



Launch of *E-Litigation* by Allison Stanfield

**6.00pm Tuesday 11 November 2003
Banco Court**

Chief Justice Paul de Jersey AC

In the not-too-distant past, anyone using the term “E-Litigation” would probably have been met with confused stares. Given that even the concept of receiving evidence by telephone was considered extraordinary, to suggest that an entire trial could be conducted from start to finish without a scrap of paper would have beggared belief. Even today, many of us regard technology as something to be avoided, rather than embraced. John Stuart Mill perhaps put this attitude at its most pessimistic: “It is questionable if all the mechanical inventions yet made have lightened the day’s toil of any human being.”

Yet that conception of technology could not be further from the truth. In his book *Infinite in All Directions*, physicist Freeman Dyson puts it a far better way: “Technology is a gift of God. After the gift of life it is perhaps the greatest of God’s gifts. It is the mother of civilizations, of arts and of sciences.” Perhaps Dyson is extravagant in his praise, but there is no doubt that we can harness technology to enhance the everyday work we do.

Allison Stanfield is acutely aware of that truth, and I’m sure she would loudly echo those sentiments. It is my pleasure to welcome her back to the Queensland courts, following a period as the Registrar of the Court of Appeal in 1996 and 1997. During her time in that role, she was instrumental in developing the Court



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of Appeal's case management system, and was involved in various other IT initiatives through the courts, including a pilot electronic filing system with Legal Aid. In 1998, Allison also co-authored a report to the Council of Chief Justices on Electronic Appeals, a report whose recommendations were all thoroughly endorsed by the Council. Since that time, through her work with the ubiquitous e-law company, Allison has been a pioneer on the national stage in bringing technology to the legal profession (or possibly more accurately, dragging an often-reluctant legal profession to technology).

The work we gather tonight to launch, *E-Litigation*, is her latest venture. E-law's catchphrase is "your gateway to technology," and that perfectly summarises the book. As well as being a hands-on, how-to guide to all things "E", it is an impressively accessible means by which to appreciate technology's impact on our legal lives. Justice Clifford Einstein, from the New South Wales Supreme Court, highlights that impact in a quote found in the book:

"In precisely the same way as technology is now in common use as an everyday tool in almost any aspect of most disciplines, in commercial life as well as in government, use of technology to achieve necessary efficiencies in relation to litigation is not only highly desirable but sometimes absolutely essential."

The book focuses attention on the efforts of courts around Australia (and, indeed, internationally) to incorporate technological advances. The courts of Queensland are eager in that regard, and the *Emmanuel* litigation in this courtroom over the last two years exemplified that. Then, in addition, there are more everyday applications, such as the electronic allocation of trial dates.



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Much, of course, remains to be done in terms of cementing the use of technology in Queensland courts. In the forthcoming Supreme Court Annual Report, I draw attention to funding difficulties impeding achievement of that goal. As I point out in my introductory overview, the most recent independent review of court funding noted that between 1996 and 2001, funding in real terms per capita fell by an estimated \$5.1 million in 2001 dollars. Over the period 1996-2000, resourcing of broadly related agencies, the Queensland Public Service and the Department of Corrective Services, increased in nominal terms by 52% and 45% respectively; resourcing of the courts increased by a mere 19%. These funding difficulties have a direct impact on the courts' abilities to finance initiatives like E-Courts and E-Filing, which are crucial to the continuing improvement of our service to the Queensland community. I am encouraged by the efforts of the Attorney-General to ensure that courts are furnished with up-to-date technology, but the issue is an ongoing one to be addressed.

Whilst on a cautionary note, I also draw attention to a conference entitled "Courts for the 21st Century: Public Access, Privacy and Security," presented last Thursday by the Supreme Court, in conjunction with the QUT Faculty of Law. The conference dealt with issues relating to the privacy and security of court records, particularly in relation to public access via the Internet or otherwise. We must be aware that accompanying advances in technology are real concerns about the integrity of data available to the public. The court must assess the extent to which documents may or should be sanitised in the interests of individual privacy, whilst always striving to attain the critical goal of optimising public access to information. These are difficult but not insurmountable challenges.



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I note such concerns merely in a cautionary manner. That caution aside, the “E-Vision” propounded by Allison Stanfield is promising and encouraging, and should help improve both the efficiency, and the efficacy, of the justice system in this country. E-Litigation, though a recent phenomenon, is here to stay, and the Queensland courts are committed to its development. I commend Allison on her thorough and impressive contribution to the field.