



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Faculty of Law

Fakulteit Regsgeleerdheid
Lefapha la Molao

The Use of Information Technology in South African Courts

R Baboolal-Frank, Procedural Law





UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Faculty of Law

Fakulteit Regsgeleerdheid
Lefapha la Molao

Introduction

South Africa civil courts based on paper-based pleadings Justice Mogoeng Mogoeng stated that: “South Africa is an unfortunate situation where dockets disappear even in the custody of prosecutors,” “We as the judiciary developed a plan regarding the modernisation of the court system after visiting and studying what other countries such as the USA and Russia are doing” “It simply requires an electronic recording system where one or two people have a pin and manage the electronic filing system”





UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Faculty of Law

Fakulteit Regsgeleerdheid
Lefapha la Molao



Modernisation of courts

- The vision of Justice Mogoeng Mogoeng is realised by:

Digital Signatures

E-courts

Real time stenographer

e-filing

Videoconferencing

Electronic courts



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Faculty of Law

Fakulteit Regsgeleerdheid
Lefapha la Molao



Judiciary and IT

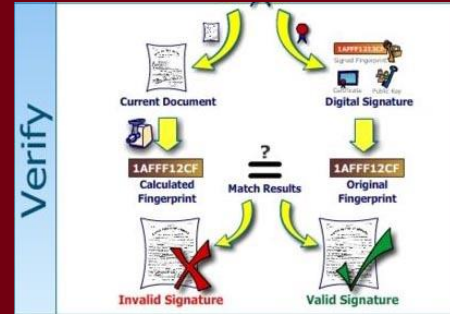
The judiciary recognised the progression of advancements of information technology “as steps in the right direction on the utilisation of Information Technology to improve levels of efficiency” for courts.



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Faculty of Law

Fakulteit Regsgeleerdheid
Lefapha la Molao



Electronic Signatures

The rules of court do not provide for electronic signatures on pleadings.

However electronic signatures are permitted and legislated for other transactions such as banking and purchase of a vehicle etc.

Digital Discovery

- In the USA the opposition is flooded with copious amounts of pages, digital discovery is an easier way to sift through thousands of pages



Lessons from foreign jurisdictions

- Russia-electronic signatures are valid only for certain transaction
- Australia-digital signatures are only used for online government services
- UK-information technology replaced the manual labour of people to a highly efficient system that allows the computers to do the labour at a quicker speed.



Lessons from foreign jurisdictions

- Netherlands-information technology systems improved efficiency of the courts
- USA-information technology in the courts are monitored by expert technicians that understand how to use information technology and service the systems that it works efficiently and effectively.
- Singapore-uses state of the art technology in the courts that are the most advanced in the world that makes the court world renown



Defining Information Technology

‘a term used to describe the application of modern computer-based techniques to the management of the collection, storage, retrieval and processing of information.’



Digital Age

The European Union Commission:

‘The overall aim of the Digital Agenda is to deliver sustainable economic and social benefits from a digital single market based on fast and ultrafast Internet and interoperable applications.’



e-filing

- Inspire district and regional court
- Preparation for case
- Inspire courts to adopt e-filing
- Encourage government findings and participation



-Technology is a fad
-technology is convenience at
your fingertips





Technology allows for faster communication

At an accurate pace

E-court

- Combination of email and videoconferencing
- Orders are made available online



Electronic Court

- Fully equipped
- Electronic equipment: computers, screens, scanners etc



Online courts

- Parties that are scattered across the world and have a dispute, can still remain present anywhere in the world and litigate through online courts
- Eases backlog of cases
- Immediate
- Time zones possible challenge



Oral Testimony through eservices

- Oral testimony through eservices is available immediately
- Real time transcripts
- Evidence transcribed
- Easy to follow



Electronic Litigation

- No hardcopies
- Only soft copies
- Computers support the judiciary throughout the litigation process
- Parties refer to pleadings on their computers and it can be projected on the screen.
- efile



Access to Justice

- Cost effective rate
- Expeditious
- Evidence
- Lawyers update their access to IT
- Online self-help
- Interpreter
- Appropriateness and substantive outcomes



Conclusion

- Global trend of communication
- Streamlined court process
- Innovative techniques-access to law
- Social media
- Rules board in SA



THANK YOU!!

