The Use of Information Technology in South African Courts

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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”
• The vision of Justice Mogoeng Mogoeng is realised by:

  Digital Signatures
  E-courts
  Real time stenographer
  e-filing
  Videoconferencing
  Electronic courts
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.
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 transactions
- 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 modem computer-based techniques to the management of the collection, storage, retrieval and processing of information.’
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.’
efiling

- Inspire district and regional court
- Preparation for case

- Inspire courts to adopt efiling
- 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!!