## SESSION #4:

## Doing More With Less: Managing Relationships and Harnessing Technology

**Moderator:**   Lori Coleman, Health Boards Secretariat

**Speakers:**    Justice R. John Harper, Superior Court of Ontario – Family Court

David Draper, Human Rights Tribunal of Ontario

Justice Edward Ormston, Consent and Capacity Board

Ms. Coleman announced that Justice Ormston would be replacing the absent Justice Harper recently (elevated to the Ontario Superior Court of Justice). Ms. Coleman started the session by a quick survey to better know the audience. She found that most of the audience was composed of administrators. Ms Coleman opened the session by reminding the audience that you do not need to be an expert to promote technological changes in your tribunal.

(Justice Harper's complete presentation will be available on SOAR's website. The paper was presented orally by Ms. Coleman and Justice Ormston.)

The more technology moves on, the less literate one is--contrary to the traditional school trend. Technology is vital for Tribunals. Staff and adjudicators should create their own comfort zone with technology, as technology will make one's administrative and judicial duties easier, more efficient, more exciting and more effective. Justice Harper recalled how, as a lawyer, he used to set up projectors and screens in court, and how these technological advances were received by judges. The culture of technology has changed; today unrepresented litigants use technology during hearings, and that technology is accessible to anyone now because of its affordability. Mr. Harper underlined how useful it is to master this comfort zone since technology is used more and more before judges and is necessary to make justice accessible to users. Justice Ormston recalled a colleague judge saying that it is a priority for courts to make the electronic filing of documents and access to technological documents easier and more available.

*"Technology and the computer*: identify your reasons for resistance. Consider if fear or distrust of computers by the Judiciary might adversely affect the admissibility of computer generated exhibit or evidence".

Technology cuts costs, saves paper and human resources. Technology permits us to give better service to the public, knowing that the public's expectations, in a customer-based analysis, is to receive better, faster and cheaper service.

There are different levels of proficiency in use of technology across the different provinces. It appears that individual practices are starting to sink in in several Ontario tribunals.

A good way to overcome any fear of technology is to observe how other people use it. It is as simple as asking a colleague who knows about a computer program to show you how to use it. Certain programs are particularly useful for adjudicators. "One Note" has been a big success at the Health Boards. "Adobe Professional" is used in disclosure processes at the Consent and

Capacity Board. Adjudicators and administrators should go for their favorite technological software and tools. The "search and find" option in word processors was also cited as a good tool to use. Ms. Coleman reminded the audience how much progress was made in 15 years, in the use of emails for example. She said that the younger generations know hands-on how to use technology and that this helps to spread the use of technology among staff.

Another reason to use technology is that it raises the quality and the degree of retention of the information for the adjudicator.  As an adjudicator, retention of information is the main benefit of technology, as the percentage of information that a person retains varies according to the type of communication (oral, written, visual). Technology helps judges to assimilate the information.

The storage of information is another advantage of technology, and particularly the filing of documents. Filing electronically also means that it is easier to locate documents at any time. Ms. Coleman rebutted the argument that using technology may restrict some litigants because they don't have access to it, saying that it may not be totally true. She underlined that using technology is only an option and that more and more people have access to it. The fear that a computer may lose files may not be founded either as shredding hardcopy documents or soiling them can also happen.

Finally, the social media were mentioned, and the issue of how to use them has not been ultimately determined as yet. For example, judges are divided on the beneficial uses of Twitter in courtrooms.

*David Draper*

Mr. Draper urged the audience to get confident in technology, little by little, one process at a time, according to each person's pace, resources and budget. He pointed out that at the beginning, e-filing in banks was checked by humans to ensure that entries were accurate. Mr. Draper also underlined how much easier it is for adjudicators to write decisions with the help of word processors and to communicate through emails. Institutions expect a level of competence in the electronic world and stakeholders expect to be able to find information and interact electronically. Using technology is a need for tribunals and meets the needs of tribunals. Mr. Draper advised tribunals to provide support, like voice recognition software and ergonomic consultations, and to focus on the staff's core needs.

Mr. Draper emphasized the following points:

- The use of collaborative tools, (but he warned the audience about changes in documents, and keeping track of consecutive drafts. This can be fixed by writing the version of the document in its name, ex: 2.1).

- The use of shared directories(again, a warning: take care not to lose track of documents).

- Appoint someone to be responsible for record keeping.

- File naming conventions: these improve the clarity and accuracy of documents and also the facilitate storage and retrieval.

Another point to remember when using technology is that it fulfills the need to be accountable. It increases service standards: performance measures; reporting requirements; value for money. Budgetary and staffing considerations also promote the use of technology. There are several options available from hiring IT staff to hiring outside IT firms. The need for desktop support was emphasized in both options. Mr. Draper also pointed to pressures on travel budgets, and how these can be alleviated through the use of teleconference and videoconference sessions, although logistics can still be hard to handle.

In terms of case management systems, Mr. Draper mentioned several options, "off the shelf" products, custom-built systems (very expensive) or configurable systems.

Mr. Draper concluded by saying that we can create efficiencies and that although going paperless was not yet a reasonable goal, we are now in a paper/computer mix where we can reduce paper. Mr. Draper encouraged the audience to require parties to file electronically but warned that communicating by email with parties as well as in paper can be a challenge. E-filing is becoming the norm, and quick responses are also expected by clients. Clients also expect to be able to find accurate and "official" information on Tribunal websites. It is also necessary to set practices in regard to the use of email, which was done at the Human Rights Tribunal of Ontario by instituting a Practice Direction. Users' expectations are increasing quickly and providing online "fillable" forms in various formats is a minimum.