



FILE FORMATS AND ELECTRONIC APPEAL DOCUMENTS FOR THE COURTS

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Are you more at home with *res ipsa loquitur* and the Rule in Shelley's Case than XML, HTML and PDF? If so, this article may help you understand the way computer file formats influence the emerging world of Court technology.

This article will review the considerations that went into the Alberta Court of Appeal's decision to select Adobe Acrobat 4.05 as the tool for its electronic appeal documents. It will also make some general observations and identify some misconceptions about the newly emerging file formats.

Adobe Acrobat® is a computer program. It can convert virtually any computer information file into a file that can be printed elsewhere, faithfully preserving its page layout, type styles, graphics and pagination. The file it creates is usually referred to as a PDF file, from the name "Portable Document Format" and has the file extension *.pdf. Acrobat is widely used on the Internet to transfer and display documents that users may wish to print. They can do this using a free program called Adobe Acrobat Reader®.

■ CONSIDERATIONS IN PICKING ADOBE ACROBAT 4.05 FOR ELECTRONIC APPEAL DOCUMENTS

The Alberta Court of Appeal has chosen Adobe Acrobat 4.05, and its PDF format, as the software platform for its electronic appeal books and its pilot program for total electronic appeal documents. This choice was made for these very specific uses, and in order to overcome a pressing current problem. Selecting Adobe Acrobat for this use does not imply (and need not imply) its use for all purposes, as explained in the discussion of misconceptions in the next section.

ORIGIN OF THE ISSUE

The Alberta Court of Appeal, for several years, has required that transcripts filed as part of its appeal books be in electronic form.¹ An outdated Lotus product, "Smarttext," was used to search and annotate the text. Lotus stopped selling and servicing this product, which forced a search for a replacement.

At about the same time the Court considered what might be done to expand the electronic appeal book concept to include facta, exhibits and authorities. Partly this interest flowed from the *Yukiya*² demonstration electronic argument from the U.S. Federal Courts.

The Court decided to experiment with a broader electronic appeal document based on the *Yukiya* model. Taking the documents from an appeal already heard, a prototype was built using entirely HTML documents. The two biggest drawbacks to the HTML model were:

1. The inability to print pages from the model with pages and format intact; and

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2. The inability to add a secure and private annotation layer to the HTML documents.

COURT PREFERENCES

The Court identified a series of priorities.

1. Moving to electronic documents should reduce the costs to litigants;
2. The Court saw a familiarity problem for counsel. It favoured solutions that minimized the need for training. Familiar technologies were favoured over proprietary products because of the less steep learning curve. Open standards or at least products with a wide user base were favoured;
3. The ability to use electronic and hard copy documents interchangeably (i.e., preserving pagination) was favoured because of a belief that some judges and lawyers would continue to use hard copies, particularly in Court;
4. As far as possible, counsel should be able to assemble electronic appeal documents in their offices or by using private service providers; and
5. The Court should be involved in file conversion as little as possible.

REVIEW OF THE AVAILABLE OPTIONS

The Court conducted a literature and Internet review to see what was being done elsewhere and what products currently existing in the market might:

1. Provide enhancements over the basic HTML model used in *Yukiya*; and

2. Provide an affordable, available substitute for Smarttext.

The Court reviewed the U.S. experience, discussed below. At that time the technology being used within the courts was quite limited. The Australian courts had prepared two demonstration appeal document projects using a combination of HTML text and a Microsoft Access Database Engine.³

The Court also reviewed a demonstration project based on the Oklahoma bombing trial produced by a company then called Pubnetics (now called reallegal.com).⁴ While this product was impressive, it was proprietary software that appeared expensive on a per case basis and not reasonably available to the public.

Adobe Acrobat was initially considered but ruled out as weak on features for hypertext linking and navigation.

Folio Views was considered as an option, but again the cost of producing each appeal appeared prohibitive and would have required users to buy and master difficult proprietary software.

The Help File RTF standard looked more promising and offered good search capacity. Robohelp Office Suite offered a user-friendly tool for appeal document construction, but required that documents be prepared first in Word or RTF (Rich Text Format) and then reformatted in Robohelp. Also, the annotation tools available at the time were weak.

The Court also considered SGML and XML although at that point standards were not well advanced, particularly in

the legal area. Few people had the tools or the ability to prepare and use XML documents.

Adobe released version 4 of Acrobat in August 1999. It had new features that fit well with the Court's vision of an electronic appeal document. A decision was made to build a prototype, again using an already heard appeal. Based on an initially positive reaction to that prototype, the Court decided to:

1. Embark on a test project of three live appeals using electronic appeal books based on the Acrobat prototype; and
2. Form a committee to consider and, if appropriate, implement a transition from Smarttext to Acrobat for the filing of electronic transcripts.

Since that time the Court has heard five experimental appeals using the same prototype. A discussion document was prepared covering the results, which overall were very successful.

The Court has since decided to move from Smarttext to Acrobat for all electronic transcripts. Adobe Acrobat 4.05 offers all the advantages of Smarttext and some additional tools as well. The file format issue for transcripts is discussed below in respect to court reporting. Even if the court reporting industry switched to Legal-XML standards, conversion to Acrobat for courtroom use would present no difficulty using current technology.

■ FILE FORMATS — USES AND MISCONCEPTIONS

Too often, questions pose a false option. Should we select format A or format B? It frames the questions:

- 1. As if the choices were mutually exclusive;
2. On the assumption that one format is better than another for all purposes; and
3. Without considering the ability to switch formats for different uses.

Different file formats are used for different purposes. Acrobat is good when you need to preserve a document's "look and feel." XML is good when you need to transmit data. You can easily convert a suitably formatted XML file (i.e., one with a style sheet designed for the purpose) to an Acrobat file. The basic point is that the two are not competing choices, they are each appropriate for a particular use. As one commentator summarizes the position:

Each file format has its own merits and strengths in handling certain document and information types. New technologies, like XML, that emerge rarely replace established ones entirely. They simply fill needs that aren't met by the existing technologies and often have different applications (E-commerce, etc.). The bottom line is that HTML remains a great presentation tool for information that doesn't require a great deal of formatting. It is easily viewed, along with its graphical elements, in any browser. It will likely continue to remain as the "welcome mat" for websites. XML shows extreme promise for delivering more dynamic data and as a middleware layer for applications such as

E-commerce. It will also provide more control over presentation, but the control will come at the expense of exact replication on all platforms. PDF is the tool for delivering visually rich content, while keeping documents wholly "intact." It continues to gain acceptance in the print world and is the de facto standard for printing applications.

These three file formats will very likely complement each other in future web implementations.5 (emphasis added)

One reason for confusion and misconceptions, other than the obvious frenetic pace of change, is that technologies are merging as well as developing. Four areas of particular importance to the courts are:

- 1. Electronic filing;
2. The use of electronic documents in the courtroom;
3. On-line legal research; and
4. Court reporting.

DOCUMENTS V. DATA

There is an important distinction between a document as a document and the document as pieces of data.

We are used to documents as pages of paper containing information. Those pages have a format — a look and feel — that is familiar. In some cases the form of the document is largely irrelevant — what is important is the specific bits of information — name, address, action number, date of filing, etc. In other cases, the form of the document is more significant, as in the case of an affidavit, a written argument or a decision where the form and flow of the document contributes to its efficacy. In the former, people often only need to understand the bits of information. In the latter, pagination may be important so

people can refer each other to pertinent passages; format (such as structured visible headings or indented citations or quotations) may be important to guide the reader through the material.

What is new to us is the concept that a document itself can be a piece of data. For a judge, a factum is important for its content. For a registrar that same factum is more relevant for its existence. What the registrar needs to know is when it was due, received, served and where it can be located. For the one it is content — a document; for the other it is data — an event and a location. The emerging file formats and the reasons for them reflect this distinction.

ELECTRONIC FILING

In the world of electronic filing, two things need to be accomplished. The document itself needs to be conveyed from or to the Court. Second, information about the document needs to be conveyed to the Electronic Case Management System. This information must tell the system (which is an electronic database) about the document; the identity of the sender, the case name involved, the party involved and so on.

Until recently, the protocol used for transferring electronic court data was only able to transfer fields of information in database format. Each record consisted of a series of fields — name, address, plaintiff, and defendant and so on. Standard protocols identified these fields, their size, and other characteristics.

Recently, techniques have been defined to allow the transmission of such data between systems by identifying (or tagging) each piece of data with a name. A "translation program" or data dictionary is used to tell system A that when system B used a

particular form of data, it falls into a specified data type in system B and an equivalent type in system A. In the legal field, this is developing as Legal-XML. It is a list of the data types relevant to legal proceedings with data specifications that can be used by various Court systems for themselves and for inter-court use.

One important feature of XML is its ability to treat documents themselves as objects or pieces of data. A database nowadays can treat a picture file, a document, a page, a music clip or any other data object as a piece of data, giving it an electronic home just as much as if it were a name or address. This is called a BLOB (a binary large object).

This is where misconception comes in. It is a common technique, in electronic filing, to transfer information (data) and documents together in one information bundle, often called an "XML envelope." The envelope describes the data using XML mark-up language; the data itself will be a combination of information about the document as well as the document itself. **Thus, the use of Legal-XML does not determine the appropriate format of the enclosed document, even though that document is transmitted and stored using Legal XML.**

Many of the modern commercial and court-based e-filing systems use XML as the standard for transmitting data about the document. Some require the sender to switch the document to PDF format before transmission (for example, the Southern California Bankruptcy Court). Others can receive the document in any standard file format and convert the file to PDF format "behind the scenes" on the e-filing firms server.⁶

However, **XML is also a document format** in its own right. PDF is the most common standard for the document itself. Legal-XML, Java Script or CGI scripts (HTML components) are the most common ways to send data about the document. XML is very much like HTML in that it consists of tagged text and pictures. HTML tags influence the format of the information in the document — bold, font size, colour, etc. The use of XML⁷ allows one to tag the content as well, identifying its components such as citations, dates, party names, etc. Legal-XML includes a set of protocols about the usual types of data included in legal documents. By the use of style sheets, which define the style for each type of tagged data, a user can sort and format the data in a variety of ways depending on its use. Sophisticated uses of XML as a tool for formatting legal documents are only just now emerging and are not yet within the competence of most courts or law firms. The electronic publishing houses currently store cases either in mainframe systems as text or else in HTML format. They are moving to XML because it allows them to isolate, for example, court titles, headnotes or judges' names. Similarly, court reporters are moving toward XML tagging to identify important elements in the transcript.

The tags in a document are sometimes called "metatags." While we do not often see them, even standard word processing files and HTML files already incorporate metatags into their file formats. Microsoft Word styles, for example, operate on a metatag type of system; with each style having a name and certain attributes. This is significant to another important point. File formats can often be converted both using and maintaining these tags. Thus, in the

latest version of Word, the same document file in DOC, HTML or XML format will preserve the tagging information. In addition, when that tagged information is converted to Adobe Acrobat format, the tags are used to create the automatic bookmarks and hypertext links in the Acrobat document. The latest version of Acrobat can retroconvert PDF files back into certain natural file formats as well.

COURT REPORTING

In Alberta, the Court has worked closely with the court reporting community to find a solution to the obsolescence of Smarttext. This has been complicated by a related development. That is the decision to move away from human court reporting and to substitute in its place a tape recording system transcribed by contract dictatypists. This has meant that the ability to impose standards upon and modernize the system has been hampered by the wider diversity of those involved in transcription. Currently, there is no uniformity of word processing equipment. It runs the range from complex electronic court reporting software to WordPerfect Version 5 DOS.

Alberta court reporters are currently using a variety of court reporting programs including Premier Power, Casatylst and OZPC to produce and format their transcripts. All of these programs can generate ASCII and compressed ASCII files. Some can also generate RTF files. Other reporters use Word or WordPerfect. None use Legal-XML and no one at this point is familiar with the developing Legal-XML tagging protocols.

In the Court's liaison with the court reporting community and the Alberta Department of Justice it found little willingness to require all court reporters to switch from their current systems. The Court of Appeal is only a minor consumer of transcripts; the civil and criminal bars, administrative tribunals and the Court of Queen's Bench collectively use far more of the output and they have not sought any change.

Adobe Acrobat has the advantage of being able to accept text from all the various file formats, either directly or indirectly through conversions to Microsoft Word. If and when the court reporting industry (which in Alberta is mostly private) switches to Legal-XML, Alberta can continue using Acrobat, which it probably will for some functions, and use Legal-XML formatted text for other purposes. By that time it is also highly likely that the next generation of Acrobat will be able to incorporate XML metatags into its own hypertext linking and navigation system. The change from version 4.0 to 4.05 represented one step along that path, with the ability to accept formats for MS Word styles, which are used for bookmarks, and to use Word metatags for its document properties.⁸

ELECTRONIC REPORTING

One element of an electronic appeal book is case authorities. Current experience shows that a large majority of authorities are available in electronic form, but are yet not in any standardized format. Most CD-ROM publishers use Folio Views. On-line services customarily still use HTML, not XML or SGML. Courts provide a mixed variety of formats, some Word or WordPerfect, some PDF. The Supreme Court of Canada offers ASCII, HTML and WordPerfect 6.1. While there are discussions

going on about standards for publishing legal decisions using standardized XML tags, these are still some time away in Canada.

For courtroom use there is still a need to scan in some older authorities and many articles. PDF format offers the advantage of being able to use its optical character recognition (OCR) function to allow scanned documents to be searched in the same way as electronic copies.

U.S. DEVELOPMENTS

In March 1997 the U.S. Courts issued a discussion draft dealing with electronic case files. They predicted the future of electronic filing initiatives and encouraged standardization. The document is lengthy and complex, covering a number of important electronic filing and electronic registry issues. Important here is its recommendation on document formats.

Except for bankruptcy proceedings (which are largely data driven, not document driven) the U.S. Courts recommended Adobe.pdf. This is even before the major improvements in version 4.

They said, in Appendix B, first at page B-2.

Commentary

It is important to be able to preserve and reproduce faithfully both the content and the appearance of electronically submitted documents. Post-submission conversion of electronic documents to different formats (e.g., from one word processing internal format to another, or to an "interchange format") should be avoided because it can change the content and appearance of the electronic document. Even changing printers for a WordPerfect document changes its

appearance. A proposed document format guideline for electronic submissions is the Portable Document Format (see Guideline G1); documents filed in this format will retain their content and appearance without requiring conversion.

and then at page B-5:

Document and File Format Guidelines

G1 – The preferred document format for electronic filings is text in a Portable Document Format (PDF) file (except see Guideline G2 below). Electronic exhibits and images not available in text form should be embedded within the PDF document.

Commentary

The Portable Document Format (PDF) is a widely accepted document exchange standard which provides a rich environment for representation of formatted text documents, including pictorial information, such as images. PDF files can also carry audio and video information. The PDF standard is specified in "The Portable Document Format Reference Manual" by Adobe Systems, Inc., Addison-Wesley Publishing Co. 1993, ISBN 0-201-62628-4, and more recent extensions to the technical specification published electronically via the Internet site www.adobe.com. An inter-agency group within the federal government has recommended that the National Institute of Standards and Technology (NIST) develop a Federal Information Processing Standard (FIPS) for PDF; efforts are also under way to develop national (American National Standards Institute, ANSI) and international

(International Standards Organization, ISO) standards for PDF based on this published specification. A variety of companies and universities have created PDF products. A federal government PDF user group is exploring with the National Archives the possibility of accepting PDF-formatted electronic documents as an archival standard. Acceptance of PDF as an archival standard will require long-term stability of the basic PDF specification.

While much debate has occurred since then, PDF has been the tool of choice for many of the court-based and commercial systems of electronic filing, either directly or using an XML envelope. A very recent statement supporting the same approach comes from the California State Courts.⁹

Document Formats

Purpose

This specification will establish file formats that are universally acceptable for documents filed electronically in any California trial court. The objectives of this specification are:

- Satisfaction of archival requirements;
- Inclusion of non-proprietary formats only;
- Formats that are readily usable by courts, or to which courts can reasonably adapt;
- Formats that can be readily generated by filers and/or EFSPs;
- Formats that have modest storage requirements.

Specification

Any of the following document formats are acceptable:

1. PDF (Adobe's Portable Document Format, and also an NIST standard);
2. TIFF, an image file format, at a minimum resolution between 200 and 400 dpi and CCITT Group 4 compliant;
3. XML, in content models approved by the Judicial Council and with an accompanying style sheet where the appearance of a document is a consideration.

Canada does not have an XML content model approved by any judicial body or has anyone developed the necessary style sheets.

CONCLUSION

One file format will not satisfy all needs.

Court technology is a rapidly developing field because of advances being made in the broader areas of electronic commerce and electronic documents. The Courts have much to gain from these developments so long as these new tools are evaluated against the Court's goals. One file format will not satisfy all needs. The trick is to pick the tool that best suits the job at hand. The dangers of obsolescence and picking the wrong product are best avoided by selecting formats that have broad public acceptance and incorporate newly emerging technologies within the product's capabilities.

- 1 For a description of the Smarttext project see "The Evaluation and Selection of the Electronic Transcript System in the Alberta Court of Appeal," Justice R.P. Kerans, Administrative Agency Practice, Vol. 2, No. 1, March 1999 Carswell.
- 2 *Yukiya Ltd. v. Watanabe*, 111 F. 3d 883 (Fed. Civ. 1997).
- 3 The Council of Chief Justices of Australia and New Zealand Electronic Appeals Project — Final Report.
- 4 More recently, they have produced a demonstration disk based on *Harris Trust v. Salomon Smith Barney* heard in the U.S. Supreme Court in April 2000.
- 5 *Document Delivery on the Web*, Joel C. Messenger, Glyphica.
- 6 The Netgov.com system is one example of this technique. They have several competitors using similar systems.
- 7 Or before XML, SGML – Standard General Markup Language.
- 8 The Court has been monitoring Acrobat's development with particular emphasis on its ability to integrate with XML and e-filing technologies. It is keeping pace with developing XML standards. For example, Adobe just released its Job Definition Format Software Development Kit (JDL is an XML protocol similar to Legal-XML but for a different industry).
- 9 Electronic Filing Technical Standards Project, Version 6, March 9, 2001. Administrative Office of the Courts, State of California.

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AUTOMATION — COURTS AND PUBLIC PROSECUTIONS IN NEW BRUNSWICK

Anne McKay
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■ JUSTICE INFORMATION SYSTEM – NEW BRUNSWICK

The New Brunswick Department of Justice implemented new technology and procedures in the courts in October 1999, including the Justice Information System – New Brunswick (JISNB). These changes were intended to make the court offices more efficient and to provide service delivery consistency in all Provincial Court offices.

The Provincial Court is the criminal court of first instance in New Brunswick and disposes of more than 55,000 adult charges yearly. The Youth Court disposes of about 5,000 charges each year. Approximately \$5 million in fines and other financial transactions is handled and electronic links to the government financial system have been built. The data required for the Adult and Youth Criminal Court Surveys (Canadian Centre for Justice Statistics) has been incorporated and the physical extract is under construction.

The Department worked on this initiative for approximately a year. Staff, particularly from criminal court administration, was heavily involved. Court supervisors, as well as client service and court attendance staff, contributed to the redesign of work flows, verification of all court forms, testing of a new software application, and training in all aspects of the changes. Provincial Court judges reviewed the proposed changes and were generally very supportive.

This initiative was precipitated by a Year 2000 problem with a mainframe computer application, vintage 1984, that could no longer handle correct dates and could not be upgraded. This mainframe application tracked all those accused before the criminal court as well as all charges and dispositions. The old system, however, was an after the fact system since data was entered in the system after all court work was done. Court orders and forms were produced by entering data a second time into other packages or by using typewriters.

Work processes have changed with the new application. Information is now entered on charges and accused before they go into court and court forms are produced from that information. The benefit of this change is less data entry and the capture of data at the source rather than farther along the

line. The Department now has the capability to share data electronically with other appropriate departments, for example, with the Department of Public Safety, which is responsible for offender management following court disposition and motor vehicle suspensions.

Staff received thorough training in preparation for these changes and were generally enthusiastic about implementation. Initially, approximately 80 court staff had access to JISNB. A pilot project with an enforcement agency has begun giving them “query only” capability. Another benefit is that the application is available in both official languages, which was not the case before.

On a technical note, the JISNB application is a client server system, uses an Oracle (version 8) database, Microsoft Visual Basic 6, Access, and Crystal Reports. The data is stored centrally. Workstations are Windows 95 Pentiums with 64 MB of RAM. The network is Novell 4 and distribution across the province is through the government Wide Area Network (WAN) using Asynchronous Transfer Mode (ATM).

Since its initial implementation, a number of improvements have been made to JISNB primarily to reduce time required by court staff to perform their daily activities:

- Revisions were made to court orders to permit their use in Youth Court.
- Revisions were made to reports to provide information where it is most useful. For example, a flag is displayed on the daily and weekly court dockets indicating that an outstanding warrant exists for the defendant, such as the warrant of committal for fine not paid.
- Input screens were changed to carry forward appropriate information from one to another to reduce errors and time required when updating case information.
- Revisions were made to the database to permit longer text to be captured and printed on orders where desired by judges. Examples include conditions associated with probation orders, conditional sentence orders and undertakings.

The implementation of JISNB was an important step in building a foundation and environment for additional development and evolution in New Brunswick court service and administration.

If law enforcement agencies are included, approximately 250 users now access JISNB.

■ **CASE TRACKING SYSTEM (PUBLIC PROSECUTIONS)**

In another development in 2000, a new file tracking system was developed to assist Crown Prosecutors in managing their daily activities. The new system extends the Justice Oracle database developed for JISNB to maintain data relevant to prosecutions. Users may among other things:

- know the status of all Informations in the hands of prosecutors;
- have access to the JISNB database for court dockets, defendant criminal histories, and appearance information;
- produce daily and weekly reports using Microsoft Word. Statistical reports are produced in tabular and chart format using Microsoft Excel.

■ **COURT OF QUEEN’S BENCH AND SMALL CLAIMS COURT (OPERATIONAL REVIEW)**

In 2000, the New Brunswick Department of Justice engaged a consultant to undertake an operational review of the Court of Queen’s Bench and Small Claims Court. Briefly stated, an operational review involves processes to analyze how work is performed and to identify areas for improvement. This review is considered essential before work processes are automated.

The objective of the review was to gain an understanding of both the work processes and the resource and technology issues associated with both divisions of the Court of Queen’s Bench, as well as the Small Claims Court.

Areas receiving concentrated attention were:

- an enhancement to the automated system supporting the Provincial Court and the Youth Court (the JISNB) that would allow for the tracking of criminal matters in the Court of Queen’s Bench, Trial Division;
- general case tracking; and
- indexing and scheduling of cases.

Completed in March 2001, the operational review resulted in several recommendations on improved work processes and a preliminary definition of requirements for the automation process.

The automation of the Court of Queen’s Bench and Small Claims Court remains a priority of the Department of Justice. Funding for the development of an automated system, however, was not approved for fiscal year 2001/2002. The Department continues to explore the recommendations regarding work processes with stakeholders and it is anticipated that these same recommendations will form part of the general review of the *Rules of Court*. Funding opportunities for fiscal year 2002/2003 will continue to be vigorously pursued.

CTC-7 — THE MEETING FOR CANADIANS

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Court Technology Conference (CTC) sessions provide a rare opportunity for the members of the Judges Technology Advisory Committee (JTAC) to meet with a large number of judges from all jurisdictions in Canada. Since CTCs attract judges interested in technology, they offer an excellent testing ground for Committee ideas as well as a superb occasion to hear what judges think about technological changes in their courts.

This year, the Meeting for Canadians was particularly colourful because the room assigned for the meeting was also advertised to all attendees as one of the places where they could eat a box lunch. The mix of clientele was distracting. The constant swapping of box lunches in order to get roasted instead of plain turkey sandwiches, the crisp sound of soft drinks opening and the graceful ballet of people going out to get coffee or tea added to the surprise of newcomers trying to figure out why some lady was yelling at them from the middle of the

room. Others were simply flabbergasted by the weird accent of “yours truly.” All of this certainly added a festive ambience to our informal gathering.

Despite the dynamics of the moment, we tried to focus on interesting Canadian initiatives related to technology and the judiciary. The two that were briefly presented and discussed were (1) standards for the preparation, distribution, and citation of judgments and (2) recent e-filing initiatives.

**JUDGES TECHNOLOGY
ADVISORY COMMITTEE
ACTIVITIES RELATED TO
STANDARDS**

A standard for the preparation, distribution and citation of judgments began to be developed in 1994 and was completed and adopted in 1996. Since then, courts have largely adopted it. The main changes introduced were the standardization of head matter, the distribution of a unique file for all elements of

judgments and, especially, the addition of paragraph numbering.

Since then another standard has been produced by the Committee and adopted by the Council: the citation standard. This second standard has also been largely adopted in Canadian superior courts today. The participants were presented with the latest figures on implementation of the new citation standard (Figure 1).

Together, the preparation and citation standards are helping to adapt the Canadian Judiciary to the new technological era. The public nature of judgments has been reinforced by the ability to cite a precise element of a judgment, such as a paragraph, in a text from a court without referring to any proprietary apparatus.

The general system for distribution has simply been made more efficient by standardizing the judgments' formats. Canadian courts, like those of Australia, have been able to achieve the transition to electronic documents while the situation in United States remains unsettled.

Last year, the JTAC began revising the standard for judgment preparation in order to address new needs and simplify its 1996 document. This work is now at the halfway point and the Committee thought the CTC would be a good opportunity to hear from judges on the subject. The top 10 issues addressed in the current draft of the new standard were presented to the participants (Figure 2). The context, however, did not favour the open discussion we were hoping for.

**RECENT E-FILING
INITIATIVES**

The e-filing initiatives of the Supreme Court of Canada and the Federal Court of Canada are quite complementary. The first is oriented toward exploring and prototyping a filing resource. The second is aimed at launching the development of a common standard to implement e-filing across the country.

Ms. Danielle Beaulieu, Director, Registry Automation Project at the Supreme Court of Canada, explained how the court had implemented an initial prototype in recent months and what

Figure 1: Implementation of the Neutral Citation Standard (Fall 2001)

Jurisdictions	Neutral Standard implementation
Federal	Supreme Court and Federal Court Tax Court — Planned short term Martial Court — unknown
British Columbia	Court of Appeal, Supreme, Provincial, Human Rights Tribunal, Security Commission
Alberta	Court of Appeal, Queen's Bench and Provincial
Saskatchewan	Court of Appeal and Queen's Bench
Manitoba	Court of Appeal and Queen's Bench
Ontario (see note)	Workplace Safety and Insurance Appeals Tribunal — Yes/Others (planned)
Quebec (see note)	Profession Tribunal — Yes/Others (planned)
New Brunswick	Court of Appeal, Provincial Court
Nova Scotia	Court of Appeal, Supreme Court, Supreme Court (Family Division), and Provincial Court
Newfoundland and Labrador	Court of Appeal
Prince Edward Island	Supreme Court, Appeal Division and Supreme Court, Trial Division
Yukon	Court of Appeal, Supreme Court, Territorial Court, and Youth Court
Northwest Territories	Court of Appeal, Supreme Court, and Territorial Court
Nunavut	Court of Justice

Note: Both Ontario and Quebec are investing in major technological initiatives related to courts and judgments. According to the Canadian Citation Committee, both provinces accept the standard and are planning to implement it.

Figure 2: Top Ten Elements for Revision of the Standard on Judgment Preparation

1. Put the emphasis on the structure and the meaning instead of appearance
2. What is a judgment's file?
3. How to assign filenames?
4. Typesetting and format: what is a problem, what is not?
5. Further normalization of the header
6. Standard notices for publication ban and corrigenda
7. New guidelines for tables, columns and picture
8. Citations in reasons
9. Production of an annotated template
10. Addition of recommended practices

was planned for the coming year. The project has three essential goals: to provide a secure means for counsel and parties to file documents electronically through the Internet, to provide a means for the public to view documents filed electronically and to establish ways for court staff and judges to deal efficiently with electronic cases. The project will proceed by rolling out successive prototypes to permit experimentation with a limited trusted group; at this point, the main beta tester is the Department of Justice of Canada. The first release launched last spring was minimal, but it did offer Web interface, provide linking with case management systems and accept documents related to both civil and criminal cases. In its second phase, the prototype will make it possible to serve documents electronically and will be better integrated with the case management system. The number of users will also be increased. The third phase will give the public access to e-filed documents and enable the e-commerce aspects of the system: fee collection and management. The last phase of the current plan will open the system to all counsel and unrepresented parties and make it possible to submit documents of all kinds.

Ms. Beaulieu only alluded to the various issues linked with such a project. In related presentations, such as that delivered in Ottawa last May, she mentioned privacy, public access, copyright,

official languages, and many technical concerns, such as document formatting, digital signatures, security, proof of service and so on.

Mr. Gary Pinder, Director, Informatics Services, Federal Court of Canada, offered a glimpse of the second initiative, namely, the "Standards for Electronic Filing in the Federal Court of Canada" project. This project's goal is to establish the common legal document standards required to facilitate future electronic filing initiatives for the courts and other judicial or quasi-judicial organizations. Technologists at the Federal Court have tried to establish a cluster group of federal judicial institutions and agencies interested in e-filing. With them, and by studying the work done in the United States around the Legal-XML initiative, they want to initiate the development of Canadian standards in the matter. These standards would describe the usual elements appearing in a document and the common structure and variations of these documents.

It must be noted that all the speakers had brought PowerPoint presentations but, owing to meeting room constraints, all presentations had to be delivered orally with only the assistance of a little arm waving to support the key points of the message that was yelled at the moving crowd.

The Committee is particularly grateful to Ms. Beaulieu and Mr. Pinder who agreed to share our fate last August in Baltimore. Thanks also to the audience for being patient and remaining receptive to our speakers.

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