

"THE PAPERLESS COURT"

Electronic Data Interchange in the Victorian Magistrates' Court



by *Kevin Phelan*

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No doubt you have often heard the term "paperless court" and perhaps wondered whether such a thing is possible. Electronic Data Interchange (EDI) is a step towards this concept as it will allow solicitors to electronically file documents with the court without lodging pieces of paper.

What is EDI?

EDI is the paperless transmission of business data between trading partners via computer/communication links in an agreed standard format. EDI is no stranger to the business community as it is well established in many industries including automotive, transport, retail, communications and Commonwealth and State government. The Victorian Department of Justice has now developed a world first: commencement of legal proceedings via EDI.

An EDI Steering Committee has been in place since March, 1992 to oversee this development. The committee is chaired by the Chief Magistrate of Victoria, Nick Papas, and is attended by representatives of the Law Institute of Victoria, Courts Management and the Information Systems Branch. In June, 1992 the Steering Committee commissioned a survey of law firms which provided valuable information to assist in deciding the direction for EDI.

How does it work?

This technology has many possible applications in the Department of Justice and the legal profession including the provision of electronic mail between solicitors and courts as well as electronic lodgement of documents. The current plan is to implement EDI in the Magis-

trates Court civil jurisdiction first and then introduce it to other jurisdictions.

Under the manual system a solicitor's data entry person keys information into a computer to print a document. This document is lodged with the court and entered onto the court computer by court staff. In the case of civil complaints, copies are returned to the solicitor for service. This process involves a delay of at least three to four days and time is wasted through "double-keying". EDI means that the solicitor's computer transmits data directly onto the court computer overnight with no paper

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changing hands and no re-keying required. The solicitor receives a return message containing the court case number and the date of filing. The complaint can then be printed at the solicitor's office and given directly to the process server for service.

Payment of court fees for EDI complaints is via a "direct debit" arrangement. When subscribing to the EDI service the law firm provides an account number and an authorisation for the Department of Justice to draw upon the account. Court fees for EDI transactions are automatically withdrawn from this account by the department's bank.

Changes to the Rules

The Magistrates Court Civil Procedure (EDI) Rules 1992 came into effect on 1 April, 1993. These Rules provide for all complaints to be validated by the presence of the court case number and the date of filing and there is no longer a requirement for the court seal or the signature of the Registrar.

EDI transmits the details which form the basis of the complaint (party names and addresses, amount and nature of claim and date and place claim arose). Solicitors using EDI are required to attach any other necessary documentation (such as a full statement of the particulars of the claim) to the complaint after it has been printed in their office. A copy of the complaint must be retained and filed at the court if requested.

Pilot Sites

Four law firms were selected by the steering committee to take part in a pilot scheme to test and evaluate EDI. These firms were Fitzgeralds Pty, Fijalski & Associates, Corrs Chambers Westgarth and Read Kelly & Associates, and the pilot scheme involving the first two firms began in August, 1993. Corrs and Read Kelly will be the pilot sites for a stand-alone PC version of the system which was installed in March, 1994. After establishing that the system caters to the requirements of law firms, the software will be made generally available.

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Advantages of the EDI include:

- * No keying of case details by court staff;
- * No court attendance time or postage costs for practitioners;
- * Complaints are issued overnight rather than taking one to two weeks;
- * No preparation, receipting or reconciliations of cheques or duty stamps;
- * Better defined and consistent rules as to what information is

necessary to avoid complaints being rejected;

- * Practitioners deal with one central location rather than many courts across the State;
- * The process of issuing a complaint (including payment of court fees) is entirely paperless;
- * Re-scheduling of computer processing load from peak hours to after hours.
- * No paper file is held at court. If a copy of the complaint is required (only 10 per cent of cases) it is

provided to the court by the solicitor.

During the first seven months of operation nearly 6000 complaints were issued via EDI. This volume represents approximately 10 per cent of the Magistrates Court Civil workload for Victoria. In the medium to long term it is expected that at least 50 per cent of the Civil issues workload will be processed via EDI providing mutual cost savings and productivity gains.

Some comments from the law firms using EDI include:

"Fantastic in every way. With overnight turnaround it is so much quicker ..."

"... we are very pleased with its introduction and have nothing but praise for its speed and efficiency."

"There is no more cheque writing and reconciliation."

"... the volume of paperwork has diminished significantly".

At this stage, it is expected that solicitors will have a choice of software options offering varying degrees of sophistication and ranging in price from around \$1000 to \$5000.

The \$1000 option would be a basic stand-alone PC package which can transmit Magistrates Court complaints only, while the \$5000 option would be a more powerful package enabling Electronic Trading of any document with any EDI capable user on any network. Generally, the hardware required to run any of these packages is an IBM compatible 386 PC and a 2400 bps modem.

Any comments or queries regarding EDI should be directed to:

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(AIJA News April 1994)