



The Court Administrator

OFFICIAL PUBLICATION OF THE INTERNATIONAL ASSOCIATION FOR COURT ADMINISTRATION



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“THE COURT ADMINISTRATOR”



Sheryl Loesch, IACA President

My hope was to be starting out this President’s Message with excitement about our Helsinki conference being “just around the corner” but sadly that is not the case. With the new Omicron variant surging across the world, the safe and reasonable approach is to reschedule our conference. The new dates for the Helsinki

conference are now October 17 – 20, 2022. Conference planning will continue – we just have a little longer to wait to all be together again. Please continue to read the conference website to see updates and additions to both the educational program as well as sightseeing opportunities and things to do while in Finland. Having traveled to Finland twice now, I can personally attest that Helsinki is a fantastic town and a great location for our conference. The city is easy to navigate, and the public transportation system is fantastic.

The opening plenary session that features a distinguished panel discussing the current day topic of People Centered Justice is one not to miss. There are multiple breakout sessions planned that will be led by outstanding subject matter experts on a variety of topics of interest to present-day judges, court administrators, and others involved in the justice system. In other words, there is something for everyone. I think you all agree that it’s been far too long since we have all been together

I want to thank our Editorial Board of The Court Administrator for yet another excellent edition. Many thanks to Eileen Levine, the Executive Editor, and Dr. Susan Moxley, Associate Editor, for their hard work and dedication on putting these editions together. I also want to thank the authors for their informative contributions.

I wish everyone all the best in the New Year and I hope to see you in Helsinki this Fall.

Sheryl



EDITOR'S MESSAGE



*Eileen Levine
Court Administrator
Eastern and Southern
Districts of New York*

As we slowly attempt to emerge from our cocoons, gradually and gently peeking out, we all will see, and we are reminded, that there is a bright and beautiful world out there, waiting for our return. This new world of ours is showered with new hopes and bright colors and renewed vitality.

I personally learned a lot about myself these past two years. Strengths I did not know I had in me. I discovered quite a few weaknesses too. Despite the hardships and loneliness, there have been several bright spots along the path of life. Your smiling faces in FaceTime calls and Zoom meetings, the jokes and memes have kept up the smiles and bolstered the courage.

We can and we should anticipate the future with confidence, optimism, and faith, because we know now that we can do it. We were all struggling in various ways to do our jobs and keep up our appearances and home lives. No matter what happens now, we are moving forward with resiliency and innovative ideas and solutions that may not have ever come about had it not been for “those” unusual circumstances. You are all extremely talented and resourceful. It is an honor and privilege for me to work with IACA President, Sheryl Loesch, IACA Officers and Board, all the editors and contributors to The Court Administrator as well as my court colleagues and friends.

I know you will all be excited to attend the next IACA conference, which has been postponed to October 2022. In an overabundance of caution, IACA’s Executive Committee has decided to reschedule the conference planned for March 2022 in Helsinki, Finland. Although this is a disappointment to us all, it is the safe and responsible action to take. Seeing

each other in person in Helsinki in October will be extra special and we will all look forward to attending with even more anticipation! Additional conference information will be forthcoming to the membership as soon as details have been finalized.

Now, more than ever, we need to communicate and to learn from each other. We do not need to pick up where we left off -we need to move forward and onward, and upward, learning, practicing, and sharing. You will search for your own “true north” in Helsinki, Finland. Your “true north” directs your path and leads you forward. And what better time and place than Helsinki Finland?

Membership in IACA provides training and educational opportunities that are not always readily available for everyone. We hope you will take advantage of this amazing chance to attend the conference when it is safe to do so. Take the space and time to explore. You will continue to discover who you have become and delve into your court management skills with new eyes—the eyes and ears of your colleagues and friends who are your teachers, your mentors, your advisors. Continue to make connections, be it online or in person!

You will return to your countries and courts and families refreshed, renewed, reinvigorated, re-inspired, and revitalized. Reenergize your soul. We have lost too many to issues beyond our control. We need to take charge of the influence that you all have to help others, be it judges, lawyers, staff, lay people, litigants, jurors, witnesses, or students taking a field trip to your court to see how the judicial system in your country works.

The world is looking to you for strength, guidance, and courage. We in IACA thank you so much for your continued support and your membership. Think of the possibilities! You will begin to travel and take charge once again. Venture to share with colleagues. Reassess your goals, both professionally and personally. You can do it! Stay safe. Stay well. Stay informed. IACA holds the key to opening these doors of opportunities. Unlock the doors! We hope to meet you all in October!

Thank you.

Eileen



Sheryl L. Loesch
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IACA Conference 2022 Sponsorship Opportunities

IACA will hold an in person conference October 17-20, 2022, in Helsinki, Finland at the Clarion Hotel. This short youtube video highlights the conference space <https://youtu.be/gSYrzOnT8T8>. Attendees will include judicial officers, court presidents, security advisors, policy makers, court administrators, court managers and registrars from around the world. Court professionals will come together to debate current topics, listen to plenary/workshop speakers and share court-related experiences.

The success of IACA's conferences is not possible without the sponsors/vendors who support it. Thank you for your continued support and we look forward to your participation and sponsorship for our upcoming conference!

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*Conference registration does not include accommodations

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Priority Rules for Case Management

by Carlos Haddad, and Luís Pedrosa



Carlos Haddad, is currently a federal judge in Brazil, Minas Gerais State, City of Belo Horizonte. Judge Haddad is also a Criminal Law Professor at Federal University of Minas Gerais (UFMG) and a Professor at the National School for Training and Improvement of Judges. (ENFAM) To follow up with Judge Haddad on this article, his Honor may be reached at carlos.haddad@trf1.jus.br

Luís Pedrosa currently serves as President for MARPEL SA, a private consulting company. He is also founder and professor of Instituto AjA. Instituto AjA is devoted to improving the Judiciary through management practices. Founded in 2018, Instituto AjA has trained more than two thousand members of the Brazilian Judiciary so far. To follow up with the author, Mr. Pedrosa may be reached at lacpedrosa@marpel.com.br



The authors highlight key points that they would like the readers to take away from their article.

In industrial establishments, priority rules (PR) determine the order of execution of tasks in machines or production centers. In the Judiciary, those rules are often unconsciously applied because, like everything else in Administration, they seem intuitive. Four priority rules are usually applied in case management – FIFO, SPT, EDD and LPT – and we intend to show how they can be well applied to improve the handling of cases and treatment of participants in the legal process.

The word “priority” should not have a plural format since those who have too many priorities end up not having any. That is what happens when judges allocate efforts among several priorities. In Brazil, there are issues that need to be analyzed first: criminal cases with the defendant in jail, habeas corpus, writ of mandamus, lawsuits with elder parties, or any of the goals set by the National Council of Justice (CNJ), for example.

Sluggishness is a serious problem in many court systems. It is not uncommon to find laws being enacted aiming at supporting specific sectors of society or specific types of cases, in an attempt to reduce their sojourn time in the Judiciary:

Laws that determine priorities for processing, either due to the type of the parties involved, due to the type of procedure adopted, or due to the nature of the matter under discussion. They attempt to reduce waiting times in the execution of procedural acts of those cases but accelerate a few while making all others even more slow.

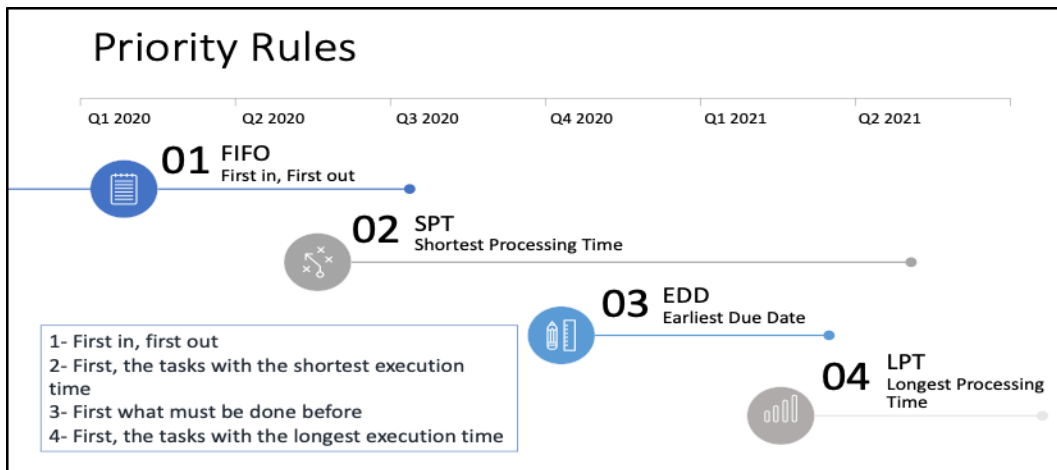
In order to make the principle of optimal duration of the process¹ effective and to try to reduce the court delay, it is necessary first to understand the current status of the work in process and then to establish the cases that should have special treatment at that moment. Priorities imposed by law do not take into account the current status of the work in process and do not help case management. Priority rules that guide why certain activities must precede others come from scheduling jobs in industry. In industrial establishments, priority rules (PR) determine the order of execution of tasks in machines or production centers. In the Judiciary, those rules are often unconsciously applied because, like everything else in Administration, they seem intuitive. Four priority rules are usually applied in case management: FIFO, SPT, EDD and LPT.²

The FIFO (First in, First out) or FCFS (First Come, First

1 We prefer to talk about an optimal duration of the process instead of a reasonable duration, because, on the scale of excellence, optimal is superior to reasonable.

2 FUCHIGAMI, Hélio Yochihiro. MOCCELLIN, João Vitor Moccellin. RUIZ, Rubén. Novas regras de prioridade para programação em flexible flow line com tempos de setup explícitos. Available at: <https://www.scielo.br/j/prod/a/fz5QRk7KghVgztfzrvD5mXN/?lang=pt> Last access: 10/16/21.

continued



Served) rule states that tasks be processed according to their order of arrival. This rule was partially incorporated by article 12 of the Brazilian Code of Civil Procedure, providing that “judges and courts will preferentially follow the chronological order of arrival to deliver a decision”. The law established preference but no obligation to respect the chronological order.

Under FIFO a case that is concluded to the judge’s office first will be decided earlier despite the fact that other cases may be older and have been in process for longer time. The priority is intended to produce the court decision first but does not reach other procedural acts that need to be performed for the case to come to an end. Thus, the judge may prepare a decision for case X first, but there is no law that obliges prioritizing other acts for the case. For this reason, the FIFO/FCFS rule must be observed beyond the limits established in the Code of Civil Procedure, so that the first cases are prioritized in all steps of the procedure.

In everyday life, common services do not follow the FIFO rule strictly. If you get just a few items at the supermarket, you can probably pay for them in express checkouts for customers with few volumes. When patients arrive at hospitals there is usually an initial screen to determine the patient’s health condition and the level of urgency to care. Urgency wins over antiquity. Airlines usually reserve booths for passengers who are only going to check their luggage, as they have already checked in online.

According to the FIFO/FCFS rule, all tasks, even those with long execution times, are processed at their arrival order, causing smaller tasks that could be performed more quickly to wait for their turn. To cope with this unwanted effect, another rule exists. SPT (Shortest Processing Time) means

that the activities with the shortest processing time must be executed first. The SPT rule is very common when one intends to produce a large volume of decisions. Under SPT, for example, cases that only depend on the judge’s signature to ratify an agreement or tasks linked to repetitive matters and consolidated legal understanding should be prioritized because little energy is spent in executing them. Since the time spent in making those decisions is short, the sooner they are examined, the fewer cases will remain in the hands of the judge. Thus, the judge may allocate time to cases that demand more reflection and study. If the intention is to minimize the delay of simple cases and increase the number of decisions, the SPT rule is always superior.

Every year the Brazilian National Council of Justice sets several goals for judges and courts. For example, according to one of CNJ’s targets, federal judges must decide, by 12/31/21, 100% of the cases that started in 2016 and 85% of the cases that started in 2017. It seems strange that there are cases that have been in progress for almost five years and yet haven’t been decided in the first instance, but that is why CNJ has proposed this objective, establishing an obvious rule that the judgment of older cases should be prioritized. This is a good use for the EDD priority rule, as the oldest cases have a due date to be resolved, before 12/31/21.

Under EDD, the work is organized so that the tasks are carried out in ascending order of due dates (completion), prioritizing what is due earlier. The same reasoning applies to cases awaiting hearing. Cases that have hearings scheduled for near dates have priority in their preparation, for example issuing subpoenas and other communications. In Brazil, the payment of debts by the government, resulting from

continued

convictions in legal proceedings, is made through what is called precatório – a debt certificate. Each year, precatórios must be made by July 1st, which is the deadline for including the debt in a list, in order to make payment in the following year. It's no use preparing such decisions after July 1st, as it be in effect only after one year. As July gets closer, priority should be given to the preparation of precatórios over other procedural acts that can be carried out later. The EDD rule typically minimizes delays and when processing times and deadlines are not taken into account, not only courts may have idleness in their workforce but also case parties can experiment extensive delays.

The last rule worth mentioning is LPT (Longest Processing Time), whereby the most complex tasks are executed first. The priority is guided by the difficulty or complexity in carrying out the tasks. When designating a hearing, the summons of witnesses who live in another city – a delay factor – should be prioritized in comparison with people who live where the trial court is located. In Brazil, the government has twice as much time to contest an action (article 183 of Civil Procedure Code). Therefore, it is recommended, under

the LPT rule, to summon the government first to present the defense and only then to summon other parties that are also in the case. The LPT rule provides reduced wait on parallel activities when the execution time of each one of them is different. Thus, it starts with the most laborious activity and then moves on to the simplest, whose execution will take place simultaneously with the completion of the one that started before.

Priority rules provide the judge with criteria to improve the handling of cases and treatment of participants in the legal process. The judge and his team need to know how to dose the use of the rules, as each one has application in certain situations. The basic service rule may be FIFO, which prioritizes whatever comes first. However, the other rules are applied to moderate the use of FIFO, whenever they are more suitable for good case management. The alternation of the use of priority rules depends on creating “windows” in the judge's routine, dedicating specific time during the day or week to apply the SPT, EDD and LPT rules, assuming that the FIFO rule is the priority rule. Knowing how to prioritize is, in fact, an art!



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Diversity, Inclusion, and the Courts¹

By Norman Meyer



Norman Meyer is a court administration expert after a 38-year career as a trial court administrator in the state and federal United States courts. Mr. Meyer continues to write, teach, and otherwise participate in judicial administration activities world-wide. He has written and spoken widely on judicial administration in the United States and abroad. He continues his role in court administration as an active member of the Court Leader group and is currently writing a court management blog (<https://courtleader.net/vantage-point>) as a member of the nonprofit CourtLeader group. In particular, he is active in the International Association for Court Administration (IACA) as a member of its Advisory Council (he previously was the V.P. for North America), the National Association for Court Management (NACM) as a Past President and Award of Merit recipient. Mr. Meyer has experience working with many foreign judiciaries, especially in the Russian Federation, Serbia, Ukraine, Moldova, and Albania. He received his M.S. in Judicial Administration from the University of Denver Sturm College of Law in 1979, and a B.A. in political science and Russian studies from the University of New Mexico, graduating in 1977. This current article is an adaptation of two Court Leader Vantage Point blog posts in July, 2020. Located in Albuquerque, New Mexico, Mr. Meyer may be reached at normanmeyer@outlook.com.

We live in an era of accelerating change in almost every aspect of our personal and professional lives, with increasing demands on government institutions, including the courts. A key challenge in meeting the needs of the public we serve is to ensure our courts are deeply committed to ensuring they are diverse and inclusive in every aspect. This article explores what this means, and what court administrators can do to make it a reality.

Diversity is “otherness” – those human qualities which are different from our own and different from the groups to which we belong. Diversity has multiple dimensions. The primary dimensions we are most familiar with are those that are usually noticeable by others. These include characteristics like age, gender, physical abilities/qualities, race/ethnicity, and sexual orientation. But these are not all. Other, important dimensions include education, geographic location, socio-economic status, marital status, military experience, parental status, religious beliefs, and work experiences. Generally, diversity is the quality of being made of the many different elements, forms, kinds, or individuals that represent all of these dimensions. In a workplace context, diversity focuses on the representation of a variety of backgrounds, as well as approaches, perspectives, attitudes, and practices.



<https://medium.com/org-hacking/the-4-layers-of-diversity-gardenswartz-rowe-47013e42070f>

Valuing diversity helps us move beyond stereotypes and prejudices to using our differences as assets. When we prize a wide variety of backgrounds, points of view, and skills, we not only create an environment of acceptance, respect, and open-mindedness, but also develop a superior capacity to craft alternative solutions.

Diversity in our courts is critical to achieving success in meeting the challenges of the future. People are our most important resource, and when they are diverse, our collective differences strengthen the organization. The fact that

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court offices can be quite complex, both individually and organizationally, sometimes is regarded as an impediment to progress, yet that very complexity ensures a diversity that often contributes to the best approaches and solutions to challenges.

Diversity helps us recognize more easily the assumptions that can limit opportunities. Diversity increases the number of ideas. Without diversity we would all be alike, crippled in our ability to think of new solutions, even to the point of becoming stagnant. Diversity also reflects the society in which we live, and a diverse office thus strengthens the public's perception of us as representative of the people we serve.

To truly cultivate diversity, we need to work to understand ourselves and what our differences are, then build on that knowledge. In recent years we have come to better understand that everyone has biases that inform our beliefs, attitudes, associations, and actions. Such biases may be explicit (conscious) or implicit (unconscious). Biases are often exhibited by stereotyping that results in discriminatory behavior, both intentional and unintentional. We must overcome our biases and foster an environment of acceptance of differences, where we do not prejudge and do not accept intolerant behavior.

But, achieving diversity without *inclusion* is a hollow victory. Inclusion is what makes diversity meaningful. It is not enough to have a diverse workforce -- we must make sure that everyone is comfortable to express their ideas and viewpoints, ensuring we give everyone equal value and consideration. To do this we need always to solicit, involve, and listen to input from as wide a variety of people and functions as possible, and promote diversity as a key element of success in all we do.



Fundamentally, valuing diversity and inclusion requires us to have a deep respect for the differences that surround

us, taking everyone seriously, caring about everyone's needs and desires, and acting upon these principles in our daily work lives. Diversity and inclusion are the result of actively honoring the legitimacy of the basic principles of decency, respect, equality, and justice — where everyone lives free of discrimination to pursue their dreams.

True D&I starts with each of us individually. To be an effective leader we must first personally acknowledge the importance and legitimacy of the subject, followed by doing everything we can to understand and be aware of its history and parameters. We must listen to the voices all around us that can help us become better agents of change. Unfortunately, too few of us take the trouble to truly understand the differences we all have, accept those differences, avoid prejudging others, and clearly reject intolerant behavior.



A court that values diversity and inclusion strengthens its capacity to achieve critical public service values: accessibility, effective communication, quality, teamwork and cooperation, and innovative practices. How can this be done?

Once we have personally committed to the importance of D&I, the next step is to gain the commitment of the court's judges to the cause. This may not be easy, but it is critical to gain the buy-in and backing of the bench to set the stage and achieve success.

Next, integrate D&I into the court's vision, mission, goals, and objectives. These actions establish a fundamental environment that support (and require!) all of the other efforts described below. Communicate the commitment of the court's leadership to D&I to all staff at every opportunity.

It is not enough to say the right things. One must develop and ensure that all policies, rules, and procedures are aligned with the court's D&I vision and mission. Make it clear that you expect everyone, especially those in leadership roles, to live up to D&I. Include D&I language in job descriptions and performance standards.

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The court administrator must also understand the organization – what kind of culture does it have? We think we know, but too many of us only have superficial awareness. There is a good chance a group identity exists that is not welcoming of all people, or that employee and managerial styles are normed around male-socialized leadership behaviors, for example. Make the effort to find out the real situation, and then proactively adapt your D&I actions accordingly to eliminate bias and intolerant behavior wherever they exist.

Similarly, know your community. Who does your court represent? What are the demographic characteristics of the community you serve? Gather data and any other information to fully understand the people and the environment your court works within. This information will inform your actions and help ensure your court reflects its community and is doing its best to fulfill its D&I vision.

An absolute critical action area is *Workforce Management* (HR). This area spans everything from recruitment to development to performance management to supervision of staff. The goal is to build and retain a diverse organization. Since it is so important, let's walk through the various areas of workforce management:

1) Recruitment – It all starts here, where too often there is a “pipeline problem” with the court’s recruitment and selection processes that do not do a good job. Here are steps to avoid this:

- a. Develop sources of qualified applicants; reach out to groups and organizations in your community that represent and serve diverse groups. Work with them about career opportunities and job openings and how you might partner to develop qualified applicants via training programs, internships, etc.
- b. Make sure the qualification standards of job postings do not adversely affect the applicant pool. For example, does the job really require a degree or certification that may screen out minority applicants?
- c. Publicize job openings widely, because where you advertise can dramatically affect the applicant pool. You will not get a diverse applicant pool if you only advertise in the old, same, comfortable place.
- d. Allow applicants multiple ways to apply. Requiring applicants to exclusively apply on-line, especially for entry level positions, can be challenging for many

people. Not all people have a laptop and unlimited Internet access, and the public library may not be a good solution. While on-line applications may simplify the process, you need provide alternate paper methods (fax? mail? drop off?), or as some places do, set up a location to allow applicants to fill out their applications at the court.

- e. Use a selection process that is fair and inclusive. Make sure the screening elements are directly related to the job and the job posting. For instance, are skill tests valid? The initial screening process is best done by a trained human resources staff person who works to ensure only valid criteria are used. Designate a diverse interview panel of at least three people and use standard, job-related questions to evaluate the applicant’s qualifications and potential. Be particularly attentive to eliminating bias in the interview, where implicit biases can easily rear their head. All interviewers should have received training on how to avoid such bias.
- f. All of the above recruitment steps basically apply even when you are selecting an internal applicant for a promotion. Conduct a wide, inclusive search that uses unbiased selection criteria and processes.

2) Staff Development

Invest heavily in helping staff improve and “be the best they can be.” Development goals for the court and each employee are important and should include D&I elements. A colleague of mine once told me that “too often, organizational efforts at fostering a diverse and inclusive environment are limited to one-off ‘training’ and have no strategic plan, metrics for success or accountability for employees, supervisors or senior leaders. This means there is no real change and people become cynical. The result is we just continue to admire the problem.” Staff development is also critical to creating a qualified, diverse internal applicant pool for leadership positions in the court.

3) Performance Management

Hiring and developing staff are critically important, yet there also needs to be an assessment component to measure how the court, its leaders, and staff are performing in achieving D&I goals. Otherwise, you will likely be unable to identify problem areas and not know if you are making progress. The information gained in performance assessment is vital to planning and measuring

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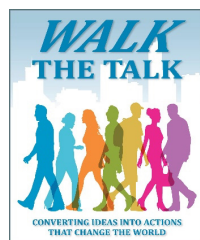
improvement actions at both the court and individual employee levels. Care must be taken, however, to use valid metrics.

4) Supervision and Leadership

Although it is obvious that supervisory actions, such as work assignments and promotions, must be free of bias and support D&I goals, that is not enough. Simply put, you must “walk the talk” with your actions. This is absolutely critical to have true inclusion on the workplace. It is easy to say the right things, but you have to put those nice words into practice every hour of every day. For instance, is everyone given equal opportunity to speak up and contribute in meetings and other work activities? As a wise colleague told me, “if you aren’t invited to the table, you are on the menu.”

Effective D&I efforts include a lot more than the workforce management elements explored above. Here are ones I think are also important:

- Specifically include D&I efforts in the court’s budget to support training and other actions that need fiscal support.
- Develop courtwide measures for the effectiveness of D&I efforts, and use them to refine strategies and actions to keep improving over time.
- Integrate D&I into the court’s *Procedural Justice* efforts.



- “Walk the talk” not only internally with court staff, but also with external users to increase accessibility. For instance, are public restrooms welcoming for diverse users? Are the court’s signs helpful for all users? Are diverse users able to use the court’s electronic services, including web services like e-filing and virtually attending court hearings/trials?
- Partner with other entities and persons in your D&I efforts – be an ally! Certainly, do so with justice system partners to coordinate efforts, but also partner with outside non-profit groups that can help.
- Support opportunities for staff to be involved with the

D&I community, as well as associated employee resource groups.

- Celebrate diversity by observing special days/ weeks/months dedicated to specific groups. Invite representatives to make cultural presentations (music, dance, etc.), hold themed lunches, and so on. Celebrate diversity by publicly sharing when and how the court’s commitment to D&I has helped achieve the court’s mission, including in employee awards programs.
- Have a robust employee suggestion and complaint system that provides staff with avenues to speak out and raise concerns. Care must be taken to maintain confidentiality when appropriate. A complaint system should be fair and have multiple options for resolving issues, including involving outsiders for such things as mediation and having a third party with authority to take any needed action.

Current events around the world have highlighted the need for all of us to reflect, reassess, plan, and take action to make improvements in diversity and inclusion within our justice systems. In this article I have outlined a wide range of things court administrators can and should do to make such improvements. It can seem like a daunting list, but the important thing is to first educate oneself, then commit to prioritizing and implementing positive actions a step at a time. I believe the most important thing, however, is to make sure your organization’s workforce management is done well. Everything else builds upon that foundation.

- For further reading, I highly recommend the article *Framing Diversity and Inclusion for Court Managers: The Path to Justice for All*, Zenell Brown, NACM Court Manager vol.35 no.1, March 2020. I partnered with Zenell on a NACM 2021 conference presentation, *Making Diversity & Inclusion REAL: a How-To Primer for Court Administrators*, and the video of the session is now available at this link: <https://youtu.be/nAqqzkJ2ROU>.

ⁱThis article is a condensation of two of my Court Leader Vantage Point blog posts:

- Fulfilling the Public’s Trust: Valuing Diversity & Inclusion in 2020 (Part 1) – Court Leader*
- Fulfilling the Public’s Trust: Valuing Diversity & Inclusion in 2020 (Part 2) – What actions can court administrators take to make Diversity & Inclusion a reality in the administration of their courts? – Court Leader*

The Dubai International Financial Centre (DIFC) Courts' Pro Bono Programme - Leading a Changing Landscape

By Hayley Norton



Hayley Norton is currently the Pro Bono Programme Leader, of DIFC Courts, where she is responsible for the management and daily running of the DIFC Courts Pro Bono Programme. In addition, she is also a member of the DIFC Courts Small Claims Tribunal.

Located in The United Arab Emirates, Dubai, Ms. Norton may be reached at Pro.Bono@dificourts.ae

The DIFC Courts has established a model for judicial systems of the future by setting the bar with a number of groundbreaking achievements - the DIFC Courts is the first court in the UAE to appoint a female judge, the first in the region to establish a Small Claims Tribunal, and the first court in the Middle East to launch a Pro Bono Programme to serve the needs of those suffering financial hardship based within the local community.

The DIFC Courts Pro Bono Programme was launched in 2009 with a mandate to provide access to justice for those who are financially in need and who have legal issues that relate to the DIFC free zone.

In 2013, the Programme introduced a "cost-free" trial scheme allowing potential claimants the opportunity to bring a claim before the court without the fear or risk of paying the other side's legal fees.

Brief Background

The Dubai International Financial Centre (DIFC) is a free zone located within the Emirate of Dubai, in the United Arab Emirates (UAE) and is subject to its own commercial laws based on a common law tradition. The DIFC Courts, is independent of, but complementary to, the UAE's Arabic-language civil law system. The creation of a common law island within a civil law country has encouraged international

best practices in Dubai and given international parties the option to choose an English language, common law Court to administer their disputes. The DIFC Courts can adjudicate cases relevant to the DIFC or disputes between parties who have agreed to the DIFC Courts' jurisdiction. The common law judgments of the DIFC Courts are enforceable around the world which is an important factor for many parties.

For these and numerous other factors, the DIFC Courts has established a model for judicial systems of the future by setting the bar with a number of ground breaking achievements - the DIFC Courts is the first court in the UAE to appoint a female judge, the first in the region to establish a Small Claims Tribunal, and the first court in the Middle East to launch a Pro Bono Programme to serve the needs of those suffering financial hardship based within the local community.

The DIFC Courts Pro Bono Programme was launched in 2008 with a mandate to provide access to justice for those who are financially in need and who have legal issues that relate to the DIFC freezone.

The then Courts' Deputy Registrar and Pro Bono Programme Leader, Amna Al Owais, sought guidance on best practices from the International Bar Association, the

continued

Singapore Bar Association, and the Pro Bono Council in the UK, in an effort to tailor the programme for the Courts' local community and to best serve its users by adopting the highest international standards.

Key developments and features of the Programme

The Pro Bono Programme allows individuals who cannot afford a lawyer the ability to seek free advice and representation from legally qualified volunteer lawyers. The Programme offers services from basic one-time legal advice to full case management and representation in court proceedings - ensuring that all parties are on an equal footing when appearing before the Court.

The Programme is widely known for its 'pro bono clinics' that are held on a regular basis throughout the year, during which potential litigants can walk in on the assigned days to meet a volunteer lawyer who can advise on actual or prospective claims and provide general legal advice, as necessary. In 2020, in support of the social distancing measures put in place by the Government of Dubai, the Programme shifted its clinics to an online platform, allowing individuals to receive pro bono legal assistance remotely, even if based outside of Dubai.

The Programme has proudly served many litigants well, delivering them justice that they would otherwise have been unable to pursue, and to date, the face-to-face clinics and online platforms have helped over 3,200 individuals.

In 2013, the Programme introduced a "costs-free" trial scheme allowing potential claimants the opportunity to bring a claim before the court without the fear or risk of paying the other side's legal fees. The scheme requires that a litigant demonstrate to a Pro Bono Committee that there is a reasonable prospect that their case will succeed, and in the instance, they win the said claim, costs are paid by the opposing party into a Pro Bono Fund.

The Pro Bono Fund has been a pillar of support for many in the local community and has been used for several successful community projects, including the development of the next generation of legal professionals by offering law school tuition scholarships to Emirati and expatriate law students studying in the UAE. The Scholarship Programme has helped recognise students who demonstrate academic prowess, financial need, and a commitment to global legal system development. The Fund has also been used to organise employment law seminars to help individuals better

understand their rights within the DIFC freezone, which may differ significantly from their home jurisdictions.

In addition to legal costs being paid into the Pro Bono Fund, the Pro Bono Programme has also sought to raise funds through the hosting of annual Gala Dinners which have featured 'Access to Justice' awards for firms and individuals who have contributed most to the Programme. The dinners have included an auction to raise money for the Fund and have been greatly applauded for allowing members of the judiciary, senior government officers, and legal professionals to come together from across the region to help support the Programme.

Not only has the Programme served to support individuals in financial hardship, but it has also gone one step further to help bring together a mix of international and local law practices - none of whom had any prior experience of such a Pro Bono initiative operating in the Middle East. The Pro Bono service has inspired both private practices and judicial organisations alike within the UAE and the wider Middle East, and has fostered and developed a knowledge sharing environment, allowing lawyers (many of whom have trained from across the globe) to share their experiences of both the civil and common law systems.

Looking to the future and beyond

Looking to the future, the Programme strives to introduce innovative firsts across the Middle East and beyond. With 85% of Dubai's population originating from countries from around the world, English is not always the first language of those seeking pro bono services. In recognition of Dubai's multi-cultural society, the Programme is advancing itself to cater and tailor its services in line with the socio-demographics of its end users. To that end, in 2022, the Programme will offer legal assistance in multiple languages - giving pro bono litigants the ability to select their preferred language for seeking help and for receiving the relevant advice. In doing so, the Programme aims to help simplify what can often be a particularly unfamiliar and disconcerting situation into one where people are helped to feel more at ease and in control of their livelihood.

The DIFC Courts is widely acknowledged for its aspiration to introduce ground-breaking initiatives across the Middle East. In the same vein, the Pro Bono Programme will be continuing its legacy as a pioneer and leader of technological advancements. The Programme will be working closely with

continued

the brilliant minds of the DIFC Courts' IT Department to create a purpose built 'pro bono online portal' enabling individuals to receive help and assistance through a dedicated platform that can be accessed anytime, anywhere, through the simple 'click of a button.' Once a pro bono litigant has filed their request for legal assistance, the platform will streamline their request to the most appropriate volunteer lawyers by allocating language preferences, areas of legal specialism, and considering the lawyers' availability at that specific period of time.

The platform will be equipped with machine learning and artificial intelligence capabilities to create an 'index' of the advice being sought by individuals and the corresponding responses being provided by the volunteer lawyers. In time, the platform will act as Pro Bono Digital Assistant being

able to scan the 'index' and offer recommendations for legal advice immediately – providing swifter and more efficient access to justice for all.

In terms of future community projects, the Programme will be expanding its focus to help small and medium-sized enterprises (SMES) within the jurisdiction and geographical area of the DIFC. Such enterprises reportedly represent 94% of all companies in the UAE and contribute around 40% to Dubai's GDP. In line with the UAE Government's ambition to enhance the performance of the SME sector, the Pro Bono Programme shall provide workshops and seminars to such businesses, to help support and advise budding entrepreneurs about the legal aspects of setting up a business within the UAE.

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Customizing Technology to Improve Court Language Access

By Pamela Ortiz, Director, Access to Justice, Maryland Administrative Office of the Courts



Located in Annapolis, Maryland,
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To provide access to justice and to fulfill their mission to deliver justice fairly and efficiently, courts must be able to secure interpreters quickly when needed, often on short notice. The Maryland Judiciary has seen significant improvements in its statewide court interpreter program since investing the time and resources to implement an integrated cloud-based interpreter management system. Maryland's experience can benefit other large court systems interested in harnessing the benefits of technology to improve language access.

Courts operate in a diverse and changing world. To provide access to justice and to fulfill their mission to deliver justice fairly and efficiently, courts must be able to secure interpreters quickly when needed, often on short notice. The Maryland Judiciary has seen significant improvements in its statewide court interpreter program since investing the time and resources to implement an integrated cloud-based interpreter management system. Maryland's experience can benefit other large court systems interested in harnessing the benefits of technology to improve language access.

The Maryland Judiciary operates a large, unified, language services program supporting trial and appellate courts statewide. The Maryland Court Interpreter Program, operated by Access to Justice, provides in-person and

remote interpreters for 15,000 court events per year.¹ The program provides a registry of 439 qualified and certified court interpreters in over 79 languages, including American Sign Language and Certified Deaf Interpreters, as well as Communication Access Real-Time Translation (CART) services.² There are 24 circuit courts in Maryland, the state's general jurisdiction trial court. The District Court of Maryland, the state's limited jurisdiction trial court, has 33 court locations.

Each local court in Maryland has one or more interpreter coordinators on staff within the clerk's office or court administration. Prior to implementing its new system, the Court Interpreter Registry was maintained in PDF format, organized by language, and made available to the coordinators. To assign an interpreter for a specific court event, coordinators would contact individual interpreters on the registry by phone or email. Once they were able to confirm an interpreter's availability, the coordinator would update the court's case information system to reflect the interpreter assignment and provide the interpreter with needed details for the proceeding.

This was a time-consuming and inefficient process. Coordinators were required to communicate with potential interpreters one by one until an available interpreter could be secured. Because the Judiciary pays for mileage and travel

continued

time, it can be costly if the coordinator selects an interpreter who travels far for the assignment. Coordinators were usually unaware of how far away interpreters resided when making an assignment. Some case information systems provided notices to assigned interpreters; others did not. If an event was canceled, the coordinator would have to notify the interpreter via call or email. Notifications that were not timely could be costly as program policy requires a minimum payment for cancellations on short notice. Invoices were hand-calculated and sometimes contained errors, were incomplete, or illegible. Finally, Judiciary policy requires court interpreters to complete 16 continuing education units (CEUs) every two years. Interpreters are on different schedules to complete those units, depending on when they were added to the registry. Each year, program staff would communicate individually with interpreters to remind them to submit proof of completion, to review those submissions, and to remove non-compliant interpreters from the registry until they complied.

Access to Justice began exploring the use of interpreter management software in 2018. The project was intended to address four goals: i) to improve the local court experience using the interpreter program; ii) to improve program efficiency by reducing no shows and cancellations; iii) to improve financial accuracy in invoicing; and iv) to enable staff to monitor interpreter compliance with certification, continuing education, and program requirements.

The Judiciary engaged interpreters and other court stakeholders throughout the implementation process. In August 2018, before finalizing the procurement process, Access to Justice held a Stakeholder Product Review Meeting with court administrators, clerks, interpreter coordinators, staff interpreters, and IT staff, all of whom had the opportunity see the project demonstrated. Of the products examined in detail, ScheduleInterpreter.com was selected as providing the best training, support, and customization to fit with the Maryland Judiciary's operations.

Although ScheduleInterpreter was largely a turnkey system, it required extensive customization to fit within the Judiciary's program policies and practices. The internal team met regularly and held twice weekly calls with the vendor to customize the application, load the Maryland program data, and prepare the system for launch.

During fall 2019, the Court Interpreter Program launched a pilot in Anne Arundel County District Court locations and in the Circuit Court for Baltimore City. Throughout the pilot,

the software was used for scheduling and communicating with Spanish interpreters only. After successful completion of the pilot, the software was launched for use statewide for interpreter scheduling in January 2020.

The invoicing feature was piloted, tested, and launched for statewide use in July 2020. The successful implementation was the result of extensive work on the part of Access to Justice staff and key stakeholders from the field. The team hosted regular online trainings for interpreter coordinators and interpreters as each phase of the project was launched. Written materials and recorded webinars were also made available on demand for court staff and interpreters.

The application streamlines the assignment process by enabling interpreter coordinators to broadcast an invitation to registry interpreters; it allows the court to prioritize certified rather than qualified interpreters, and to reduce travel expenses by selecting interpreters based on proximity to the court. Interpreters receive automated notices by email and through an app regarding invitations, assignment confirmations, changes, and cancellations. Interpreters can use an app to accept an assignment, receive notices, check-in at the courthouse, and generate invoices.

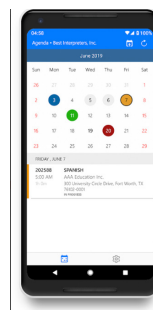


Figure 1. App used to accept assignments, Generate & submit invoices

Customization of the CEU tracking feature of ScheduleInterpreter was completed and activated in 2021. All interpreters can now upload documentation of the CEUs they have received. Those entries are forwarded to program staff for review and approval. Interpreters and staff are notified when the interpreter's CEU deadline is approaching and interpreters who have not completed the required CEUs are automatically removed from the registry and are unable to receive assignments until their CEUs are complete.

Court Interpreter Program staff are now able to monitor all program activity. The software allows staff to assist courts more effectively when they need assistance securing

continued

emergency interpreter assistance or when they need help recruiting interpreters for rare languages.

During the COVID-19 public health emergency, it became especially critical for courts to be able to cancel court events quickly and easily. By providing automated notifications to interpreters, ScheduleInterpreter enabled courts to cancel and reschedule events very efficiently. During this time, courts also pivoted to conducting remote proceedings. ScheduleInterpreter enabled interpreter coordinators to assign interpreters for remote proceedings quickly and easily, as well as to track the use of remote interpretation effectively.

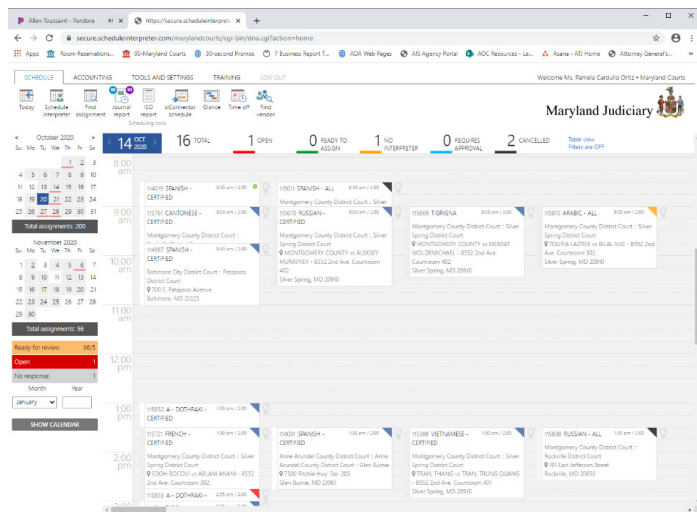


Figure 2. ScheduleInterpreter Assignment Calendar

Project Outcomes & Evaluation

In evaluating the implementation of interpreter management software, Access to Justice assessed the program’s performance with consideration of the project’s goals.

Improve Local Court Experience

The transition to the use of interpreter management software has had significant benefits for court staff, improving many aspects of interpreter management at the local level. Interpreter coordinators can more easily schedule events, broadcast assignments to registry interpreters, and prioritize assignments based on whether the person is certified or the distance they may travel to get to the assignment. Communication with interpreters is automated and streamlined. The use of interpreter management software proved important as COVID-19 impacted court operations and many assignments had to be canceled, rescheduled, or moved to a remote platform. In addition, during this 3 Responses exclude those who selected “N/A.”

period when many interpreter coordinators were required to telework, they could continue to perform their work using this web-enabled platform.

Access to Justice conducted a survey of interpreter coordinators in May 2021. Of the 59 respondents, 96% agreed or strongly agreed that the project had improved their ability to schedule and assign interpreters.³ Ninety-four percent agreed or strongly agreed that ScheduleInterpreter improved the court’s ability to communicate with interpreters. Ninety-five percent agreed or strongly agreed the project had improved the invoicing process. Finally, 96% agreed or strongly agreed that ScheduleInterpreter has made it easier to handle emergency interpreter requests.

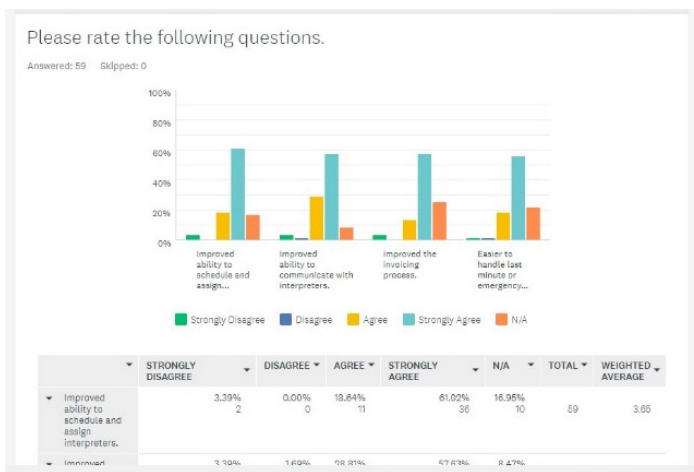


Figure 3. Interpreter Coordinator Survey Responses

Reduce No Shows and Cancellations

The COVID-19 health emergency disrupted court activities in 2020 and 2021, making it difficult to use data to evaluate the impact of ScheduleInterpreter on program expenditures.

Billable cancellations declined 1% in circuit courts during fiscal year 2021 and remained stable in District Court. It is nearly impossible to determine whether the modest decline represents the impact of the new interpreter management software. This is a metric that will be monitored going forward.

The new interpreter management software is also likely to have an impact on travel costs, but those were also affected by the health emergency as many court events switched to the Zoom platform and interpretation was provided remotely. Travel costs fell in circuit courts from 20% of program expenditures in fiscal year 2020 to 1% during fiscal year 2021.

continued

District Court travel expenditures increased slightly during the same period.

The Maryland Judiciary has good benchmarks on both billable cancellation costs and travel costs and will continue to monitor the impact of the interpreter management software on fiscal efficiency going forward.

Improve Financial Accuracy

Interpreter invoices are now produced by the software for review and submission by the interpreter. Interpreters can sign the invoice electronically and submit it as a PDF directly to the interpreter coordinator within the application. Coordinators review and approve the invoice and upload it into the Judiciary's accounting system for payment. The software eliminates double-booking and double invoicing. In addition, the coordinator's notes or corrections are clear and neat on the final invoice copy.

Enhance the Ability to Monitor Compliance Requirements

The administrative challenge of tracking and monitoring CEU hours for 439 registry interpreters has been streamlined by the addition to the software of the CEU tracking feature. Staff is no longer required to track when CEU hours must be completed. The software provides an update on upcoming deadlines, provides reminders to interpreters at specified intervals, and allows them to upload proof of their CEUs. That information is then routed to staff for review and approval. Interpreters who fail to complete their CEUs by the two-year deadline are removed from the registry automatically until the hours have been completed.

Replicating Maryland's Success

The automation of key administrative functions in any state court is a significant undertaking. It requires not only the development of, or purchase and adoption of, a tool, but requires skilled staff to work with the contractor to ensure the product meets the state's needs. It requires continual feedback from stakeholders and users of the product, a commitment to support the program for the long term, and a meaningful effort to support court staff and others as they adjust to the new technology. There will always be short-term challenges required in exchange for long-term gains.

Maryland's experience in managing the transition to interpreter management software provides important lessons for states interested in using this or other software to automate a court function. The key to Maryland's successful transition was a team of language and technology professionals in Access to Justice who met – and continue to meet – regularly with the vendor to tweak the program. While Maryland did not anticipate the amount of time it would take to customize the application, the investment of time, and the commitment to engage court users throughout, ultimately led to a successful rollout.



3 Tips for Finding the Perfect Audio Recording Software for Your Courtroom

By Claude Turcotte



Claude Turcotte, the CEO of MaestroVision, an international software development company, has a technical background including a degree in electrical engineering from Quebec University. He has designed and produced highly innovative technical installations for broadcasters throughout North America.

Mr. Turcotte attained an MBA degree from Concordia University in Montreal in 2004.

In 1999, Mr. Turcotte incorporated MaestroVision, a software development company that specialized in broadcast technology providing high-end quality video servers and media asset management to broadcasters. They have collaborated in various sectors, such as law enforcement, justice, education, and government.

Located in Boca Raton, Florida, Mr. Turcotte may be reached at cturcotte@maestrovision.com

As a Court Administrator, investing in a court recording software that is easy to use, flexible and makes sharing recordings a simple task is critical to meet the guidelines of your role.

Here are some factors to consider when researching appropriate software for your individual courtrooms.

Hardware:

1. Base your search on your answers to the following questions:
 - How many channels of audio need to be recorded simultaneously?
 - Does your court need to upload data into the system for metadata or bookmarks purposes?
 - Does the court require importing data from a case management system?
 - How will the recordings be shared and/or stored with others in the court system; email, DVD, USB, a link, printed or other programs?
 - Will court personnel or any other users require using a foot pedal to replay recordings?
 - What metadata fields are pertinent in each recording?
 - Ex: Case name, case number, case ID, Judge, time and date of record, court department, location, name of witness, defendant, or any other pertinent information.

2. Consider the need for a media library. A media library stores your recordings in an on-premise or cloud-based application that can be accessed by as many or as little users with login credentials as you'd like. With a media library, users can....

1. Search recordings by metadata
2. Add bookmarks after recordings are finished
3. Export and trim recordings
4. Set up a user permissions hierarchy
5. Isolate channels during playback and more

3. If the Court has decided to invest in a media library, the next step is to decide whether storage will be kept on-premise or cloud based. Before these decisions are made, consider learning how your options work.

An on-premise video library is an application installed at your location. It uses your computers and your hardware storage. Sometimes, the Information Technology specialist (IT) will install a "Virtual Server" on the existing hardware including an SQL application and the video library application. Subsequently, if the IT specialist configures the library correctly, it becomes a corporate cloud application. Cost wise, normally on-premise applications are purchased and owned, with ongoing annual fees for updates and maintenance. The pros mainly concern security. Many

continued

legal entities are very reluctant to have sensitive information outside their physical control.

Cloud applications are very secure, but there are ongoing fees to consider. In the long term an in-house facility is less expensive. The short term is more expensive as all hardware and software needs to be procured as well as ongoing maintenance costs. Finally, there is a question of Internet access. If your court always accesses the library from your internal Ethernet network, all is good. But if you require users to access the database from outside the internal network, the Internet connection will need updating to a much higher upload speed, to allow users access to the video library at the same time. The cloud has the same features as an on-premises installation except the application is based outside your locations in a “Data Center”. The Data Center is not your provider, it is a service purchased by your provider. Your provider rents rack space in the Data Center where the hardware is installed. The provider also rents a huge upload Internet connection allowing him to service many customers at the same time. The benefits of the Data Center

are the enormous pipeline of data it can provide, and the very high levels of security to access the environment. The cloud service is generally offered on a monthly payment program. Naturally the provider will require a signed contract and will charge for configuration and installation.

Short term it is less expensive, as there is no need to purchase equipment and staff-time to implement the solution. The connection to the library will be much faster and accessible worldwide by many users simultaneously. The solution will cost more on a long-time basis. Even though the solution is very safe, there is a security issue perception, due to the fact that people other than your own court staff are in charge of the hardware.

Once the Court has an idea of needs and requirements in a media library, storage, and the specifications that will need to be fulfilled, you are ready to begin booking appointments with vendors. Remember to be as transparent about what you want in these appointments, so you don't waste any time on software that doesn't fit your individual Court's needs.

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The International Association for Court Administration congratulates our CEO, Pamela Harris, on her induction into the National Center for State Courts (NCSC) Warren E. Burger Society. Pam was recognized for her leadership within the Conference of State Court Administrators (COSCA) on initiatives including the Joint Committee on Security and Emergency Preparedness, Court Statistics Project, Joint Technology Committee, National Open Court Data Standards Committee, and NCSC's Institute for Court Management Advisory Committee.



The Warren E. Burger Society was formed in 1996 upon the celebration of NCSC's 25th anniversary. The Society honors individuals who have volunteered their time, talent, and support to NCSC in an exceptional manner. Membership in the Society is granted to volunteers who have demonstrated an exemplary commitment to improving the administration of justice through extraordinary contributions of service or support to NCSC.



Tribute to Judge Belen G. Salespara-Carasig

By: Eileen Levine, Editor

It is with a heavy and broken heart that I must report to our IACA members and colleagues of the loss of one of our incredibly special IACA supporters, The Court Administrator (TCA) contributors and IACA member, the Honorable Belen G. Salespara-Carasig from Paranaque City, in the Philippines. You will recall Judge Salespara-Carasig's wonderful article in The Court Administrator, Edition #8, The Lady Justice Ushering in a New Better Normal: The Bayanihan Way. "Bayanihan," is derived from the word BAYAN which means COMMUNITY, which speaks of working together with a community spirit. Her Honor certainly epitomized the spirit of Bayanihan; always collaborating and working in partnership with her colleagues to find a better way.

Judge Salespara-Carasig was married to fellow lawyer, Roy Alfert M. Carasig, and together they were blessed with two children, Jose Maria Rafael S. Carasig and Maria Rome Ysabel S. Carasig. Judge Salespara-Carasig told us that she had prayed that her children would one day also serve in the Judiciary.

The digital image of Lady Liberty wearing a mask that graces the cover of The Court Administrator Edition #8, was



designed by Jose Maria Rafael S. Carasig who was 13 years old at the time he created his amazing artwork. Raphael's "Lady Liberty Wearing a Mask" depicts Lady Liberty continuing to uphold and to balance justice for all, especially during the pandemic that has made life difficult in many different ways for everyone. Her Honor received much joy when Jose Maria Raphael's artwork was selected as the cover of not only Edition#8, but the cover of The Federal Court Clerks Association Journal, Spring, 2021 Edition.

Judge Salespara-Carasig was a panelist and contributor to the first IACA Podcast "Courts and COVID: What's Been the Global Response?" introducing IACA's Global Conversation Podcast during the Winter of 2020. Readers can access the podcast at IACA Podcasts.

I am deeply grateful to her Honor for her sincerity, compassion, loyalty and her kindness to her family, court colleagues and her communities. Although I never had the pleasure of meeting Judge Salespara-Carasig in person, I have been deeply moved by her accomplishments and her courage, especially during the past several years.

The joy, wisdom, and the brilliance that she brought to all will never be forgotten.

