narendra Modi of India said recently that courts could use video conferencing to communicate with government officials instead of summoning them to appear in court, saving time and money.

“I urge those involved with the start up sector to innovate on aspects where technology can help the judiciary. Earlier, advocates after going through a file had to search for relevant judgments for hours but now one can find it on the Internet in a matter of minutes. Video conferencing facility in jails will also save a lot of time and money,” he said.

The Prime Minister was speaking at the closing ceremony of the sesquicentennial celebrations of Allahabad High Court.

Also in India, the Supreme Court has asked lower courts to use video-conferencing facility in divorce, custody and other matrimonial cases when the estranged couple live in different cities, an order aimed at speedy disposal of such disputes. Judicial process in India is painfully slow as courts are saddled with a huge backlog. At the last count, around 28 million cases were pending in various courts of the country.

We all know the maxim, “justice delayed is justice denied.” Especially in the Nigerian criminal administration system, where 73% of prisoners are awaiting trial inmates, If we do not fully embrace technology to drive processes in the judiciary, we shall inadvertently be delaying justice to the point of injustice in many areas of service delivery in the judiciary. Video Conferencing obviously is one tool that will enable us leapfrog rapidly to our goal of accelerated justice delivery in Nigeria.

Acknowledgement

1. F. Weber 'Complying with the confrontation clause in the twenty-first century: Guidance for courts and legislatures considering videoconference testimony provisions' *Temple Law Review* Fall 2013 vol 86(1) at 151).
2. Richard Susskind OBE. *The End of Lawyers?: Rethinking the Nature of Legal Services*
3. Susskind, Richard. *Tomorrow's Lawyers: An Introduction to Your Future* (p. 101). Oxford University Press.
4. *A New Lens: Reframing the Conversation about the Use of Video Conferencing in Civil Trials in Ontario* by AMY SALYZYN
5. *INFORMATION TECHNOLOGY POLICY OF THE NIGERIAN JUDICIARY (JITPO)*