ROADMAP FOR EFFECTIVE AUTOMATION OF COURT PROCESSES

A paper delivered at a workshop for Area / Sharia / Customary Court Judges titled ***"Improving the Quality of Justice Delivery in the Lower Courts"*** held at

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1.0 Introduction

The Constitution vests the judicial authority of the state in the courts and provides for their independence in making decisions. Courts are important because they help protect our constitutional rights to equal protection and due process under the law. Courts provide a forum to resolve disputes and enforce laws in a fair and rational manner. Anyone living in a society governed by the rule of law must follow the legal process when it comes to dispute resolution.

Digital transformation is affecting all aspects of our societies and economies. Citizens and businesses of all sizes are now more than ever, relying on information technologies to access and provide services. While there are many government sectors that have already begun to adopt technology, justice systems in Nigeria have not kept pace with changing ways of delivering services and meeting citizen expectations. Considering the many challenges around the delivery of and access to justice that many societies face nowadays, the time has come for the justice sector to undertake the digital transformation that has brought so many benefits to other sectors.

1.1 The need for Improved Quality of Justice Delivery

According to Carla and Vanderbilt (1978) "*For courts to continue to be able to meet the needs of the times, it is essential that the bench, the bar, legislative leaders, educators, and interested members of the public review and reconsider the work of the courts on a continuous basis and originate suggestions for improving the administration of justice.*"

Service quality is one of the most important competitive factors in today's rapid evolving business landscape. Users of services judge the quality of services

according to two criteria: firstly whether services assist them to achieve the outcomes they aspire to and secondly whether services are delivered in ways which empower them. If quality management is approached as with the right perspective, public institutions will realize that evaluation should be based on public expectations of the justice system, if they aim to become institutions that are truly responsive to people's needs.

2.0 AUTOMATION OF COURT PROCESSES

Most Courts have multiple line-of-business systems that do not necessarily talk to one another, leading to systems in various silos that can make it difficult for registrars and legal practitioners to bring together the right information, when they need it. This creates problems in the day-to-day running of the Court. Duplicate data entry where Litigation Registrars have to input the same data into more than one system, remains widespread. This wastes valuable time and can lead to over-complicated workflows and data inconsistencies.

Fortunately, technology has now caught up with the needs of Courts. A combination of right Information Technology infrastructure, tools and new platforms offering flexible workflow customization, means that our Courts can transform court processes experience with improved access to information and guarantee efficient process management.

2.1 Business Process Reengineering for Nigeria Courts System

The aims of most organizations are to grow with high performance, achieve excellent work, minimizing the cost of services and products, and add value to the customer through good understanding about their requirements. Consequently, they need to be efficiently and continually redesigned in a world of new technology,

changes, and strong competitors and redesigned to actualize strategic and operational success.

BPR is defined as “a fundamental rethinking and radical redesign of business processes to achieve substantial improvements in all performance metrics such as cost, speed, quality, and service.” Although a lot of organizations embraced the concept of BPR programs, only a few of them succeed, while the other fail with a high failure rate

Many unsuccessful Business Process Reengineering (BPR) attempts in the courts today may have been due to the confusion surrounding BPR, and how it should be performed. Organizations were well aware that changes needed to be made, but did not know which areas to change or how to change them.

To reap lasting benefits, Courts must be willing to examine how strategy and reengineering complement each other by learning to quantify strategy in terms of cost, milestones, and timetables, by accepting ownership of the strategy throughout the organization.

2.11 Key Success Factors for Business Process Reengineering

1. Formulate Organization ICT Strategic Plan
2. Constitute ICT Project Steering Committee
3. Engage Competent ICT Firm and Court Employees
4. Analyze Current Processes of the Court
5. Acquire the Right Infrastructure
6. Automate the Process with Cost Effective Tools
7. Have a Change and Adoption Plan
8. Implement Rollout in Phases
9. Continuous Process Engineering and Improvement

1. Formulate Organization ICT Strategic Plan

Every court must developed a well thought out ICT Strategic Plan. ICT strategies must reflect the Court objectives and technology requirements of your stakeholders (Lawyers and Litigants) to meet the needs of the society. A well formulated and implemented, ICT strategic planning provides three important benefits.

- It aligns technology with your court goals, enabling a contribution to your organization's strategic objectives.
- It enables ICT systems to be fully integrated across each department, which in turn allows for organization-wide management of your ICT environment. The needs of your litigation world are fully considered and satisfied.
- It builds a strong relationship between the Court and ICT departments, which secures commitment to the ICT strategy since all key stakeholders are involved in the process.

2. Constitute ICT Project Steering Committee

For successfully implementing the ICT Strategic Action Plans an important prerequisite is the presence of the appropriate oversight and management committee that are able to engage the high-level political and administrative leadership of the Court and garner support from stakeholders from the respective Institutional areas. Once organization-wide commitment has been secured from all departments involved in the reengineering effort and at different levels, the critical step of selecting a BPR team must be taken. This team will form the nucleus of the BPR effort, make key decisions and recommendations, and help communicate the details and benefits of the BPR program to the entire organization.

3. Engage Competent ICT Firm and Court Employees

For the BPR process to succeed, competent and reputable technology and service companies must be engaged to carry out the automation process. This will ensure that the strategic vision of the Court is not derailed. The Company could also assist in providing advisory notes on skill requirements for the ICT employees to be recruited by the court.

4. Analyze Current Processes of the Court

Another important factor in the success of any BPR effort is performing a thorough business needs analysis. Too often, BPR teams jump directly into the technology without first assessing the current processes of the organization and determining what exactly needs reengineering. In this analysis phase, a series of sessions should be held with process owners and stakeholders, regarding the need and strategy for BPR. These sessions build a consensus as to the vision of the ideal business process. They help identify essential goals for BPR within each department and then collectively define objectives for how the project will affect each work group or department on individual basis and the business organization as a whole. Results of these meetings will help formulate the basic plan for the project.

5. Acquire the Right ICT Infrastructure

Many researchers and practitioners have increasingly considered factors related to ICT infrastructure as a vital component of successful BPR efforts. Effective alignment of ICT infrastructure and BPR strategy, building an effective adequate ICT infrastructure, adequate measurement of ICT infrastructure effectiveness and effective use of software tools are a few of the most important factors that contribute to the success of BPR projects.

Key ICT Infrastructure for BPR Process are as follows

- Provision of Standard ICT Server Room
- A High End Server with a robust operating system that enabled each user to securely connect to the server,
- Provision of High End Routers to interconnect the server to various desktop systems in the Offices and provide security.
- Building of a Standard Local Area Network (LAN) with CAT-6A cables
- Implementation of Wireless Access Points for Entire Court Complex to cater for Mobile Device Users
- Provision of High Quality Desktop with Standardized Operating System (e.g. Windows 10 Professional) which can connect to the network
- Provision of High Speed Internet Bandwidth Service with a bandwidth management service to prevent unauthorized streaming
- User Identification and Network Security of the Local Area Network
- Implementing a Robust State of the Art Security Software – Antivirus, Firewalls, Intrusion Prevention System, and Intrusion Detection System among many others.
- Procurement of Licensed Document Processing Software e.g. Microsoft Office 2016, Adobe Professional.
- Procurement of High End Scanners for Document Scanning and Conversion for Soft Copy leading to Electronic Document Management System.
- Procurement of Computer Accessories to support the Business Process Engineering Drive (e.g. DVD, Flash Drives, External Hard Drives, External DVD Rewriters etc.)
- Provision of Robust Database Information System e.g., Microsoft SQL Server, MongoDB, Firebase

6. Automate the Process with Cost Effective Tools

Business process automation is the use of technology to execute recurring tasks or processes in a business where manual effort can be replaced. It is done to achieve cost minimization, greater efficiency, and streamlined processes. Business process automation is the known way to implement processes in an organization through the following activities:

- Use of specific technologies
- Integration of data and systems
- Control of Workflow
- Tasks distribution
- Real time monitoring

Within Business Process Management, automated business processes are managed collectively to improve an organization's overall workflow in terms of achieving greater efficiency, adapting to changing business needs, reducing human error and clarifying job roles and responsibilities. Efforts must be made however to ensure that cost effective tools are implemented in the automation drive. This will ensure that the court does not incur huge cost of projects that expensive to maintain thereby leading to its abandonment.

As the BPR project covers the operations of the entire Court System and involves every strata of management, i.e. from top management to the grassroots-level employees, its project management has to be different and has to be carried out in such a way that the project objectives are achieved within the budget and schedule constraints. If required, the BPR project should also consider inputs from vendors and service providers.

Some of the Key Business Processes of the Court to be automated are

- Electronic Filling System
- Court Cases Management System
- Electronic Document Management System
- Court Proceedings Audio Visual Recording System
- Court Proceedings Transcription Services
- Cause List Display System, Calendaring and Scheduling
- Evidence and Media Presentation System
- Video Conferencing
- Court Administrative Functions
    - Enterprise Human Resource Information System
    - Payroll Information System
    - Staff Pension Information System
    - Stock Inventory Control System
    - Accounting Software
    - Library Information System
    - Court Website Development for Public Access
    - Official Email for Correspondences to the Court

7. Have a Change and Adoption Plan

Change management is the discipline of managing change as a process, with due consideration that employees are people, not programmable machines. Change is implicitly driven by motivation which is fueled by the recognition of the need for change. It is a well-known fact that organizations do not change unless people change; the better change is managed, the less painful the transition is. One of the most overlooked obstacles to successful BPR project implementation is resistance from those whom implementers believe will benefit the most. Most projects underestimate the cultural effect of major process and structural change and as a result, do not achieve the full potential of their

change effort. Many people fail to understand that change is not an event, but rather a management technique.

BPR is not a recipe for successful business transformation if it focuses on only computer technology and process redesign. In fact, many BPR projects have failed because they did not recognize the importance of the human element in implementing BPR. Understanding the people in organizations, the current company culture, motivation, leadership, and past performance is essential to realization of BPR Goals.

It is important to coach every staff such that they become well-versed with the new tool. Also, educate them about the fundamentals of the platform, the rationale behind the implementation of automation and the desired outcome.

8. Implement Rollout in Phases

The purpose of the Rollout Planning and Preparation Phase is to begin all preparation activities necessary for rolling out the new system to the end users and to the production environment. This phase is performed to ensure that the rollout of the new system will proceed smoothly and on schedule. Phased rollout is a hardware or software migration method that involves incremental implementation of a new system. A phased migration might be conducted either by implementing the entire new system in some locations or business units or by implementing separate modules of the system independently until the implementation is complete.

Because everything is not rolled out at once, the organization does not have to deal with all the potential implementation issues at the same time. Furthermore, information learned from early implementation stages can be applied to guide the rest of the process, so that there are fewer issues as the implementation continues. A phased rollout also allows users to adjust to the new system gradually.

9. Continuous Process Engineering and Improvement

BPR is a successive and ongoing process and should be regarded as an improvement strategy that enables an organization to make the move from traditional functional orientation to one that aligns with strategic business processes. It is essential that the automation infrastructure of the BPR activity provides for performance measurements in order to support continuous improvements.

The Following Key points are important

- It is essential that the automation infrastructure of the BPR activity provides for performance measurements in order to support continuous improvements.
- To ensure that the process generates the desired benefits, it must be tested before it is deployed to the end users. If it does not perform satisfactorily, more time should be taken to modify the process until it does.
- A fundamental concept for quality practitioners is the use of feedback loops at every step of the process and an environment that encourages constant evaluation of results and individual efforts to improve.
- At the end user's level, there must be a proactive feedback mechanism that provides for and facilitates resolutions of problems and issues. This will also contribute to a continuous risk assessment and evaluation which are needed throughout the implementation process to deal with any risks at their initial state and to ensure the success of the reengineering efforts.
- Anticipating and planning for risk handling is important for dealing effectively with any risk when it first occurs and as early as possible in the BPR process. It is interesting that many of the successful applications of reengineering described by its proponents are in organizations practicing continuous improvement programs. It will need to efficiently capture appropriate data and allow access to appropriate individuals.

Benefits of reengineering of a Business Process:

(i) Reengineering encourages Courts to abandon conventional approaches to problem solving and to revolutionize the way things are done

(ii) The slow, cautious process of incremental improvements leaves many Courts unprepared to compete in today's rapidly changing market place. Reengineering helps Court make noticeable changes in the pace and quality of their response to public needs (i.e. break-through improvements).

(iii) The major accomplishment of the reengineering effort is the change that occurs in the corporate culture and the basic principles by which departments operate. Workers at all levels are encouraged to make suggestions for improvement and to believe that management will listen to what they have to say. Reengineering will eventually help the culture in the Courts to evolve from an insular one to one that accepts change and knows how to deal with it.

(iv) Reengineering facilitate the automation of a lot of repetitive elements within regular workflows. Process improvements like removal of bottlenecks, introduction of parallel processing, and elimination of redundant steps can easily be achieved. This improvement will allow employees to spend more time on other activities since the main support functions would have been handled. This translates into increased productivity and reduced waste

(v) Reengineering has helped create more challenging and more rewarding jobs with broader responsibilities for employees (job redesign).

(vi) By reengineering, Courts can achieve radical changes in performance (as measured by cost, cycle time, service and quality).

Conclusion

Court systems stand on the threshold of a new era. Rapid advancements in technology and declining costs promise to make courtrooms more efficient and more importantly, allow courts to access and exchange information in a timely and accurate manner.

Court systems must incorporate new ways to conduct business to control costs and to maintain effectiveness while responding to these new external pressures. Courts must also evolve to accommodate growing internal pressures caused by heavier court calendars, increased paper flow, shrinking storage space and budget cuts that could reduce personnel and limit the courts' ability to respond to growing demands.

The time has come for court jurisdictions that have not upgraded to some form of automation to do so.

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