



# **JUDICIAL EDUCATION & THE USE OF TECHNOLOGY IN THE COURTROOM**

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# PREAMBLE

- **ARTICLE: HUNGRY JUDGES DISPENSE ROUGH JUSTICE:**  
Corbyn, Z.
- <https://www.nature.com/articles/news.2011.227>

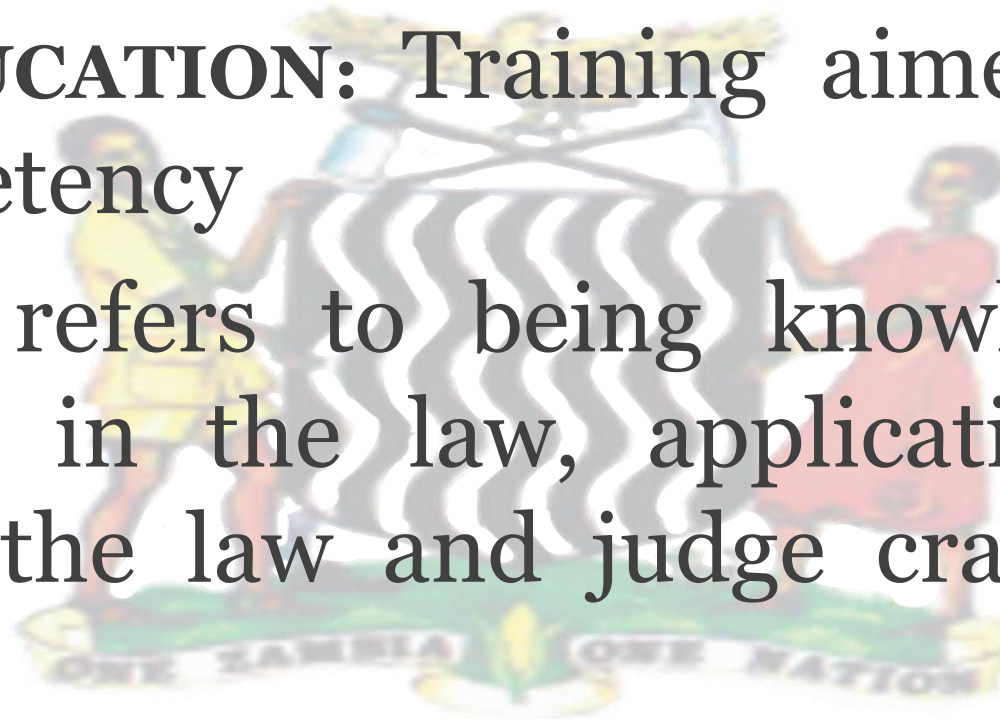


# KEY DEFINITIONS

- **ACCESS TO JUSTICE:** The general ability of individuals to enter the room where disputes or grievances are resolved according to the law. (criminal, civil, and/or administrative)
- A fair chance to secure your rights or a remedy or to receive what is due to you under the law, as the case may be, in a just and timely manner. (equal treatment of similarly placed individuals, whether actual or perceived)

# KEY DEFINITIONS

- **JUDICIAL EDUCATION:** Training aimed at advancing judicial competency
- Traditionally refers to being knowledgeable about developments in the law, application of dynamic principles of the law and judge craft or the art of judging
- Extends to personnel employed within the judiciary



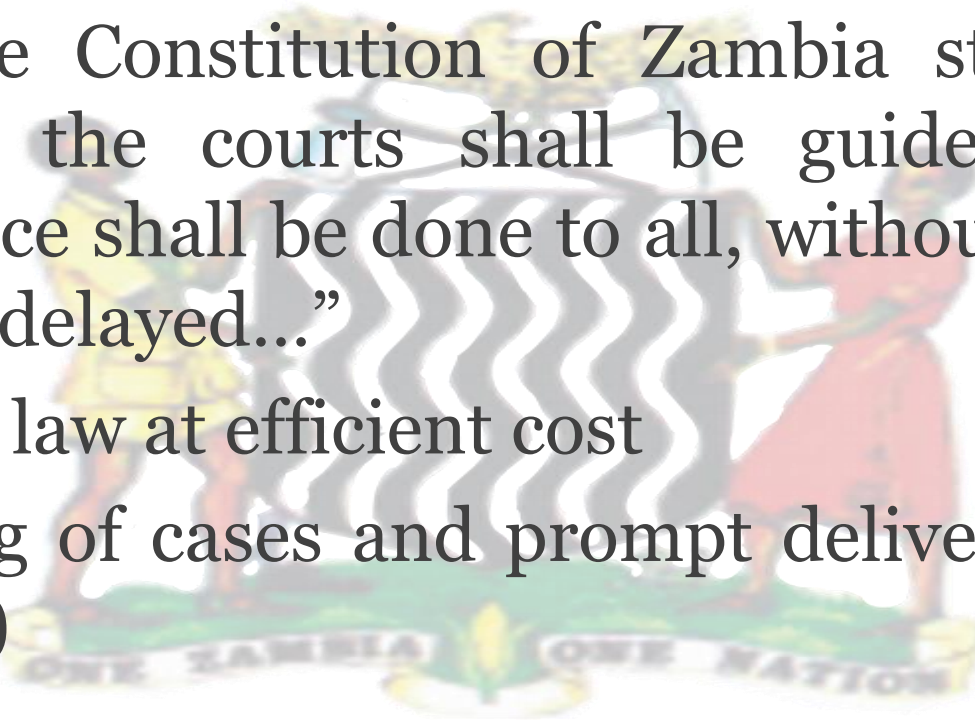


# KEY DEFINITIONS

- **TECHNOLOGY:** Adoption of the use of digital tools (in criminal and civil matters)
- Also referred to as digitisation.
- “use of electronic based technology which enables communication of information to be originated to reach many people in different places at once upon the click of a button” *HONOURABLE MR JUSTICE LUKE MALABA, CHIEF JUSTICE OF ZIMBABWE DIGITISATION OF THE COURTS AND ACCESS TO JUSTICE: THE ZIMBABWEAN PERSPECTIVE, ZAMBIAN JUDICIAL CONFERENCE 2022*

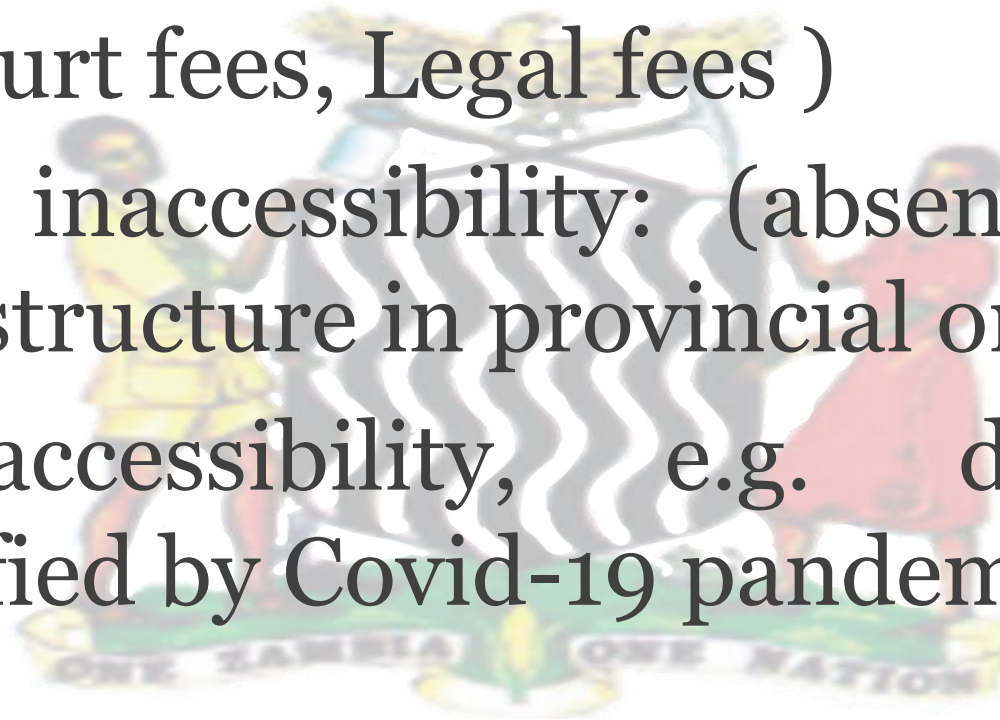
# ACCESS TO JUSTICE AND RELATED PRINCIPLES OF JUDICIAL AUTHORITY

- Article 118 (2) the Constitution of Zambia states: “In exercising judicial authority, the courts shall be guided by the following principles: (a) justice shall be done to all, without discrimination; (b) justice shall not be delayed...”
- Equality before the law at efficient cost
- Efficient processing of cases and prompt delivery of determinations (case management)

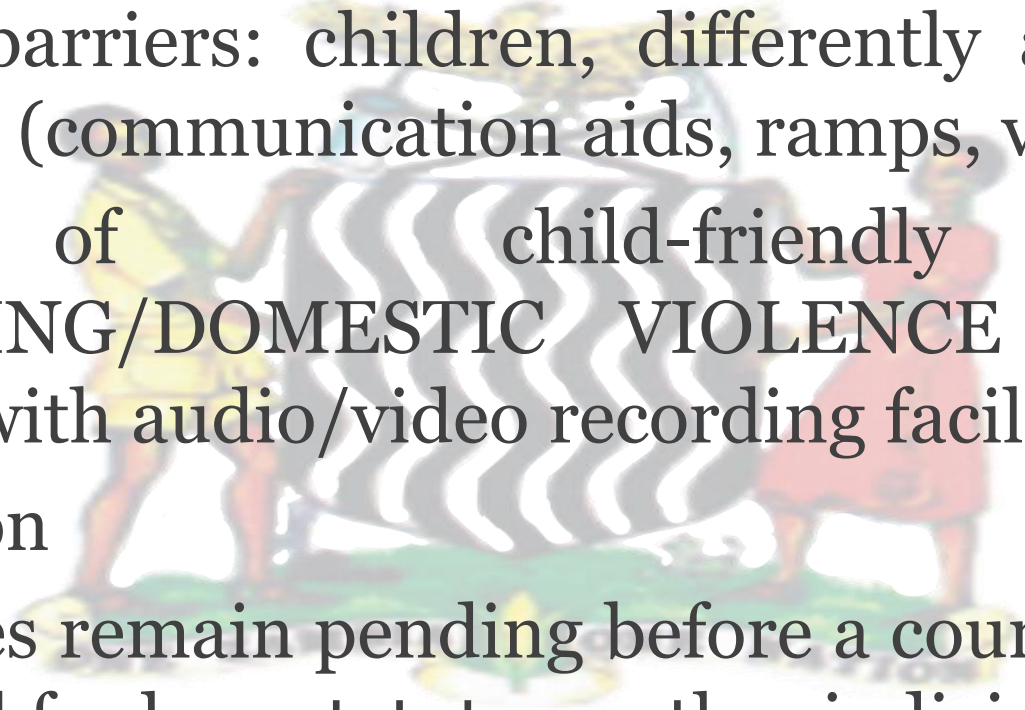


# ASSOCIATED BARRIERS TO ACCESS TO JUSTICE

- High Cost (Court fees, Legal fees )
- Geographical inaccessibility: (absence of adequate physical infrastructure in provincial or rural areas)
- Physical inaccessibility, e.g. due to lockdowns(magnified by Covid-19 pandemic)



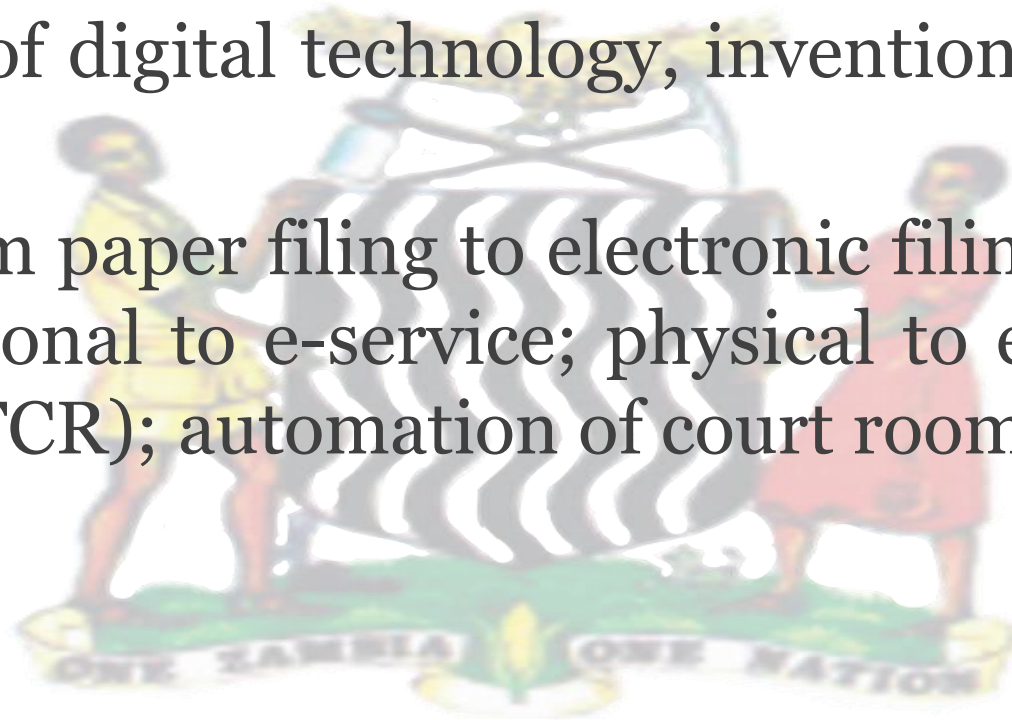
# ASSOCIATED BARRIERS TO ACCESS TO JUSTICE

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- Litigant specific barriers: children, differently abled, gender, race, ethnicity, culture: (communication aids, ramps, visual aids, braille)
  - Absence of child-friendly procedures (SGBV/TRAFICKING/DOMESTIC VIOLENCE need for special rooms equipped with audio/video recording facilities)
  - Lack of information
  - Case backlog: cases remain pending before a court for a period longer than that provided for by a statute or other judicial guidelines
  - Corruption



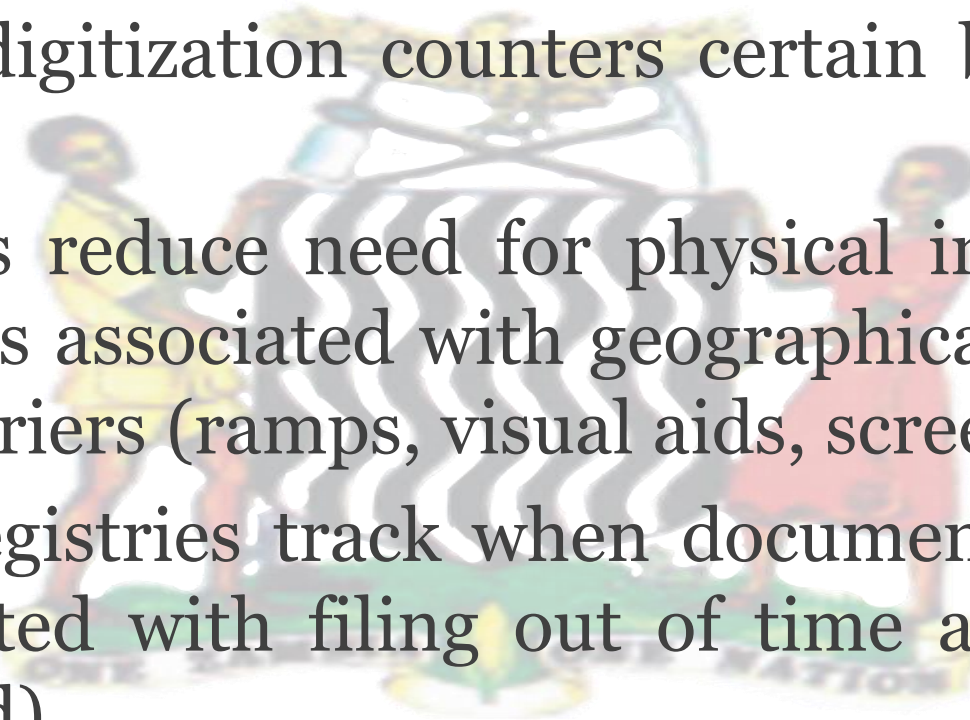
# **DIGITISATION AT A GLANCE**

- connotes the use of digital technology, inventions and innovations in justice delivery.
- Entails a shift from paper filing to electronic filing; physical to virtual appearances; personal to e-service; physical to e-records; Real Time Court Reporting(TCR); automation of court rooms.



# TECHNOLOGY AS A PASSAGE TO ACCESS TO JUSTICE

- Speed offered by digitization counters certain backlog and delay in delivery
- Virtual courtrooms reduce need for physical infrastructure thereby eliminating barriers associated with geographical, physical and some litigant specific barriers (ramps, visual aids, screens for children)
- Electronic filing registries track when documents are filed (reduces corruption associated with filing out of time and backdating when documents are filed)



# MODERNISATION OF JUDICIAL EDUCATION

- Traditional methods of judicial education do not school judges in tech as a competency.
- Some judges and judicial officers are plagued with “tech stigma”. Modernization will help them navigate the digital terrain.
- Digital platforms can also be used for judicial education in core competencies: Video games /simulation exercises
- The reality is that technology proficiency has become a core competency which may be used as a tool to reduce backlog

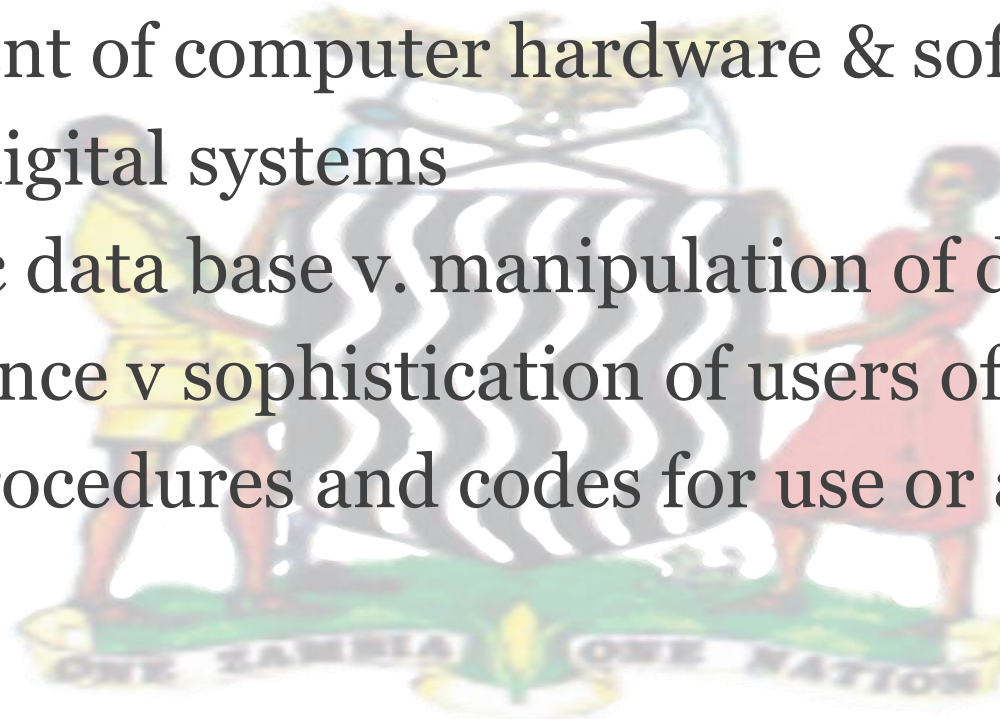
# MODERNISATION OF JUDICIAL EDUCATION

- *“In the context of judicial system, technology becomes a skill in enhancing efficiency in procedures. It has the potential to create basic systems like online filing systems, e-summoning, case-tracking system for clients, data repositories, seamless network of information flows from courts to courts and from relevant governmental bodies to courts, and advanced algorithms for retrieving relevant precedential data for both lawyers and judges, and scenario mapping for judges to assess the potential social cost of judgments.”*

***C. Rajkumar, founding VC, OP Jinda Global University***

# A MEDLEY OF TECH RELATED CHALLENGES

- Cost of procurement of computer hardware & software
- Maintenances of digital systems
- Reliable electronic data base v. manipulation of digital systems.
- Inequality: Ignorance v sophistication of users of digital systems
- Dearth of rules, procedures and codes for use or applying tech





# A CASE STUDY: ZIMBABWE

- In 2022, the Zimbabwean Judiciary began its transition from the traditional paper system to a digitized system.
- To achieve this, the judiciary adopted the Integrated Electronic Case Management System (I.E.C.M.S.) for filing court processes and management of case files as a pilot in the Constitutional Court, the Supreme Court and the Commercial Court Division of the High Court.
- The I.E.C.M.S. web and computer-based system manages and tracks court processes filed in the court registries.

# A CASE STUDY: ZIMBABWE

- As part of the transition process, the judiciary in Zimbabwe has also established e-filing centres to serve litigants who either: (i) do not have adequate access to e-resources that are essential for filing on the IECMS platform; or (ii) do not have the necessary skillset that is required to access the online platform on their own.
- Each e-filing centre is fitted with computers and internet broadband connectivity for accessing the I.E.C.M.S. platform for filing purposes.
- The e-filing centres are manned by fully trained staff to ensures that the litigants in remote areas and from socially and economically disadvantaged backgrounds benefit from the system.

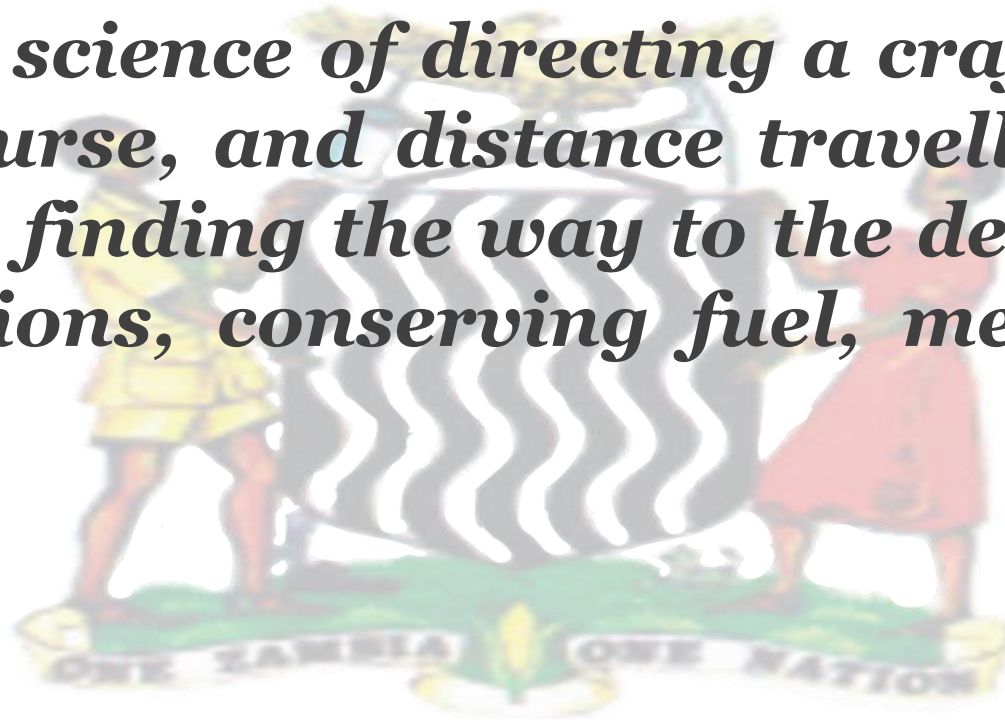
# A CASE STUDY: ZIMBABWE

- “The immediate gains have been in the increased promptness and efficiency with which members of the Judiciary dispose of cases. This is because through mediums such as virtual hearings, participation in legal proceedings is no longer dependent on the physical appearance of litigants. Also, transport costs for litigants have been scaled down.”
- “The increased transparency and awareness of judicial operations arise from the greater involvement of litigants as they can electronically track the progress of their cases through the system.”

***HONOURABLE MR JUSTICE LUKE MALABA, CHIEF JUSTICE OF ZIMBABWE  
DIGITISATION OF THE COURTS AND ACCESS TO JUSTICE: THE ZIMBABWEAN  
PERSPECTIVE, ZAMBIAN JUDICIAL CONFERENCE 2022***

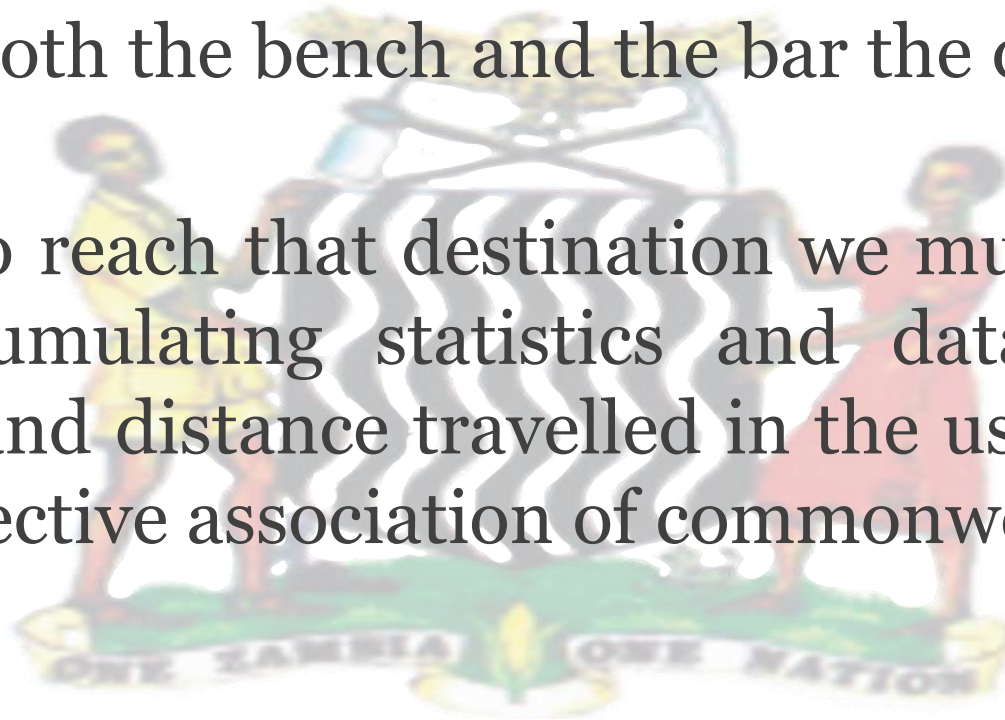
# NAVIGATING THE WORLD OF TECHNOLOGY

- Navigation: *“The science of directing a craft by determining its position, course, and distance travelled. Navigation is concerned with finding the way to the desired destination, avoiding collisions, conserving fuel, meeting schedules.”*  
Britannica



# NAVIGATING THE WORLD OF TECHNOLOGY

- I submit that for both the bench and the bar the desired destination is access to justice
- I also posit that to reach that destination we must begin by applying resources to accumulating statistics and data to determine the position, course, and distance travelled in the use of tech in the legal system by the collective association of commonwealth countries



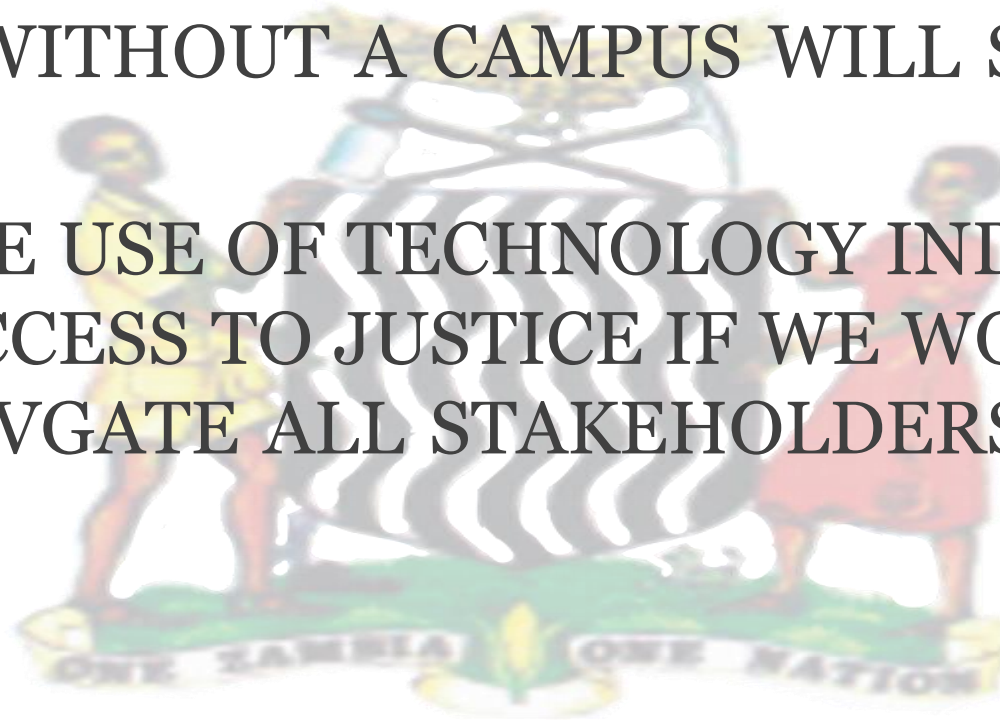


# NAVIGATING THE WORLD OF TECHNOLOGY

- Next we need a sailor or two armed with a compass and rudder to steer the bench and the bar to the desired destination, being the use of tech to enhance access to justice. This must be achieved in a manner that will carry and not induce tension between technology and accesses to justice.
- We must use technology to foster greater access to justice for unrepresented litigant, the economically challenged litigant or, dare I say, the under or less developed jurisdictions.

# NAVIGATION CONTINUED

- A SHIP AT SEA WITHOUT A CAMPUS WILL SAIL BUT WITH NO DIRECTION .
- IN MY VIEW, THE USE OF TECHNOLOGY INDUBITABLY SERVES TO ENHANCE ACCESS TO JUSTICE IF WE WORK TOGETHER, AS SAILORS, TO NAVGATE ALL STAKEHOLDERS TO OUR DESIRED DESTINATION



# CONCLUSION

- THE ROLE OF THE JUDICIARY IN ENSURING ACCESS TO JUSTICE MUST NOT BE LOST IN THE DRIVE TO TRANSITION INTO THE DIGITAL OR METAVERSE.

