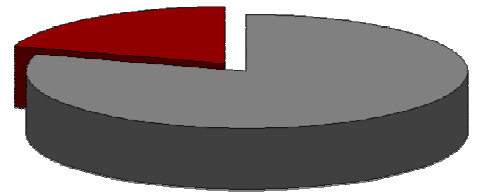


eJustice - Datahighway to Austrian Courts Electronic Legal Communication (ELC) - Transmission of Legal Documents

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Summary:

The Austrian Justice is organized in 217 courts at four levels (1 supreme court, 4 courts of appeal, 21 high courts, 191 district courts). 11.500 people are employed. 2001 the budget was € 810 millions. The revenue met 80 % of costs.



Due to the fact that the Austrian justice is central organised the automation of court proceedings was realised in one uniform application. That means that one kind of application is used for all 40 different types of proceedings (prosecution and criminal proceedings at court, civil, enforcement of civil titles, family, remedy, insolvency cases, etc.) and for all the different types of courts all over Austria. This guarantees to rationalise and increase the speed of court and prosecution proceedings, and improves the service for the general public. For the electronic input the creation of a fast, reliable and secure electronic interface was essential: **Electronic Legal Communication (ELC)**

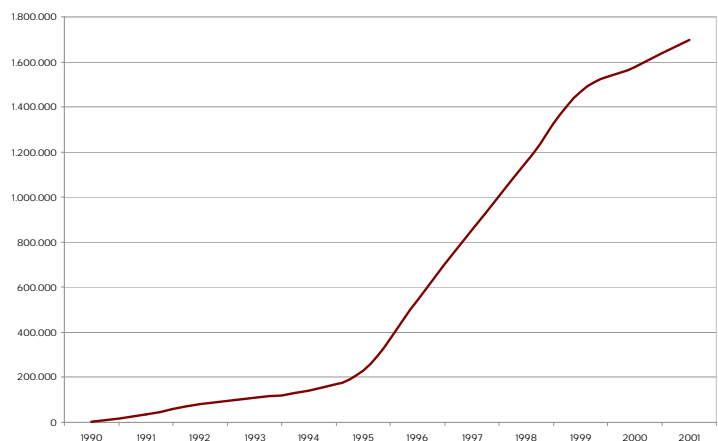
The Electronic Legal Communication (ELC – in German “Elektronischer Rechtsverkehr”) is per definition a paperless, structured electronic communication. It works in both directions: from the parties to the courts and vice versa; and substitutes communication on paper and is a legal equivalent. ELC has nothing to do with faxing or sending a simple e-mail.

In 1986 the automation of court proceedings started. After the installation of electronic data processing at all courts in 1990 the Electronic Legal Communication started with the transmission of class actions by default summons. Nowadays the service is available for many types of documents transmitted from and to courts – the last step of development was realised in 2001 with the transmission of balance sheets. In 2000 ELC was opened for everyone.

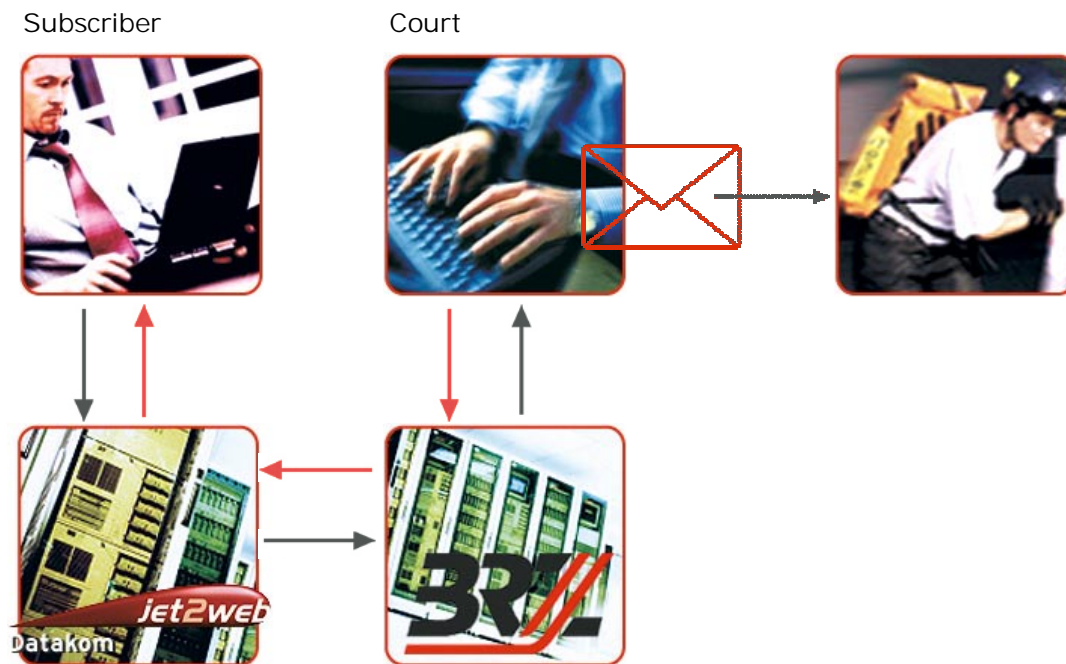
Key Figures (2001)

- 1.7 million e-documents to the courts (80 per cent of civil actions at the district courts and 60 per cent of motions of enforcement)
- 2.7 million e-documents from the courts
- Savings of € 1 million in postage

The chart gives an overview over the transmitted documents to courts per year.



Flow Chart



Datakom Austria GmbH provides ELC in Austria.

The Federal Computing Centre (BRZ) is the provider for the court automation and the network of the ministry of justice.

The following documents can be sent to courts:

- Default summonses for district courts and industrial tribunals
- Requests for warrants of execution and attachment of earnings orders
- Other misc. documents to any Austrian court

The Documents below were received from courts:

- Information on case files and court records
- Court orders to pay
- Approved warrants of execution
- Settlements, writs

Major benefits of court automation in combination with ELC are the speeding up of court proceedings, an improved service, a higher quality of data and electronic case information for parties. The costs and personnel could be reduced – not only because data has to be entered only once in EDP-systems, but also both courts and users can use input data.

In addition the systems are available 7 days a week, 24 hours a day. The documents are transmitted quick and secure – every document can be traced.

Court charges are paid after transmission via direct debit. Additional fees are paid via e-banking. The integration of e-banking for court fees was an important point rounding up the service. Lawyers using ELC get higher fees: € 3,20 per document sent to court.

Also important is a toll free hotline for the users and an online-access to log files via the internet.

The Break-even point for users – focused on costs – is by 15 documents per month – comparing paper to electronic transmission.

The base of our success was an optimisation of the business process, in both, technical and legal, but also the orientation to actual needs. In the beginnings we gave benefits for users on introduction – eg financial incentives like reduced court fees.

Very important are cooperations with key partners, mainly the Austrian Bar Association and software companies, but also with major customers and customer groups. With meetings, presentations and mailings we keep them informed on the same high level.

The price policy is also a key factor for our success. We always stayed cheaper than the non-electronic solution.

Since ELC runs without major changes since 1990 we had to develop the system by our own. The customers were obliged to use customised software. To ease the access to the system we focus our developments on standard products rather than customised software. We think to open ELC to the use via public systems (eg Internet) and will provide electronic forms with electronic payments. This is not possible today due to security reasons. But only when we open the system we can make it accessible to citizens and it makes sense to integrate additional secure features (eg Digital Signature). By the way the systems and equipments become harmonised. Today the documents must be converted; in future this will be no longer necessary.

In November 2001 – during the e-government-conference in Brussels – we raised the idea of an international transmission of legal documents. The project initiated in December 2001 is called SELC (Secure European Legal Communication). The involved countries are Italy, Germany, France and Austria.

During this conference we received an award by the European Commission and the Belgian Presidency: the e-government-label for good practice.



Nowhere else than in Austria exists a communication system like ELC for such a long time with such dimensions.

Finally a statement of Dr. Gerhard Benn-Ibler (President of the Vienna Bar Association and chairman of the data processing working group at the Austrian Bar Association):
“ELC has proved highly successful for many years now as an electronic means of communication between the courts and lawyers. Several million actions, petitions and services have been processed electronically to the complete satisfaction of everyone concerned. Serving notice of court rulings and settlements, an additional cost and time-saving application, has been available for about a year and also works extremely well. As a result, we are intending to use ELC as a comprehensive electronic communication channel between the legal profession and the courts.”