

# JUST DEVELOPMENT

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## LEVERAGING TECHNOLOGY TO IMPROVE SERVICE DELIVERY IN THE JUSTICE SECTOR IN SOUTH KOREA

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### INTRODUCTION

Since the late 1970s and the introduction of modern information technology (IT) in the justice sector, the development and implementation of IT solutions has become one of most important tools utilized by judiciaries for providing more efficient and effective services and improving court performance. Providing IT solutions such as e-filing, for example, reduces litigant cost and increases access to court services where many functions can be done by the click of a mouse. Automating case management systems contributes to improving efficiency by facilitating better processing and management of cases by judges as well providing management with up-to-date reliable court data that enables them to make more informed decisions. The extent to which technology improves court performance and the ways in which justice services are delivered depend, however, in great part on how the IT solutions are developed and implemented. The effectiveness of these solutions also depended on other factors such as court leadership, available financial and human resources, and technical capacities of judges, staff and court users, and the various stakeholders' willingness to use new technologies. The judiciary in South Korea is one example of how these factors contributed to a successful model where comprehensive and integrated IT solutions are provided. The tools currently available not only support and address the internal needs of judges, court staff, management and policymakers but also address the specific

needs and demands of the court user community. This note outlines the approach taken by the Korean judiciary in developing, implementing and successfully leveraging IT solutions for the benefit of the justice sector and its users.

### THE SOUTH KOREA APPROACH

South Korea's success was the result of a holistic and carefully developed approach that was a part of a long-term agenda to reform the judiciary and improve performance and service. Initiated in 1979 by a group of judges with the desire to better manage their cases, a feasibility study was commissioned and conducted by the Korea Institute of Science and Technology. The study focused on how technology might be used in the courts, and its results paved the way for the introduction of technology soon thereafter. Since then, the use of technology in the courts has evolved from using a simple database for cases into the provision of sophisticated, comprehensive and integrated IT solutions for judges and court users. The initiative and desire of the South Korean judges to learn combined with their ownership of the reform process has and continues to be a major driver of the many achievements made in the justice sector, one of which has been its performance in the Doing Business Report enforcement of contract indicator. South Korea has ranked 2nd out of 189 economies in this indicator since 2011. The judiciary's good performance is further reflected in the newly added "Quality in the Judicial Processing Index" in the Doing Business report which measures the extent to which each economy has adopted good practices in: 1) court structure and proceedings; 2) case management; 3) court automation; and 4) alternative dispute resolution. Assigning scores

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ranging from 0-18 with higher values indicating better and more efficient judicial processes, South Korea scores 13.5 in the Index.<sup>2</sup>

In addition to the initiative taken by judges, another key driver for the achievements made in South Korea has been the leadership role taken by the Supreme Court, its championing of the use of technology and understanding of its potential benefits and impact on the justice system as a whole. Recognizing early on that technology can be an effective tool for providing services, improving efficiency and helping judges, the Court adopted a three-pronged approach aimed at systematically developing the required enabling environment for effectively utilizing technology in judiciary. With the users' needs at the forefront, the Court began taking carefully studied incremental steps to introduce technology rigorously testing, evaluating and improving upon each solution over time. In 1986, nearly a decade after the results of the study on the use of technology in the courts were presented to the judges, the first-generation Case Management System (CMS) software for civil cases was launched. Since then and following continuous testing and improvements, the CMS was rolled out in all courts and later transitioned into a web-based system in 1994.

### BUILDING AN ENABLING ENVIRONMENT

Following a the three-pronged approach and understanding that having the will and desire to introduce technology in the courts is insufficient without the requisite human capacities, the Court began focusing on building the capacity of staff to develop and implement IT solutions. By dedicating

the requisite resources and efforts, the Court was able to develop its in-house IT capacity. By 1988, the Division of Electronic Data Processing System & Information was established. In 2008 the Judicial IT Management Center of the Supreme Court was also established and currently houses all IT staff. Despite however having this in-house capacity, the Center is keen on being apprised of the most cutting-edge IT developments and utilizing the best possible expertise from the private sector and outsources IT projects if needed. Unlike many other judiciaries, IT is factored into the wider policy and decision making process of the courts. For example, in 2012 two IT directors were appointed in to serve on the National Court Administration of the Supreme Court (the entity responsible for all administrative matters for the court) which further illustrates the significance that has been placed on technology.<sup>3</sup>

Concurrently, the Supreme Court also focused on building a cadre of capable judges and staff. By developing the technical and legal capacities of these individuals, the Court would ensure that they would become able to contribute to the achievement of the Court's vision and automation efforts as well as become sufficiently equipped to carry out and lead future efforts. To supplement the in-country legal and technical training provided to judges and staff by the Judicial Research and Training Institute and the Training Institute for Court Officials, respectively, and as early as 1982, the Court launched an overseas training program. With the forethought that judges and staff could benefit and learn from other well-performing judiciaries from across the globe, this overseas training program was established. To date, about 60 participants are selected each year to take part in the program. Some judges go to universities, educational institutions and research centers where they conduct research on various legal topics for a period ranging from 6 to 12 months, while others, including court staff, visit well-performing courts around the globe (e.g., the UK, Germany, Austria, Japan, Canada, China, The Netherlands, Russia, Australia, Spain, and Switzerland among others).<sup>4</sup> While overseas,



Figure 1 Supreme Court IT Center

<sup>2</sup> See World Bank, *Doing Business 2016* (Washington, DC: World Bank, 2016), <http://www.doingbusiness.org/reports> (The Index was added to the Doing Business methodology for assessing the enforcement of contract indicator).

<sup>3</sup> The National Court Administration is responsible for all administrative matters and is under the supervision of the Chief justice. It has three bureaus: planning and coordination, judicial proceedings, and registration, plus an inspector general for judicial ethics.

<sup>4</sup> South Korea Supreme Court Annual Report 2012.

participants are able to gain unique and practical firsthand knowledge of how other courts operate and build relationships and professional networks with counterparts in the profession. This program also provides participants with a platform for sharing knowledge and lessons learned and becoming apprised of emerging developments in the justice sector. This approach to professional development has served South Korea well over the years and was especially beneficial when the Court was exploring the introduction of the jury system. Having been exposed to the use of juries and the adversarial system during the overseas training program and the close collaboration developed with the National Center for State Courts in the United States, the judges were well equipped and prepared to implement this system when it was introduced in 2008 in criminal proceedings.

In parallel with the capacity building efforts, the Court also began studying the potential impact that the legal framework might have on reform efforts and the implementation of IT solutions in the courts. Aware that outdated laws may not sufficiently reflect or address societal and technological developments and could in fact hinder change, the Court proactively began to systematically review the governing legal framework. This review resulted in the enactment of a number of laws that would support the introduction and use of technology in the courts. In 2002, a new Civil Procedure Act was passed, and in 2005 the Act on the Application of Electronic Documents of Demanding Procedures was also enacted, laying the foundation for the transition to e-courts and the establishment of the Electronic Demanding Procedure System. By 2010, the Act on the Application of Electronic Documents in Civil Cases was enacted, providing the legal basis for implementing the e-filing systems and moving to a paperless format. In addition, the law governing family relations was also amended so as to allow for the development of the Family Relations System, which currently handles family registration and other family related issues in an online platform. Collectively, these laws have allowed for the implementation of IT systems and solutions that provide better and faster services while reducing

the cost and time expanded in transacting with the courts and providing greater access to services.

**OTHER SUCCESS FACTORS**

In addition to working on providing an optimum environment for the use of technology in the courts, the Supreme Court’s activities were always guided by a strategic vision and a unique understanding that change takes time and is a process that is best carried out incrementally so as to give users (the public, judges and court staff) the opportunity to understand how they will benefit from a particular system or tool. Guided by this as well as the understanding that external and internal users must be educated and slowly transitioned into using technology, implementation of IT solutions was systematically carried out in phases. Each phase built upon the previous one and allowed users to test and become acquainted with the benefit of the solutions provided.

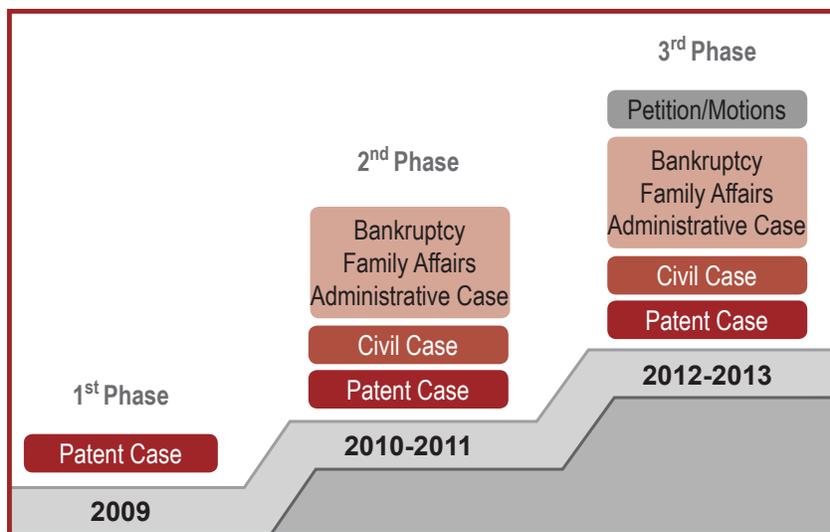


Figure 2 e-Court Vision

Following the Court’s vision, master plans were developed, each addressing specific needs and guiding the incremental implementation of new IT solutions. For instance, and subsequent to implementing the first Civil Case Management Program in 1986, a five- year plan was developed in 1992 for creating e-courts and developing the necessary foundation for more advanced solutions. A long-term plan for developing a judicial e-system was developed in 1998, and in 2003, a master plan for establishing electronic case filing was developed, followed by another master plan for developing e-courts in 2005.

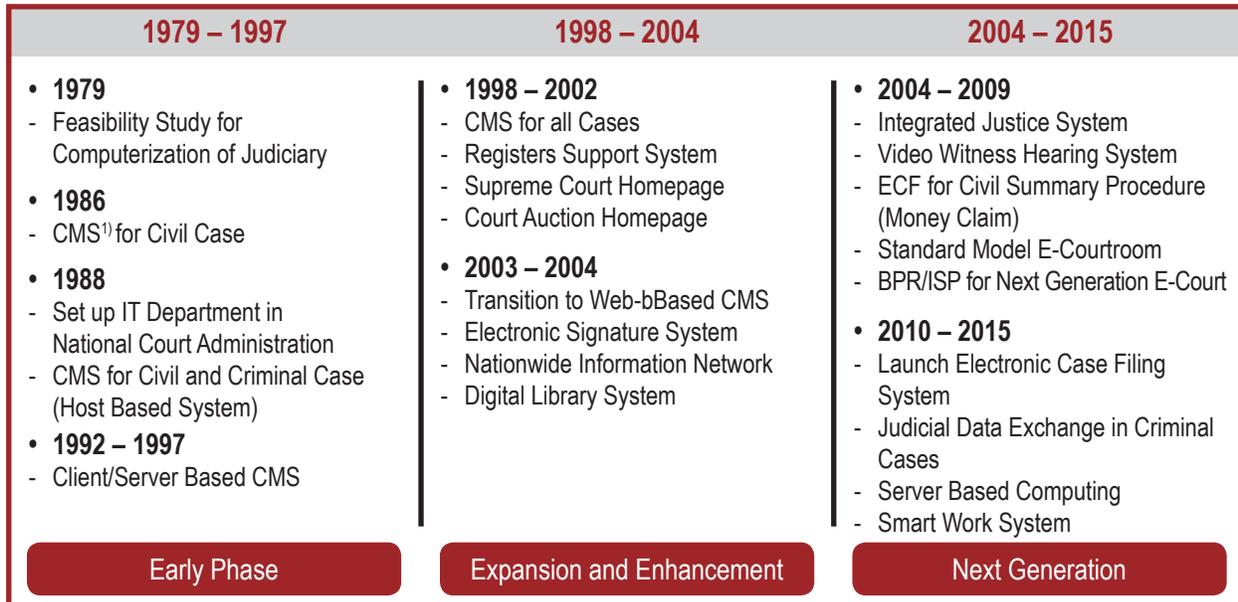


Figure 3 Presentation by Supreme Court IT Center at the World Bank on the judicial information system and e-Court in South Korea, 2014.

Throughout this process, and according to each plan, older systems were upgraded, new systems were developed and tested, enabling laws were enacted and the proper infrastructure was put in place for future systems and tools. For example, the CMS, which had been a client-based server, was upgraded to become an accessible a web-based system with added electronic signatures and digital certificates. Courts were internally connected via a judicial network in 1998, which also allowed them to be externally linked to entities such as the Ministry of Public Administration and Safety, the Prosecutor's Office, and banks. Connecting these entities with the courts resulted in faster and more efficient communication and transactions among all entities. Also according to plan, e-filing was introduced in 2010 on a pilot basis in the Patent Courts and the Electronic Case Filing System (ECFS) has since been successfully rolled out in all other courts: civil, family, bankruptcy and administrative.<sup>5</sup>

<sup>5</sup> <http://eng.scourt.go.kr> (Litigants and attorneys can electronically file documents and evidence for certain types of cases on the Electronic Case Filing System (ECFS) website and access case records and procedural information and search for legal information, such as the Supreme Court's decisions, articles or news regarding the law. In addition, ECFS provides the parties with several stable and convenient services connected with the electronic services of financial institutions, registration offices and other public institutions involved with litigation-related matters. Judges and court staff can also manage cases by scheduling and preparing for hearings through the system as well. An additional function of the ECFS also includes an information and archiving management system).

Despite providing easier and more efficient mechanisms for internal and external users and reducing user costs (e.g. cost incurred in having to physically go to court), transitioning into an automated environment has not been without challenges. For instance, and despite the convenience provided by the e-filing system to users, not all lawyers were initially willing to use the service. To address this challenge head on, the Court provided incentives such as reducing users' court fees for those using e-filing. To transition litigants into a purely paperless format, the Court ensured that users had the option to transact with the court in a paper format. In the meantime, public awareness activities were developed and carried out to increase user awareness of the many tools available and to transition them slowly into the new paperless environment. A homepage dedicated for Pro Se litigants was developed to provide forms, notices, templates, information and guidelines on how to file and download documents, and to search court decisions online, as well as to obtain information on how to navigate and use the various e-services. To ensure that foreigners living in South Korea also had access to court services, information is provided in English, the most commonly used foreign language. In addition, to further assist court users who may not be tech-savvy and who may require more hands-on assistance, a hotline was also developed to provide personal assistance. In line with the Court's forward thinking approach, a homepage for children has also been developed providing information about the courts in a child-friendly formatting.

### THE RESULTS: INTEGRATED IT SOLUTIONS

The efforts that began in the late 1970s have substantially increased over the past decades but have always been guided by a clear vision and dedication to leveraging technology to improve the experience of court users, enable courts to provide more efficient services and allow the court leadership better manage internal operations. This approach has served South Korea well and has set it apart from many other judiciaries- few judiciaries have been able to accomplish similar developments, e.g. Singapore and Australia.<sup>6</sup>

To date, the tools and services provided serve the needs of: 1) court users, including lawyers and Pro Se litigants; 2) judges and court staff; and 3) policy and decision makers. One of such tools is the Registration System, a dual function tool that provide users with online access to real property registration records and has the capacity to generate certified copies of such records while providing clerical support to staff of the Registration Office. Launched in 1998, this system has since been upgraded and currently provides web-based services that have improved efficiency, reduced cost for users and improved internal operations. To further support its functions, over 400 automated self-service machines were installed across the country to allow users to request and obtain certified copies of real property records.

Another important tool is the Family Relations System. This system computerizes and provides online access to all family registration procedures and records. It is especially helpful since it is linked to the Immigration Office information system, thus allowing it to more effectively support the processing of nationality cases. The system shares population census data with the National Statistic Office, a feature that has served to support improved resource and budget allocations at the courts. It is also integrated with other court systems, e.g., the Judicial Affairs System, a feature that has in turn eliminated the need to go the court to present documents and enabled users to file and complete family-related requests (e.g., related to marriage and birth) entirely online. As with the prior system, and to give those with little or no online access the same level of services, over 1,000 automated self-service machines were installed throughout the country in local government offices. Other tools include the E-Trial homepage where users can file cases and request service for all types of cases online and a “Court Auction Information System” that is linked to the Case Management System, the Bailiffs Consolidated System and the Registration System allowing users to participate in real property auctions held by the court online—this system allows for the completion of the auction process

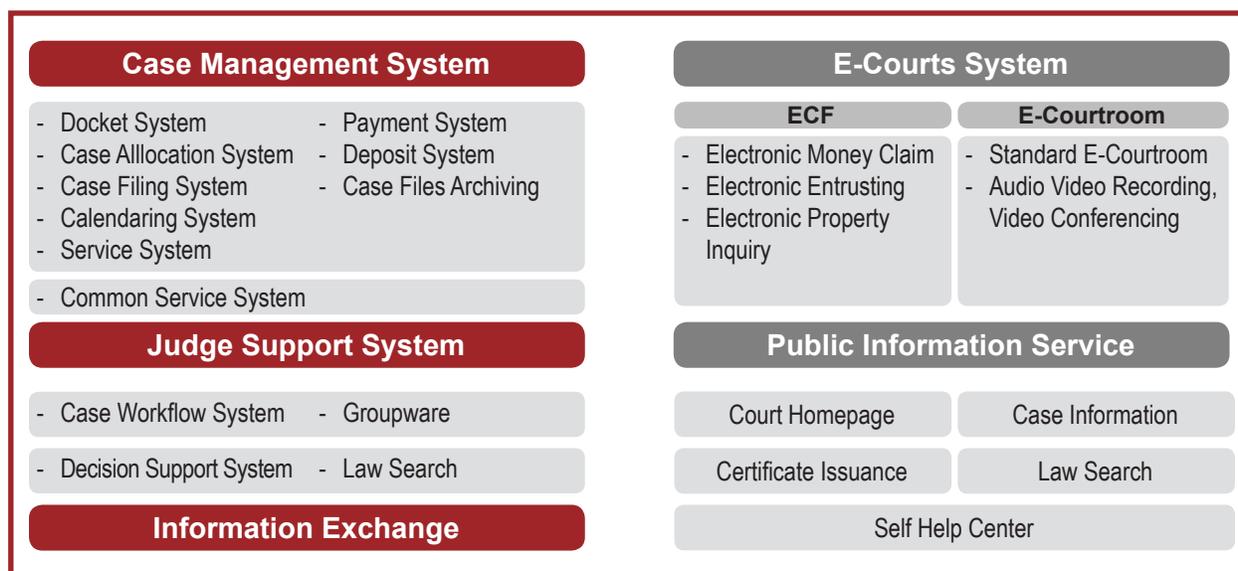


Figure 5 Presentation by the Supreme Court IT Center at the World Bank on the judicial information system and e-court in South Korea, 2014.

<sup>6</sup> Globally, South Korea has ranked 4th out of 189 economies by the Doing Business reports for the past several years and second in the ease of enforcing contracts indicator since 2011.

entirely online. In addition, the Court implemented the “Public Service for Access to Integrated Trial Records” tool which provides online access to trial records and court decisions. In addition to these services, lawyers are also provided access to web-based legal and judicial materials through the “Legal Information System” and “The Law World”—a legal information database.

In terms of support to judges, and in addition to the comprehensive automated Case Management System, a Judicial Information System providing access to all court decisions as well as laws and regulations was developed, and a Decision Management System that stores and preserves all case decisions was also established. A Knowledge Management System providing an intranet platform for judges to share knowledge and learn from each other has also been implemented. E-courtrooms to support the many automated solutions and allowing for virtual presentation of evidence have been developed across the country. Collectively these systems are providing the foundation for transitioning into a completely virtual courtroom environment. Additional systems such as the “Intelligent Court Administration” system were also implemented to support management by enabling electronic approval of administrative requests thereby reducing delays in processing requests

and ultimately increasing internal efficiency. Furthermore, in addition to supporting judges and staff, these system enable more informed decision-making by providing court leadership with access to reliable data that can be generated by the click of button.

## THE FUTURE OUTLOOK

Having developed one of the very few comprehensive justice sector integrated IT systems worldwide, and achieving a level of automation that has surpassed most other courts, the South Korean Supreme Court has not shown any sign of slowing down. The Court is forging ahead in its plan to move to a purely paperless format and having virtual courtrooms following the same holistic approach it has taken since the late 1970s. Despite the high level of success in leveraging technology, professional development efforts have not slowed down, and judges and court staff are still participating in the overseas training program. The road taken by the Supreme Court should serve as a blueprint for developing well-functioning and efficient courts. Based on the initiatives taken and the Court’s overall strategy and approach, the way in which the judiciary continues to progress in the coming years may continue to serve as a guide and model to all other judiciaries.

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