

Case studies in

Innovative thinking from New Zealand's public sector

Case study #6:

Court processes move beyond the courtroom

Hearings are moving through the country's courts faster and more efficiently thanks to the Ministry of Justice's new approach to recording and transcribing evidence. It's also made the courtroom experience more positive for witnesses, victims and those working in the justice system.

The Evidence Recording and Transcription (ERT) project, which began in 2004 and is now in its second phase, is part of a wider programme to transform New Zealand's court processes through improved technology. The use of audio-visual technology in criminal jurisdictions is expanding, electronic filing and management of court documents is progressing, and new legislation enabling the wider use of these and other technologies is in place.

"This is transformational," said Paula Tesoriero, the Ministry's General Manager Higher Courts. "We're changing the traditional model of all services being delivered from a physical courtroom, and developing different ways of delivering justice services to citizens."¹

A new approach

The Evidence Recording and Transcription project began when Cabinet approved the expansion of digital audio

transcription technology – installed in 38 courtrooms from 1999 to 2004 – across the wider court system. Eventually all courtrooms would be linked into a single National Transcription Service (NTS), comprising court reporters based in transcription centres in Auckland and Wellington and in key regional courts.

Traditionally, court transcription was undertaken by Court Reporters or Judges' Associates sitting in court, with trials only able to progress at typing speed. The introduction of the NTS meant not only that people could talk at a normal speed, but evidence given in any courtroom, anywhere in the country, could be transcribed immediately wherever a court reporter was available. Several reporters could work on the same transcript simultaneously if necessary, allowing for real-time transcription. Trials would be quicker as bottlenecks were minimised, fewer hearings interrupted or delayed, workloads streamlined, processes standardised, and consistent quality standards achieved. The courtroom experience would be better for users.

By the middle of 2011, nearly all High and District Courts were using digital audio technology and the National Transcription Service. As a result, High Court trials had been reduced in length by at least 12-15 percent, making available an additional 326 sitting days a year – equivalent to 42 additional trials of average length. In the District Court, the new transcription system had freed up an extra 691 sitting days, equating to 284 trials.

Many other benefits had been realised. Travel and accommodation costs had been saved as court reporters no longer had to physical travel to locations needing transcription support. Outsourcing was no longer required. The changes had also delivered cost savings to other justice sector agencies such as the Legal Aid Service, Corrections and Police.

Comprehensive benefits

Other gains were less easy to measure but had equal impact. For the first time, national transcription standards and clearly-defined quality control processes were in place, leading to more consistent and timely transcripts: the NTS's

target of 30 minutes turnaround time was regarded as international best practice. The Ministry could more easily evaluate workflow and productivity.

The advantages to those in court were also substantial. People giving evidence – often an emotional and traumatic experience – were no longer required to repeat themselves, or face interruptions because of the unavailability of court reporters. Judges and juries could focus fully on the evidence and the issues at stake, undistracted by delays or technical problems. The availability of comprehensive whole-of-trial recordings and transcripts was reducing the likelihood of appeals, and valuable when they did occur.

But some of the biggest gains were experienced by court reporters themselves, who had traditionally worked in isolation and been prone to burnout and occupational overuse syndrome. A distributed and flexible shared services model for transcription had optimised the investment in technology and typists by managing the workload on a national, rather than local, basis. For court reporters, working in the NTS gave a sense of being part of a supportive professional community.

Kevin Emery, National Manager of the NTS, said the new staff needed to support 'out-of-court' contemporaneous transcription (predominantly at the Auckland and Wellington service centres) were successfully recruited after profiling of what makes a great court reporter was developed. All existing staff were retained, and given ongoing training and development to evolve the skills and approaches they came with.

Catalyst for change

In mid-2011, the second phase of the Evidence Recording and Transcription project was well underway. Both the Environment Court and Coronial Services – which had previously contracted out transcription services – were now using the national service, saving around \$600-850,000 a year in outsourcing costs. Plans to expand the NTS to the Māori Land Court and the Employment Court were also progressing. Those district courts not linked into NTS in the first phase had been progressively included.

A key focus of Phase 2 was "leveraging the investment we've made in the NTS, and evolving the service itself so it becomes more productive," said Kevin Emery. Achieving the right balance between rapid response times and quality transcriptions, matching staff resources to demand, and ensuring equity of access to the service's resource were ongoing challenges. Once the NTS "had its house in order", it could extend its services to other parts of the justice sector with transcription needs, such as Police.

Kevin Emery said the Evidence Recording and Transcription Project and the establishment of the National Transcription Service had not only delivered the anticipated benefits but also some that were unforeseen. Along with another innovation, the use of audio-visual conferencing so that remand prisoners need not be transported to court, the project had been "an unexpected catalyst for leveraging other changes." The new technologies were encouraging more efficient scheduling of court appearances, improved utilisation of courtrooms, and meetings between defence counsel and remand prisoners.

Paula Tesoriero agreed that the impact of the ERT programme was far-reaching:

“ *Changing our operating model requires a real change in culture and thinking about what needs to physically be done in courts. [ERT] was the first cab off the rank and the approach of delivering services from outside the Court is now accepted as the way we do business in some other areas as well.* **”** ■

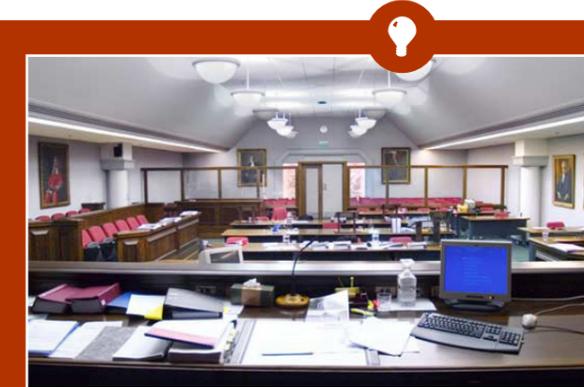


Photo: Victoria Birkinshaw. Source: <http://www.courtsfnz.govt.nz/about/system/role/sentencing/interior02-1g.jpg/view>

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Paula Tesoriero, General Manager, Higher Courts,
Ministry of Justice

¹ Author's interview with Paula Tesoriero and Kevin Emery, Ministry of Justice, 4 August 2011. Unless stated otherwise, all quotations are from this source