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CARDS 2004 Twinning-Project

"Support to more efficient, effective and modern operation and functioning of the Administrative Court of the Republic of Croatia"

Activity 4.3: Impact assessment of the newly drafted Law on Administrative Court Procedure on the IT-based ICMS

Assessment report

1 Basic conditions

1.1 Task

The existing ICMS-software (Integrated Court Management System) of the Administrative Court of the Republic of Croatia (in the following: Administrative Court) which was developed in 1994 is used for case flow management. A local software development company has assisted the court over the past fifteen years in developing this software. The system is used primarily in the court's registry and for the information of the president about the number of cases assigned to and solved by judges and court advisors.

The overall objective of the project is to support the process of modernization of an efficient, transparent and independent administrative judiciary in Croatia. The specific objective of this activity is to improve the technical ability of the Administrative Court in order to enable a faster and more efficient handling of current cases as well as the reduction of backlog cases. The upgrade of the current CCMSAC (Court Case Management System for the Administrative Court) including improvements and a new functionality based on modern technology play an important role in reaching these aims.

1.2 History

From September 2007 to March 2008 a web-based ICMS for the Administrative Court was prepared by another project (BENEF 3 – Letter of contract No. 2004-0301-020301). For details please refer to the final report of this project.¹

Unfortunately this software could not be used by the court. After a short test phase the use was stopped by the court management. As the most important reasons were mentioned:

- The input of data took too much time and caused backlogs.
- The statistical functions did not meet the needs of the court president.
- Because of these deficiencies, the program was not accepted by the staff of the administrative court.

Since the other project had already ended at the time these problems arose, no serious efforts were undertaken to solve these problems, so that the old software was reactivated and is still in use today. Whether it is planned to save at least some of the functionality of the new software is not known.

1.3 Objectives and possible solutions

The main objective of this activity is to analyse the actual situation and to make recommendations whether and if yes how the current IT-system of the Administrative Court has to be amended because of the draft for a new Law on Administrative Court Procedure.

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¹ see Final report ARS Progetti (1. version).doc; Final report ARS Progetti (2. version).doc

In this situation there are four theoretical solutions:

- Complete redesign and reprogramming of a new ICMS
- Reprogramming of the ICMS based on the technical assessment of the failed software
- Adaption and reactivation of the failed software
- Further use of the current software with the necessary adaptions and modifications

The continuation of the use of the actual software without modifications is impossible, because the program does not support important functions required by the new law. Therefore, the most important new functions will be described in this report.

2 Functionality

Based upon several interviews in January 2009 and an analysis of the status quo there are some observations worth being documented:

- The existing software (KANCEL) meets the basic requirements for case flow management. In the following text it will be referred to only as "CMS" (**C**ase **M**anagement **S**ystem) in order to distinguish it from other applications in the Croatian judiciary like e.g. IGEA which is an integrated case management system (ICMS) with global functionality.
- The existing system has evolved over the past 15 years and works very well.
- There is an overall consensus and enthusiasm that all desktops at the Administrative Court, approximately 80, need access to the CMS.
- On the other hand it is expected that based on the new Law on Administrative Court Procedure the current one instance administrative judiciary will become a two instance judiciary with mandatory oral proceedings in the first court instance.

Therefore, the impacts of these changes for case management, the determination of dates for oral hearings and other related functionalities must be considered.

At the moment, the Administrative Court does not have any specific plans for the development of the current CMS (new functions etc.). Therefore, priority should be given to the basic IT-needs of the Administrative Court. This recommendation also takes into account that the implementation of a new ICMS with a significantly higher functionality just failed about a year ago.

2.1 Administration of cases

The current CMS of the Administrative Court essentially is only used for the administration of the cases and to produce several internal statistics. These statistics on the first hand are done, to monitor the work of judges and court advisors. The functionality of the CMS is limited but is absolutely corresponding to the current needs of the Administrative Court.

Thus, the software is basically used as a file-administration- and monitoring- system. It is possible, to monitor pending cases and their assignment to certain judges or court advisors. The court's registry at any time knows where a file is located and which step has to be taken next. Until now there is no support for text production at all.

2.2 Statistics (= Monitoring of judges)

The administration and documentation of the files is the basis for a lot of statistics which at the moment is the software's main purpose. The most important aspect of these statistics for the court as already mentioned is the possibility to monitor incoming cases and their assignment to judges and court advisors. The court president is using the CMS to supervise the completion of assigned cases in relation of the individual working time and the case load of every single judge and court

advisor. The president can see how many cases have been solved and gets detailed information about the backlog.

A less important function is the booking of payments on a certain case. All the data which is stored in the system is demonstrated more detailed on screenshots (see annexes).

3 Technical environment and administration

3.1 Software

The current CMS of the Administrative Court is implemented as conventional client-server application, which has been realized in the programming language Borland Delphi. The client-PCs are using the operating system Windows-XP.

The data is stored on a Microsoft SQL-Server 2000. This Server (the actual version is SQL-Server 2008) is sufficiently dimensioned for the relevant data, which actually only includes meta-data about the cases but no information about cases themselves. Under these conditions limitations of performance are not expected. An upgrade actually should not to be necessary.

3.2 Administration

The design of the data structure and the programming itself is realized and maintained by Centar MCS, a local system house. The programming is realized according to the specifications and suggestions of the Administrative Court. A written documentation of the source code does not exist.²

The local administration of the system is provided by the internal IT-administrator of the Administrative Court. He does all inhouse installations, configurations and other administrative functions himself. Any further problems are handled by the supporting

² The most concrete information could be get from the screenshots and the table structure in the Annex

firm Centar MCS. The cooperation with the programming firm Centar MCS is effective and seems to be without problems.

4 Evaluation

The current CMS is sufficient for today's needs of the Administrative Court. An Interrogation of the court's staff pointed out a high level of satisfaction with the software and its functionality.

Until now the current CMS works very stable and does not cause any problems. The administration of the program can be done by court employees. In addition to that, the bad experience with the unsuccessful implementation of a new CMS-software in March 2008 has to be kept in mind. This experience causes a psychological barrier for the implementation of new software products in the next time.

On the other hand the new Law on Administrative Court Procedure introduces several new legal instruments like e.g. a second instance court or mandatory oral hearings before the courts of first instance that influence the requirments for the functionality of the existing CMS. Therefore, the impacts of these changes for case management, the determination of dates for oral hearings and other related functions must be considered.

This has several consequences:

- The CMS needs a new functionality for the determination of the date and the time for an oral hearing. Secondly the parties must be informed about the date and the time of the hearing and the location. It is expected that the court's paperwork will increase soon after mandatory oral hearings have become law. The future workload for typists can only be met with effective IT-support. The summons of parties to oral hearings requires mass text preparation which must be supported by the CMS.

The next problem which has to be solved is the distribution of administrative courts over several locations. The actual architecture of the CMS does not allow a decentralized use with a central database. This means that the CMS-application with its database has to be duplicated for every new court. This is possible because there will be only five courts (four courts of first instance and one Supreme Administrative Court) and there is no real need for a central access to the database today. The most important functionalities will be used locally.

In addition to that, a functionality to support different instances must be implemented. This means that the file-number of the first instance and the second instance must be handled separately in different database-fields.

4.1 Conditions

As a first step, the following functionality must be added:

- Support of oral hearings
- Determination of the date and time for oral hearings
- Two instance court structure with courts in different locations

The implementation of the new functionality seems to be possible without any difficulties. All relevant data must be stored in a new table which has to be added to the actual data model.³ The relevant data for the second court instance (see above) should be added without problems as well.

The implementation of the new functionality could be managed soon.

As a next step the CMS should support a limited functionality of mass text preparation.

³ See the actual table structure in the Annex

The administrative courts must summons the parties to oral hearings. This means that all parties must get a written invitation as well as information about the further procedure. This paperwork requires the storage of the exact address of all parties as well as of every person who has to be summoned e.g. as a witness. The current CMS only stores the name of the city or municipality where a party lives but not the exact address. Therefore it is necessary to store this additional data as well as the role of the party in the case (e.g. plaintiff, defendant, witness). After this has been achieved, the text production system could be supported by a programmed macro, which gets all necessary information from the database using the file number. This connection between the text-processor, e.g. Microsoft Word, and the database allows an automatic preparation of standard texts. This is the only way to compensate the increased workload which is expected because of the introduction of mandatory oral hearings.

For this purpose, the following new data has to be stored to store, which is not contained in the current database tables:

data of hearings (1 : n)	To do
Date	- change of table- and data
• time	structure
• room	- redesign of screen
 with or without establishing/ 	
investigating facts	
number of witnesses/experts/	
translators	
reports on hearings	
hearings of the day	- definition of reports
 hearings of the current/next week 	
hearings of chamber/judge	

New data to store for document preparation Data of representatives (1 : n)	
 name (full) address role in the case kind of representative 	- change of table and data- structure

Functionality for different locations

In order to use the CMS-software at the new courts of first instance, this software has to be installed at every one of these courts. The local installation must be configured in exactly the same way as it is now at the Administrative Court. There will be no data interchange between the local database-servers but this is not a real disadvantage at the moment, because all relevant data is mainly used internally by the court president.

The administration of the local servers normally does not require a very high frequency of administrative operations so that the administration could be achieved by a local administrator of the Supreme Administrative Court in Zagreb using remote access-procedures via Remote Desktop.

4.2 Limitations

The current situation causes some limitations. It is a precondition that the CMS must be usable before or at least at the same time, when the new law enters into force (probably in the first half of 2011). This means, that the development of the new functionality of the CMS must be finished soon. The CMS must be ready for use at the Supreme Administrative Court as well as at the new courts of first instance.

On the other hand, the new Law on Administrative Court Procedure also contains provisions on electronic data exchange and electronic filing. Hiowever, electronic data exchange and electronic filing will not start before the Ministry of Justice passes a respective bylaw.

Electronic data exchange and electronic filing realistically can't be realised at the moment. The realisation requires a new technological level in the whole Croatian judiciary, but detailed organisational regulations are still missing. Currently there is no sufficient information which requirements exist today. Because of the relatively small size of the administrative judiciary it is not feasible that the administrative courts realise electronic data-exchange and electronic filing on their own. A respective strategy should include all courts and administrative bodies. This only can be realised through future projects initiated by the Ministry of Justice.

4.3 Advantages

The continued use of the current CMS has several advantages. It must be pointed out that the modification of the actual CMS only can be an "in between solution", which will be in use for only a few years. Nevertheless, the recommended solution will provide sufficient functionality at very low costs. Furthermore, this solution excludes the risk that the reformed administrative judiciary must start without a functioning CMS when the new law enters into force. Finally, this solution also takes into account the psychological aspects described above, so that this solution can be expected to be implemented without any problems from the side of the staff.

5 Solution

The actual technical and organisational circumstances indicate that it would be the best solution for the administrative judiciary to proceed in three steps.

- As a first step, the most important decision has to be taken whether to keep the current CMS for a limited time period and to improve it by adding (only) the necessary additional functionality.
- As a second step the production of paperwork should be supported by additional functions using adress-data from the CMS.

Steps one and two should be implemented before the new Law on Administrative Court Procedure enters into force.

 The third step is a complete redesign of the software and the transformation of the current CMS into a new ICMS for the administrative judiciary with additional functionality for the electronic data exchange and data filing.

Step three will be part of future projects initiated by the Ministry of Justice.

Realisation in different steps

The programming of a new ICMS using the latest technological possibilities will be necessary in medium-term, i.e. within the next five or even more years. The need of storing and handling contents of the cases and not only metadata will be a historical challenge for the future. This cannot be done in a few months. The requirements for such a complex system still have to be defined, based on the necessary political decisions which have to be taken before the next step of the development of the IT-system can be taken.

According to the current experiences not only in Germany it is to be expected that the electronic data exchange will be used more actively in the next few years. Several connected problems are not solved yet all over Europe and it takes time to solve them.

Because of this delay, a redesign of the ICMS programmed by the framework project (see above) theoretically could also be recommended. However, a precondition for

that solution is that the Ministry of Justice gets the rights to the source code and a complete documentation of the program. An independent redesign and redevelopment should be possible and must be allowed by copyright law.

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6 Summary of Recommendations

It is recommended to continue to use the existing "KANCEL"-software which has several advantages under the actual circumstances. In mid-term a new ICMS-software has to be programmed with additional functionality on an up-to-date technical platform.

The following three steps are recommended:

First step:

Inclusion of new functions meeting the requirements of the new Law on Administrative Court Procedure. In detail, this means the implementation of an appropriate data structure for a two instance court-system, the possibility of a decision by a single judge and especially the support for oral hearings as described above.

Second step:

Inclusion of a new module for text and document-preparation is indicated. This new module is the most important enlargement of functionality of the actual CMS. This module enables the staff of administrative courts to use all relevant data on cases already stored in the system for document preparation using document templates with a textsystem like e.g. MS Word.

Third step:

New project for the development and implementation of a new ICMS-system as part of a global conception for the whole Croation judiciary according to the IT-Strategy of the Republic of Croatia which has to include electronic data exchange and filing. It is obvious that the redesign of a new ICMS is necessary in mid-term and that the current CMS only can be used in the next few years. However, before the third step is started, it should be checked, whether the main features described here could be achieved by adapting an ICMS-software (ICMS) used in other parts of the Croatian judiciary. The theoretical and conceptional problems that have to be solved are the same in all parts of the judiciary.

The new system outlined in this document must meet the main goals of the IT-strategy of the Ministry of Justice.⁴

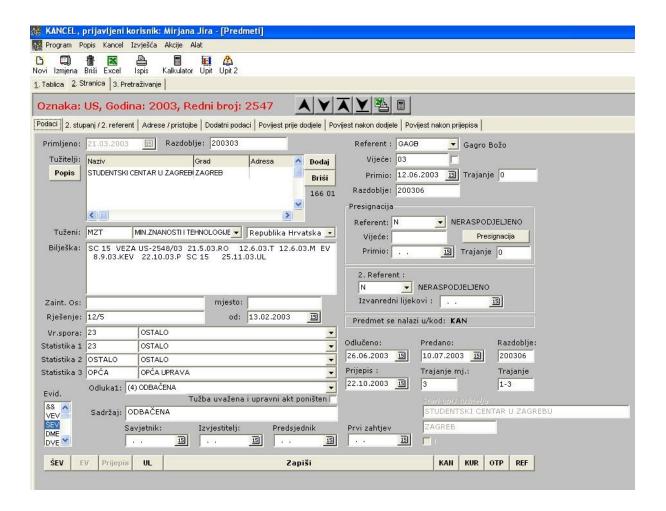
⁴ refer to "STRATEGY OF INFORMATION AND COMMUNICATION SYSTEM PLANNING", Ministry of justice, Republic of Croatia, Zagreb, February 2005

7. Annex

I. Available or referenced documents

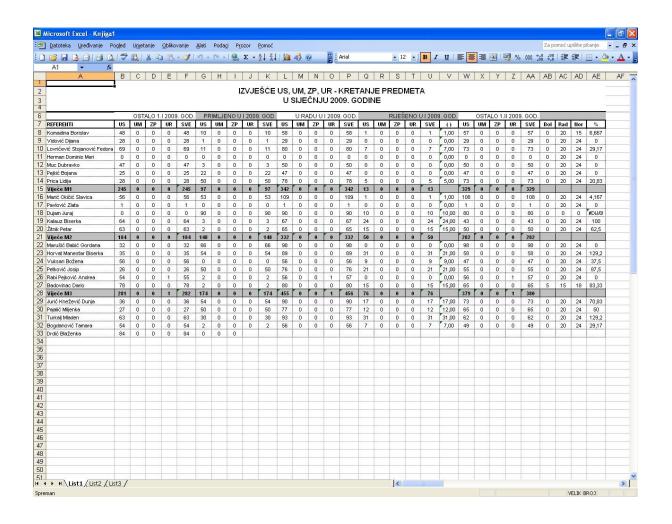
documentation old software (explanations).doc, documentation old software (screenshots).ppt, Final report ARS Progetti (1. version).doc, Final report ARS Progetti (2. version).doc, IT-strategy MoJ.doc, List of features added to ICMS - new.doc, List of features added to ICMS (Enis Hukić).doc, report Walter Morton (1).doc, report Walter Morton (2).doc, Technical specifications software.doc

II. Screenshots of functions and table structures of the current CMS:



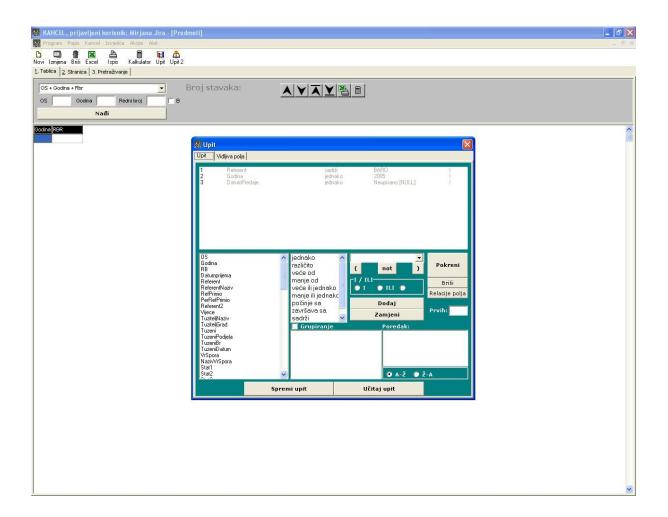
Pic. 1

Data which are stored for every case at the Administrative Court.



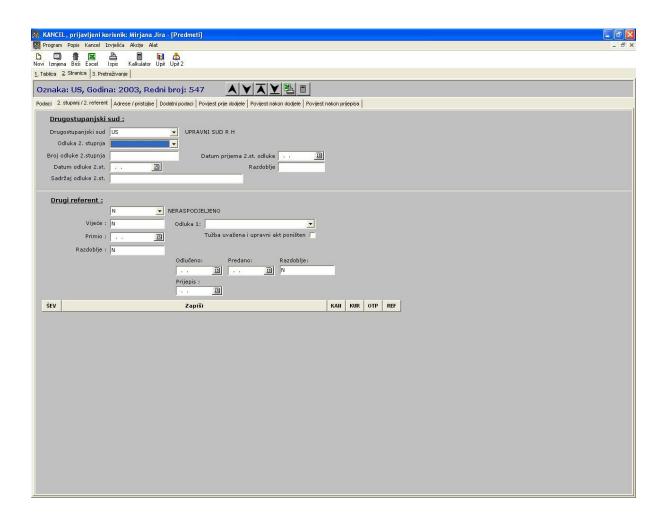
Pic. 2

The most important and mostly used functionality for the president. This table enables him to monitor the work of judges and court advisors.

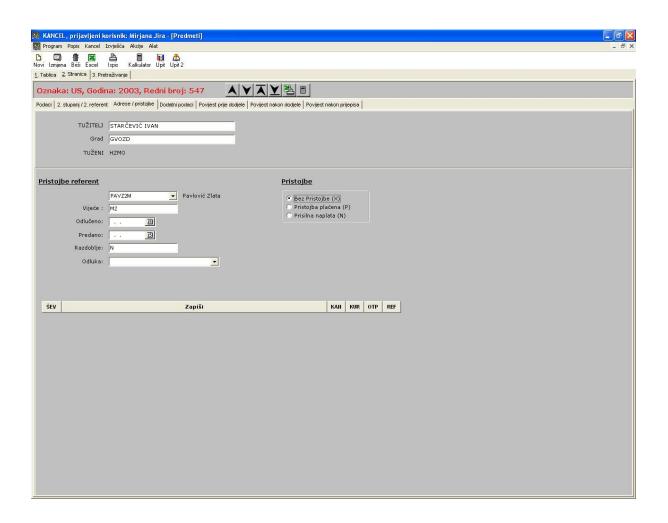


Pic. 3

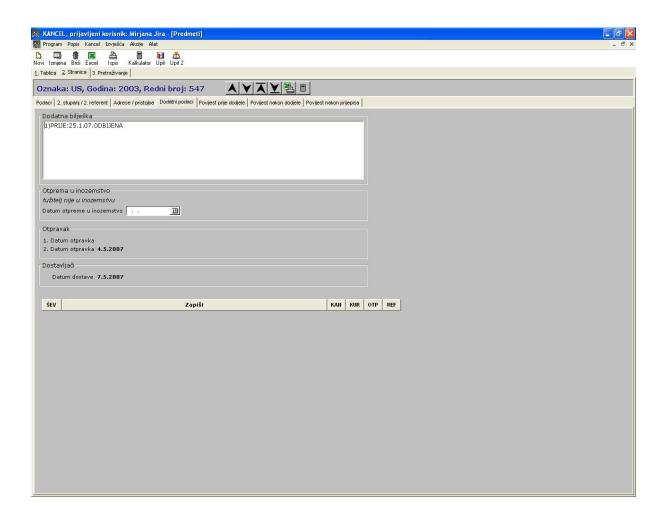
The search mask which allows a very flexible and individual definition of the output.



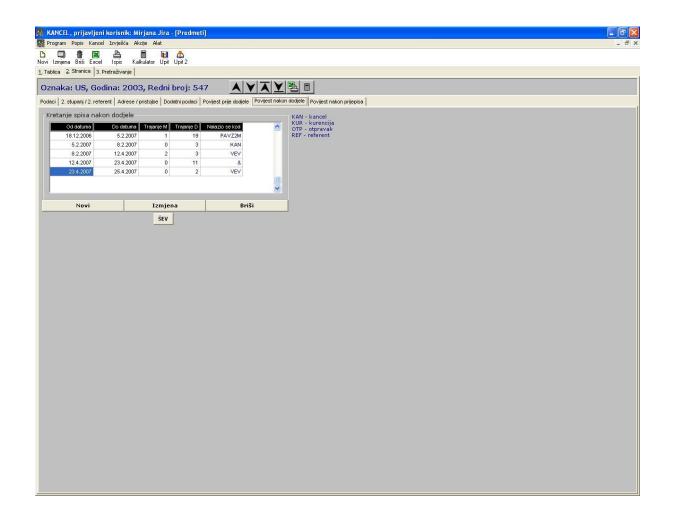
Pic. 4 relevant data of assignment of cases to judges



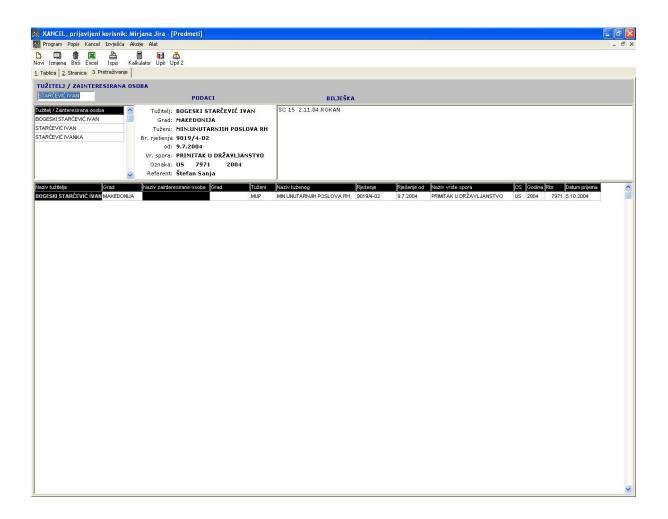
Pic. 5 Data of plaintiff; Referent



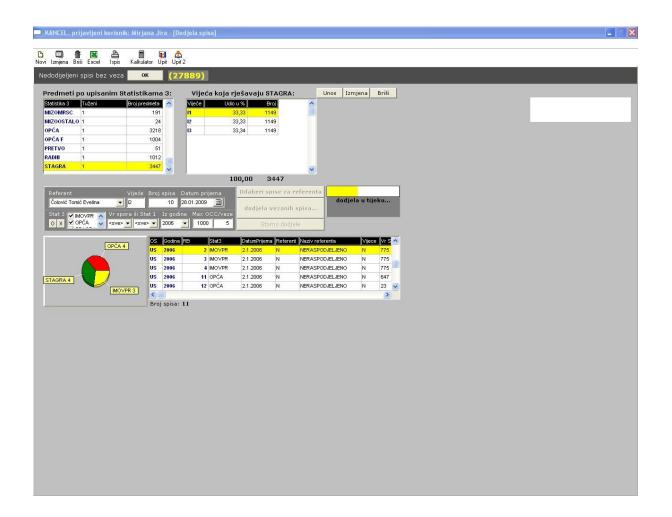
Pic. 6 additional dates and annotations



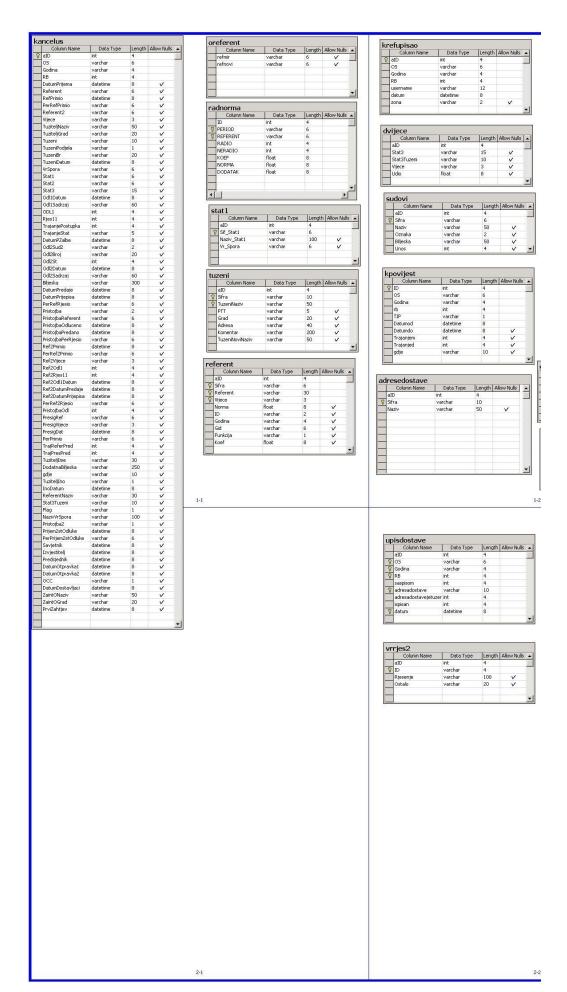
Pic. 7 Statistical Data about assigned cases

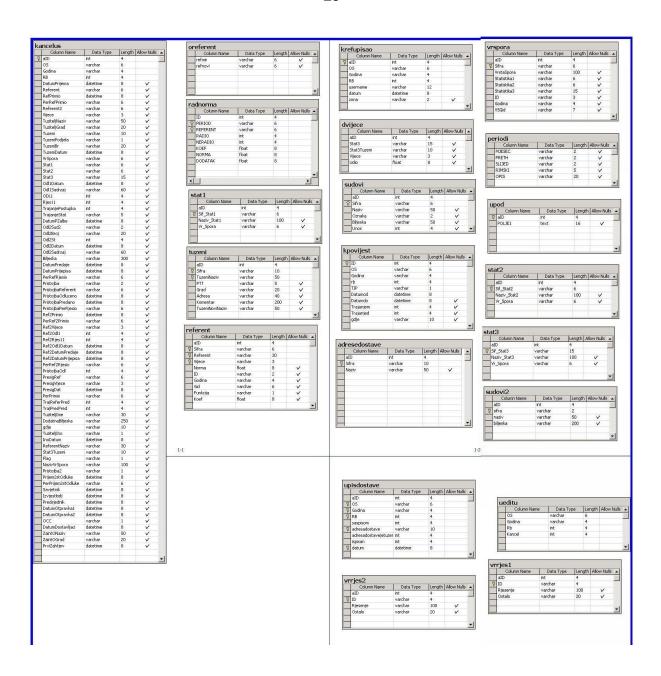


Pic. 8 Data of the plaintiff and remarks and annotations



Pic. 9 new additional statistical module





Pic. 10 and 11

Screenshots of the table structure and field-types of the actual SQL-Server 2000 database-system