

William & Mary Law School

William & Mary Law School Scholarship Repository

Popular Media

Faculty and Deans

6-2011

Holding Court: Eight Ideas to Help the Judiciary Make Wise Technology Decisions when Facing Severe Budget Cuts

Fredric I. Lederer

William & Mary Law School, filede@wm.edu

Follow this and additional works at: https://scholarship.law.wm.edu/popular_media

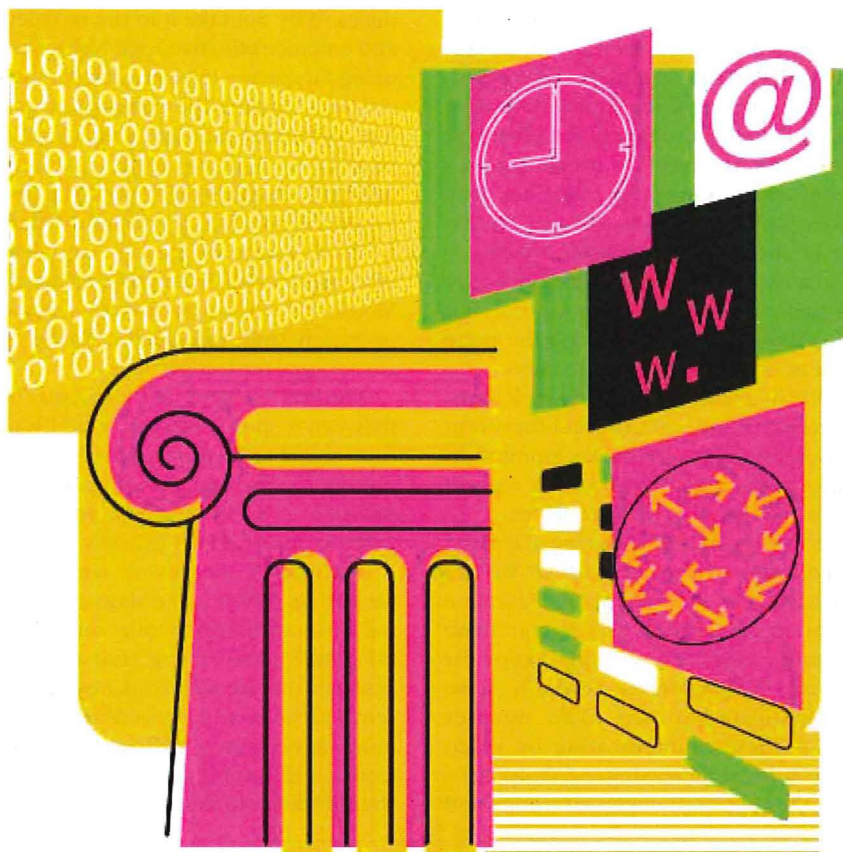
Repository Citation

Lederer, Fredric I., "Holding Court: Eight Ideas to Help the Judiciary Make Wise Technology Decisions when Facing Severe Budget Cuts" (2011). *Popular Media*. 281.

https://scholarship.law.wm.edu/popular_media/281

Copyright c 2011 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.

https://scholarship.law.wm.edu/popular_media



HOLDING COURT

Eight ideas to help the judiciary make wise technology decisions when facing severe budget cuts.

The recession hasn't spared the nation's courts — many if not most are suffering from highly constrained budgets. Yet courts must not only continue to operate effectively but also find the necessary money to increase efficiency, offset forced economies, and prepare for the future.

Effective use of technology can enhance operations while saving

money, especially when it comes to trials and hearings. Technology-augmented trials are usually substantially faster than traditional proceedings, often by as much as a third. Those efficiencies could mean that more cases and matters are processed, thus deflecting the need (and cost) of building or renovating more facilities.

What factors should be considered

if you're thinking of taking the technology plunge? Start here:

1. *In the short term, go basic.* The current "killer application" for courtroom technology is electronic evidence presentation. Visually presenting evidence — and components of opening statements and closing arguments — not only can save time, but may improve jurors' (and/or the judge's) understanding and memory.

"High technology" courtrooms customarily have display monitors for counsel, judge, witness, and jurors, but even just a small, bright, inexpensive projector and a fixed or portable screen (or sometimes even a courtroom wall) can do a surprisingly good job if the sightlines work. A small investment gives you an instant, and potentially portable, high-tech courtroom.

Another option is to purchase or create a cart-based system. A mobile cart that includes basic equipment, such as a bright projection unit, can be moved from courtroom to courtroom and also be used for administrative meetings.

2. *Put the money into infrastructure.* If you have limited funds, the best long-term approach is to emphasize basic infrastructure. Put the money into the basic cabling and switching system, as that will allow you to add equipment as funds become available. Ideally, choose a fiber-optic infrastructure that should be able to handle all the bandwidth you will need in the foreseeable future. (But keep #3 in mind.)

3. *Be careful — we are in the midst of a major technology change.* We are in the midst of a move to equipment that uses digital connections with digital rights management issues. (Think HDMI and DVI.) You can get good deals on soon-to-be obsolete equipment — but its shelf life may not be very long. Be careful, or that sale at Best Buy may actually cost you money.

4. *Audio is important — plan its implementation carefully.* Good audio

systems are neither cheap nor easy, but they're key for digital court recordings, interpretation, and remote video. Don't go cheap on a critical part of your infrastructure.

5. What about a digital court record? Good court reporters are wonderful — but not all trials need court reporters. A good digital audio or audiovideo record system can save a great deal of money. The key issue here is transcription. All that an electronic recording system does for you is to record proceedings. How often (and how quickly) do the court and the lawyers need transcripts?

Don't go digital until you're satisfied that you can obtain quality transcription quickly at an affordable price. Keep in mind, however, that there are firms that can handle transcription remotely, allowing you to contract outside your locality and take advantage of national competition.

6. As Darwin says, those who adapt will thrive. Sometimes you may be able to adapt existing technology to a related, but different, application. Vendors, for example, provide inexpensive RFID (radio-frequency) chips for attachment to file folders. Receivers ensure that a case file will never be lost or taken outside the courthouse (because an alarm can be triggered).

This also presents an unexpected benefit: by keeping a chip in your wallet or purse, you could be found quickly when necessary (which could be an important security tool). Recognizing this, at least one vendor markets an RFID application that can be equipped with a silent security alert button.

7. Use technology to share resources. Courts often need specialists, such as foreign language and American Sign Language interpreters and real-time court reporters. Few courts, however, can afford to employ people who are needed only occasionally. Pool your resources! Modern communications allow the colocation of specialists.

A centralized interpreter pool could serve an entire state for uncommon languages. Explore whether a remote real-time stenographic reporter would serve your needs. At the Center for Legal and Court Technology, we created a protocol where a reporter has a one-way video link from the courtroom, so that he or she can verify who is talking — and a two-way audio link that not only provides audio to the court reporter but also allows the reporter to ask the judge to slow down counsel or a witness.

With a courtroom network connected to the internet, the real-time transcript can appear on display monitors in front of the judge and counsel, regardless of the location of the reporter.

8. We are at the beginning of a video revolution — join the crowd! We are living in the age of Apple's Facetime (iPhone and iPad 2) and Skype. Even network news is now using Skype for reports not available through more sophisticated means. The number of families communicating by video appears to be increasing on a daily basis, whether between deployed troops and

dures. Why not take it to the next level and enhance effectiveness? Nebraska is using Skype for intra-court communications. Imagine the consequences of moving docket calls and simple motion practice to display screens. Just eliminating the number of lawyers who need to come to court for only a few moments could decrease congestion and security costs as well as enhance efficiency. Moreover, we would save fuel, lessen pollution, and, just maybe, lower the cost of legal representation.

Limited budgets are difficult, but they can inspire creativity. Usually, the first step is to identify and install technology to improve a long-established practice — and hopefully, your team will save money in the process.

Ultimately, however, we should be asking, "With technology, how can we best accomplish our fundamental goals?" Answering that question assumes that we will think beyond current practices and procedures — and imagine new, more efficient protocols from our technology tools. That process should lead us to the ultimate answer as

ONE STATE'S CHALLENGE

In the wake of Gov. Andrew Cuomo's directive to cut \$170 million from its \$2.7 billion budget, New York's court system has laid off employees for the first time in 20 years, reports the *New York Law Journal*: 58 full-time and 16 temporary workers. Another 500 pink slips are expected. Jobs include computer programmers, secretaries, auditors, and attorneys. Six of 17 Manhattan data processors were let go, which will delay updates of essential databases, including the roster of lawyers eligible to serve as guardians.

their family members, or just for chats between grandparents and grandchildren. This acceptance of video communication by the general public strongly suggests that lawyer and judicial reluctance to use two-way video for motion practice is likely to end soon. (See "Breaking Boundaries," in the April *Law Technology News*.)

Some courts already use telephone communications for basic court proce-

to how we can use technology to accomplish more with less money.

Let us know what innovations you have implemented!

Fredric Lederer is Chancellor Professor of Law, and director of the Center for Legal and Court Technology at William and Mary School of Law. He is a member of *LTN's* Editorial Advisory Board. E-mail: filede@wm.edu.