



**Launch of the courts' Wi-Fi service**  
**Wednesday, 24 May 2006, 5:30pm**  
**Banco Court**

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**The Hon P de Jersey AC,  
Chief Justice**

Your Honours, Director-General and Deputy Director-General, Presidents, ladies and gentlemen,

I am very pleased to be here for the launch of this interesting and progressive new facility: the Courts' Wi-Fi Service. My IT savvy Associate informs me, by the way, that Wi-Fi is an abbreviation of "wireless fidelity".

When I was first briefed on the proposal to establish wireless internet access in this courthouse, I confess I had not heard of terms like Wi-Fi, hot spot or access point. You may be quite surprised to hear that. Having been briefed by the accomplished Mr Ashley Hill, I am now fully conversant with them! In any event, the terminology is not important. What is important is the potential to benefit participants in the court process.

Let me briefly describe how this all works. The Courts' Wi-Fi Service uses broadband internet connection, similar to what you may have at home. A number of wireless antennae, or access points, are connected to the broadband, one in each courtroom. A number of courtrooms thereby come to share that broadband connection.

At this stage we envisage the service will be used mainly at the bar table. Recent cabling means however that the bench, the Associate's desk, and the SRB desk also have physical connection to the network and, therefore, the internet. That cabling has been paid for by the Department, which also partly funded the development of the Wi-Fi service: I gratefully acknowledge that departmental support. Connecting to the service is quite straightforward if you have a wireless capable device, like a notebook computer. Wireless capability is commonplace in today's computer hardware.

Above all else, using this Wi-Fi service will enhance communication. A lawyer in court will be able to use the service discreetly to stay in real-time contact with colleagues outside the



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courtroom, without disrupting proceedings. This could produce real benefit to the parties. For example, using instant messaging tools like Yahoo! or ICQ, an instructing solicitor could request documents or materials be brought immediately to the courthouse. Also, a party could stay in real-time contact with an extended legal team not present in court, apprising them of the progress of the hearing: this could possibly better inform any concurrent settlement negotiations.

The service also contemplates the use of e-mail. E-mail can of course be used in the usual way for sending messages. But e-mail also allows documents to be sent between parties in court, and to the bench as appropriate. That sort of flexibility in document exchange opens the possibility of electronic evidence management and may go some way to eventual electronic trials.

The service also allows parties to browse the internet. There is, as we know, a myriad of law based information accessible there, including State and Commonwealth legislation and judgments from sites such as our courts' webpage and AustLii.

The ability to browse the internet extends to on-line services as well as static web pages. For example, accessing the courts' e-search page would disclose the latest documents lodged on a particular file, or allow access to the court calendar. As we bring more services on-line, these too will be accessible using this particular service.

With the connectivity the service allows, market forces may generate new ways of doing legal business. For example, some firms use sophisticated database applications to prepare court documents, especially in heavy civil trials. Mr Hill informs me that the ability of parties to access the internet from within court opens the possibility that these database applications shift to an application service provider model, where the application is run from the internet, and, effectively rented for the duration of the trial. This could produce worthwhile savings for lawyers and their clients.



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Mr Hill also tells me that the new service effectively allows a lawyer to bring his or her office or chambers into the courtroom. And he presents this “remote access” as perhaps the most promising use for the service. The ability to access the internet means parties can, when they have appropriate facilities in their firms, obtain remote access to the firm’s systems, such that their notebook in court appears similarly to the PC on the desk back at the office. I understand such remote access is something DPP staff are actively pursuing.

I offer one final example of the potential uses of this technology. Wireless “connectivity” goes beyond connecting to the internet. The Courts’ Wi-Fi Service also allows wireless computers in court to connect to each other and wireless printers, creating a wireless network. Massive complex litigation has in recent years taken place in this very courtroom. Multiple computers were then installed to facilitate management of the evidence. This new facility would allow those computers to talk to each other. Staff from the Commonwealth DPP have been known to build entire networks within our courtrooms to streamline the prosecution of complex charges. Absent appropriately equipped courtrooms, we see among other things a mass of computer cabling strewn across courtroom floors. The Courts’ Wi-Fi Service means much of that cabling will no longer be required. Also, wireless networks can now be set up and tested in advance, without even necessarily accessing the particular courtroom to be used.

Let me endeavour now to bring together the examples I have given, by posing a hypothetical situation.

The court is hearing a complex civil trial. There are five parties, and the hearing will last many weeks. All parties have embraced the Courts’ Wi-Fi Service. They have jointly engaged a new firm called DocumentsRUs to scan and manage the entire document base. The court has agreed that, as the documents have been indexed in accordance with the new Form 19, they will be accessed, and displayed in court, from a secure website established by DocumentsRUs. In the courtroom, each party is represented by counsel and solicitor, but there is no paper in sight. Some of the parties have an off-site team of legal and paralegal staff ready to assist with any requests emanating from the courtroom.



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The trial commences. Relevant documents are quickly found using the reference defined by Form 19, and displayed directly from the DocumentsRUs website. As witnesses are called and evidence presented, the instructing solicitors are keeping their off-site team informed about how the trial unfolds. It becomes apparent after seven hearing days that things are not going too well for the defendants. Extensive negotiation takes place off-site, while the trial continues, and settlement is reached. A draft order is produced and sent electronically into the courtroom. The trial Judge is informed the parties have reached a compromise, the consent order is printed on a wireless capable printer, made, and the matter concluded.

In that case, the technology allowed the parties fully to exploit, in the courtroom, their investment in earlier case preparation. The lawyers in court could use more resources during the hearing without the need for the physical attendance of other staff. The extended legal team remained apprised of events in court facilitating the settlement which might not otherwise have occurred.

Even had settlement not been reached, the technology would still have benefited the parties through ability to share a common set of documents and employ off-site resources.

Two further questions may have occurred to you. First: as the service may connect to the internet, could someone sitting in court access inappropriate material using the government funded service? The answer is no. A site filter has been installed. It prevents access to categories of sites deemed unsuitable. When a particular site is accessed for the first time, the site filter checks to determine whether access to that site is permitted or banned. If excluded, a requisite message will be displayed on the screen. Excluded sites include music and file sharing sites, drug related sites, on-line gambling sites and, obviously, pornography.

The second question is this: will use of the service within the courtroom cause any disruption to others not using it? If used discreetly, there should be no disruption.



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Obviously the barrister will not be using the service while addressing the Judge or the jury, or examining a witness. That is not to say that the instructing solicitor may not be utilizing the service during those activities.

I should also refer to Practice Direction 4 of 2004, which relates to the use of recording devices in courtrooms. It provides that "except with permission of the presiding Judge...any device capable of capturing or transmitting proceedings...is not to be used for that purpose in a courtroom where proceedings are being conducted". It also provides that "laptop computers, personal digital assistants and similar devices are to be...muted...so that...alerts or alarms do not interrupt the proceedings". Similar practice directions have been issued in the District and Magistrates Courts.

Parties before the court should therefore seek permission from the presiding Judge or Magistrate before using a notebook computer connected to the service.

I expect that granting the requisite permission, will usually be the appropriate course.

May I finally mention the genesis of this interesting service. The courts found themselves in a fortunate juncture where reliable and affordable technology was available, and a number of lawyers were encouraging our establishment of the service. That encouragement did help transform the idea into a reality.

In commending this new service, I leave the challenge with the profession. I hope lawyers will take advantage of the service, because I believe it should lead to even more efficiency in the promotion of the interests of the clients, and the discharge of the duty to the court.