



Strasbourg, 23 September 2005

CDL-JU(2005)048

CCS 2005/07

Engl. only

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**(VENICE COMMISSION)**

**in co-operation with**

**THE CONSTITUTIONAL COURT OF SLOVENIA**

**THIRD CONFERENCE  
OF SECRETARIES GENERAL  
OF CONSTITUTIONAL COURTS AND  
EQUIVALENT BODIES**

**Bled, Slovenia, 29-30 September 2005**

**REPORT**

**THE PRESENTATION OF CERTAIN ISSUES OF THE INFORMATION  
SYSTEM OF THE CONSTITUTIONAL COURT OF THE REPUBLIC  
OF SLOVENIA**

**by Mr Miloš TORBIČ GRLJ**

**Head of the Documentation and Information Technology Department  
Constitutional Court of the Republic of Slovenia**

## ***1. Introduction***

At the Constitutional Court of the Republic of Slovenia, similarly as at other courts, information technology importantly contributes to the better and more efficient work of the Court.

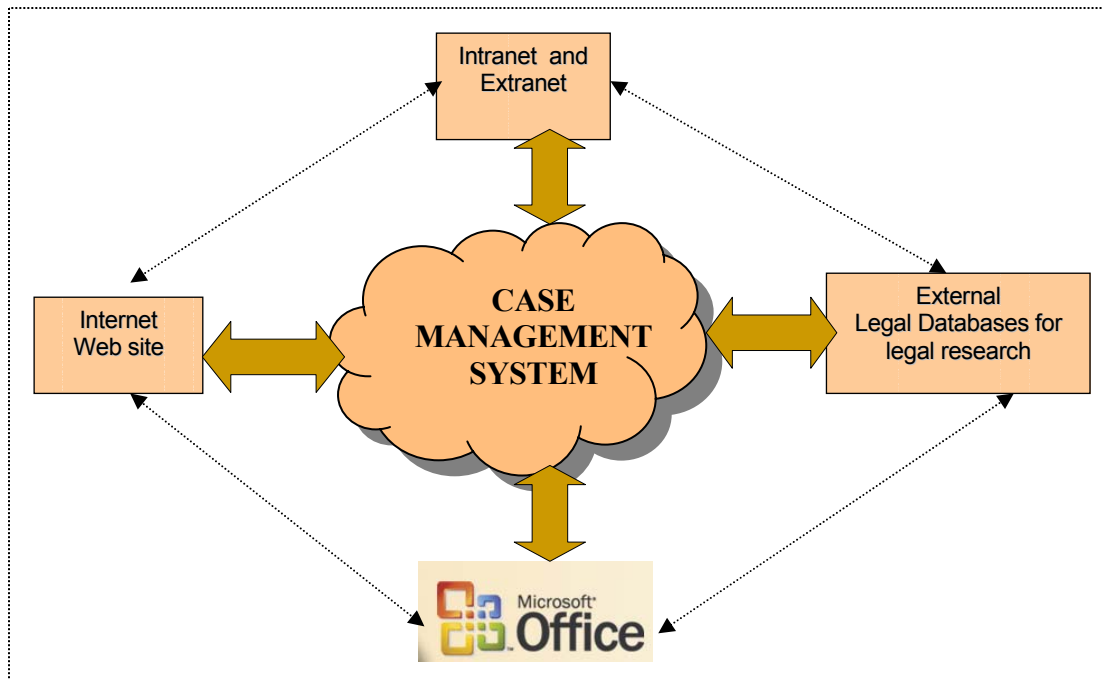
Since 1991, when the Constitutional Court of the Republic of Slovenia was established, the development of information technology has progressed through many stages: from using the computer as a writing machine, to the Integrated Information and Case Management System used at present. The last larger upgrade of the information system was initiated in 2004 and has not yet been completed. That year, an integrated system was introduced that incorporated all previously separate applications and documents into the Integrated Information and Case Management System (CMS), which is used by all staff of the Constitutional Court who take part in the business processes of the Constitutional Court regarding cases.

In addition to the above-mentioned system, the present situation and plans regarding information technology in general will be here presented. In the present report, only the contents of the Information and Case Management System of the Constitutional Court will be briefly presented. The system is presented in more detail and from the management and users perspective already in another report. Moreover, other parts of the information system which are just as important for the efficient work of the Constitutional Court will be presented.

## ***2. The Structure of the Information System (IT)***

The IT of the Constitutional Court from the users' perspective includes the following components:

- Integrated Case Management System
- Document Assembly System (which is actually a part of the Case Management System)
- Intranet and extranet
- Information services, internal and external legal databases
- Website
- User tools (Word, Outlook, etc.)
- Other applications (e.g. finance, human resources, etc., which are not essential for the legal part of the business process, and thus they will not be discussed).



*The information system of judges and legal advisors of the Constitutional Court*

### ***3. The Information and Case Management System of the Constitutional Court (IDS.US)***

At the Constitutional Court of the Republic of Slovenia, we decided several years ago to build an Integrated Information and Case Management System which would cover the entire business process, i.e. the life cycle of documents - from receiving an application and documents to a final decision, post-processing of the decision, and posting it on the Web or in other (external) legal database systems.

#### ***3.1. Principal Objectives of Developing the Case Management System***

The principal objectives in planning and developing the Case Management System from the user and management perspective are:

- To integrate data and documents into the integrated Case Management System
- To ensure users all necessary tools and information for legal expertise work
- To provide computer support for the entire case process of the Constitutional Court
- To enable monitoring and performance management
- To automate and standardize parts of the process or documents where such is possible
- To ensure greater efficiency and quality of the work
- To ensure that all (incoming and outgoing) documents are in an electronic format (imaging)
- To ensure users remote access to CMS and other applications
- To ensure better informing of the public regarding the work of the Constitutional Court.

Proceedings before the Constitutional Court are fairly complicated and contain quite a few exceptions. To a certain extent, those exceptions present an obstacle to automation and standardization of the work by which even greater efficiency of operations could be achieved.

At the stage of analysis and planning, a fair amount of the work concerning understanding the legal contents of the process had to be conducted. Therefore, intensive collaboration with legal

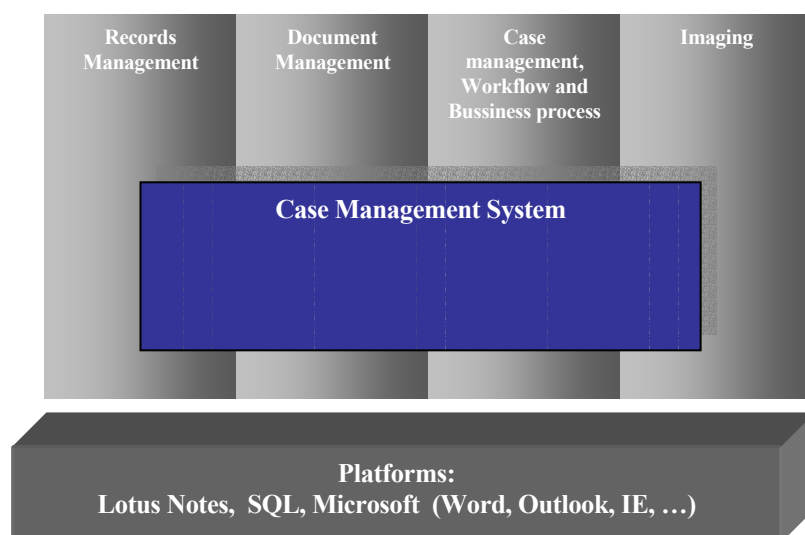
advisors, who have a good grounding in the legal field and (which is very advisable) who occupy high enough positions in the hierarchy of the Court to allow them to make decisions, was necessary. Thus, the project team had a coordinator for the issues concerning legal contents as well as the complete support of the management that also participated in planning the system. The appropriate system can be built only with such support, as certain decisions which might be less popular with the staff must be taken, nonetheless they are important from the perspective of the organization as a whole.

The Constitutional Court of the Republic of Slovenia is a relatively small (approximately 55 to 60 persons involved in case process), which results in certain disadvantages as well as advantages. The principle disadvantage is that financial and human resources are restricted, whereas proceedings, i.e. business process, are nonetheless not simpler. On the other hand, being small can be an advantage as it allows more flexibility, naturally within the frameworks of the regulation in force.

### *3.2. The Structure and Development of IDS.US*

As already mentioned above, one of the principal objectives of developing a new system was that data and documents be integrated into the integrated Case Management System. Moreover, we tried to set the system so that an individual case, i.e. the case flow, is the center of the system.

Naturally, such integration requires that not only (relational) data, such as the Registry, which concerns the Records Management System, but also documents which concerns the Document Management System, be appropriately integrated. Moreover, Workflow Management and Case Flow Management must be ensured. Experience from other (similar) systems indicates that the Record Management System and the Document Management System are often not appropriately integrated. We have solved this problem, however, as a consequence some compromises had to be made.



#### *Case Management System*

At the very beginning we decided that for editing and writing documents we will retain MS Word, not only for the sake of the format of the already existing documents but also considering

the knowledge of the staff at the Constitutional Court and the widespread use of the product also on home computers.

Already at beginning stages, while selecting platforms, we considered two possibilities: a Microsoft platform (.NET, SQL Server, Share Point Portal Server) or Lotus Notes in connection with Microsoft user tools. Upon careful analysis of platforms, we concluded that each platform has certain advantages as well as certain disadvantages. Eventually, we decided to implement the Lotus Notes platform, foremost for its financial benefits and its compatibility with other state bodies that also use Lotus Notes. Consequently, we had to accept certain technical restrictions which occasionally cause certain inconvenience.

We decided that development should be gradual and that all the modules should not be introduced simultaneously. Thus, first we implemented the Registry and Incoming/Outgoing Mail including imaging. Only in the second stage which followed five months later, did we implement the Document Management System and Workflow, and connected all the above-mentioned components into the integrated Case Management System.

One of the principle goals implementing the system was that users have remote access to all the applications, naturally with the appropriate security protection. Thus, the Constitutional Court staff can use (almost) the entire system also at home. This was one of the requirements while developing the system.

### *3.3. A Short Presentation of the Information and Case Management System Functions (IDS.US)*

IDS.US contains the following modules:

- Incoming/Outgoing Mail including imaging
- Registry
- Document Management System with Document Assembly System
- Workflow and Case flow Management (events, rules, alerts, workflow)
- Analyses and Performance Measurement
- Post-processing and posting decisions (i.e. postproduction)
- Session support (under construction).

#### ***3.3.1. Incoming/Outgoing Mail***

Incoming/Outgoing Mail is a module for keeping records of incoming and outgoing mail. All documents that come to the Court or leave the Court in paper format must be imaged and saved in the system. The principal tasks of this module are the following:

- Records of received and sent mail
- Imaging of all incoming and outgoing paper documents (imaging, TIFF, PDF)
- Informing users of the received and sent mail
- Support to the Office of the Registrar (there are no documents or objects outside the system)
- Integration with the Registry and the Case Management System
- Mail organizer (scheduling, deadlines, etc.).

For the time being, Optical Character Recognition (OCR) is not used for scanned documents, as the documents may be in very different forms and thus OCR would be rather meaningless.

However, all the documents can be indexed off-line so as to enable a partial full-text search also among the scanned documents.

As indicated above, all incoming and outgoing documents are digitized. The system and the Rules of Court enable the receiving of applications in electronic format. However, for the present, due to restrictions in the Civil Procedure Act, only documents which do not need to be served according to the Act, may be filed in electronic format. Nonetheless, it is evident that a great majority of documents are filed in a classical format, i.e. in paper. In addition, those few filed in electronic format are most often not correctly signed using an electronic signature, as required by the Rules of Court. Thus, E-filing is for the present only very limited – in fact only for filing documents. Unfortunately, the legislation does not yet allow electronic serving (in proceedings before courts), however, this is to change soon. The project on electronic filing and serving of documents will be launched accordingly.

### ***3.3.2. Registry***

Registry is a module for tracking and keeping records of the cases at the Constitutional Court. This is the central database on cases and proceedings at the Constitutional Court. Data and the rules for keeping records are regulated by the Constitutional Court Act, the Rules of Court, and the Rules on Internal Organization and Office Work of the Constitutional Court of the Republic of Slovenia.

The principal functions of the Registry Module are:

- Keeping relevant data with reference to cases
- Monitoring cases (the current condition of the case, monitoring efficiency, etc.)
- Providing special views for monitoring pending cases and the workload of legal advisors
- Tracking cases from the perspective of work processes (Workflow and Case flow)
- Generating events and alerts
- Various analyses and reports using individual criteria and categories for the management and users
- To provide analysis, statistical data, and performance measurement
- Simple and advanced search options.

All views and menus are personalized and adapted to the user type (a judge, the secretary general, a legal advisor, the Office of the Registrar, secretaries).

### ***3.3.3. Document Management System***

The Case Management System is tightly integrated with the Registry, such that not only data but also documents are saved and accessible in one place. Documents are created in MS Word 2003 and attached directly to the case.

The Case Management System concerns:

- The implementation of the secure and reliable storage of documents with appropriate security mechanisms and versioning control
- Simple assembling or generating of new documents using templates and with reference to certain data from the Registry
- Relevant meta-data to describe documents, which enables easier access to and management of the documents, and to provide Workflow

- Tracking the life cycle of documents (from the beginning to closing stage) with relevant warnings, alerts, and events
- Implementing security mechanisms and managing the access to documents in compliance with the security policy of the Constitutional Court
- A simple full-text search of the existing documents or meta-data
- The integration of the system
- A process for the electronic signing of documents.

Unfortunately, there is only a one way connection between data in the Registry and the data contained in documents, i.e. data can only be transferred from the Registry to the documents, while *vice versa* is not possible for the present. Consequently, changes in individual fields in the document cannot influence the Registry, i.e. meta-data. Weakness regarding such one-way connection could later be remedied by means of XML documents.

Particular attention is devoted to creating templates which are intended to simplify the work of legal advisors, and foremost to standardizing and assembling individual (standardized) parts of documents, naturally only in cases in which such is possible. There are over 100 different templates. Some of the templates are simple and contain only the text and individual fields from the Registry (e.g. data concerning applicants, the definition of a case, etc.). Others are more complex, known also as the Document Assembly System, and users must answer certain questions prior to creating a document. On the basis of such answers, the program assembles parts of the document with the correct and adapted contents. In addition, the templates are furnished with appropriate instructions and comments (e.g. a *to do* list) intended for new legal advisors who are not yet fully accustomed to all the tasks concerning the work of the Constitutional Court.

#### **3.3.4. Workflow and Case Flow**

An important part of the system is monitoring and supervising business processes (Workflow) and case management (Case flow), not only regarding cases and events, but also regarding documents. Thus, users are provided with functions and alerts that help them work with documents and cases. These are:

- Organization and monitoring of documents and cases at individual stages of business processes
- Work organizer support (deadlines, serving of documents, deadlines for a reply, etc.); users are automatically informed of events, deadlines, and changes concerning the case both via E-mail and through the viewing options
- Tracking cases and documents; many events are generated automatically; in such manner a view of the history of the case is possible
- Monitoring documents in individual stages which are precisely defined. The document is automatically transferred to certain stages and views as regards the stage and the activity of a user.

#### **3.3.5. Other Modules**

In addition to the above-described modules, there are many smaller modules intended for a limited group of users. Thus, in the system all decision which are intended to be posted or published in different media (the Website of the Constitutional Court, other legal databases, the collection of decisions and orders of the Constitutional Court) are post-processed. All data for

external databases is transferred in XML format. A substantial part of this process is now automated.

Regular Case Management Systems at courts contain some additional functions or modules, e.g. a scheduling and calendar system for hearings, however, the Constitutional Court does not need such considering the nature of its work.

#### *3.4. Experience in Implementing the System*

While implementing the system, we strived for a system that is as user friendly and simple as possible, and such that users could apply as much previous knowledge as possible. This allowed a relatively simple and fast implementation of the new system that did not cause substantial delays in the work process, as the users were able to continue their work in a fairly similar manner as they were used to. The users (judges and legal advisors) use MS Word to create documents, only documents are now differently laid out and created, and also access to them is different.

In addition, the stage by stage approach to the implementation proved to be valuable, as the majority of users were already appropriately informed of the different manner of work. Thus, Incoming/Outgoing Mail and the Registry modules were first introduced. Only after users were comfortable with the use of such, did we add the remaining modules, i.e. the Documents Management System (DMS), the Documents Assembly System (DAS), Workflow, and Case Flow. Furthermore, training programs were adapted to this, as a simple user interface allowed more process oriented topics, and were tailored to the needs of different users (judges, the secretary general, legal advisors, the Office of the Registrar, secretaries) considering the particularities of their work. Concentrating on the contents and not the technique has significantly contributed to the successful and fairly painless transition to the new system.

In addition, the successful implementation and development of the system are a result of the strong support and cooperation of the management, which was indeed necessary.

A substantial part of the project was the conversion of data and documents, as before 2004 all data and documents were saved in different programs and formats. Thus, all documents created between 1992 (since then they were created in electronic format) and 2003 were converted to the new system. Moreover, the same applies for data, i.e. the Registry (some data exists since 1992). Such data was naturally incomplete for the new system, and the Office of the Registrar entered missing data for all pending cases manually. Thus, only since 2004, have all data and documents at the Constitutional Court been digitized and integrated in the system on a regular basis. In order to include as much data as possible in the system (also for the needs of the archive), we subsequently digitized (scanned) all documents created between 1991 and 2000. We created special PDF files with tables of contents and incorporated them in the system. As a result, users have immediate access to all Constitutional Court documents, apart from the internal parts of files which were created from 1991 up to the present.

#### *3.5. Open Questions and the Further Development of the CMS*

Irrespective of the above-listed functions, the system must be further developed, with the implementation of other functions and modules that are needed for the efficient operation of the system and for reducing paper operations.



Some suggested functions or modules are:

- Enhanced Document Assembly System
- Enhanced Workflow and Case flow System
- E-filing. With the new Rules and the amendments of the Act it should be possible to E-file all documents, which should increase the efficiency of the operation and reduce certain costs of paper operations. For the time being, it is only possible to file applications in electronic format, whereas the serving of documents is not yet possible.
- Maintaining long-term archives and storage of electronic (electronically signed) documents remains an open question. The main issue is how to ensure the long-term credibility and formal validity (also before courts) of electronic documents.
- Module for following sessions – also corresponding sessions – including voting and keeping records.

#### **4. Intranet and Extranet**

The Intranet is, in addition to the central Case Management System, the tool that users most frequently use in their work. The Intranet is a portal intended for the quickest possible access to diverse information and simultaneously it integrates different sources into the integrated internal information system.

For the present, the intranet is not yet personalized in the sense of portal technology. Nonetheless it contains a great amount of data, documents, and links, such as:

- An internal knowledge base (an internal or organizational knowledge base) including:
  - The Constitutional Court case law
  - Analysis of the decisions of foreign constitutional and supreme courts
  - Other legal research
  - Numerous instructions and rules, forms, documents, etc.
  - Quick access to most frequently used legislation
  - Links to Websites of legal and other databases (internal and external) of courts and other organizations which provide relevant information
  - News, alerts, messages, etc.
  - Other documents.

At present, (a new intranet is under construction) certain information can be found on the intranet server as well as on other servers, i.e. Lotus Notes and MS Exchange. The new intranet will integrate all databases and documents into the integrated internal information portal, which will *inter alia* provide personalization as regards contents and security as well as enable automatic tracking of users' habits.

On the intranet of the Constitutional Court, the posting or editing of individual documents is decentralized, i.e. different users attend to different documents or parts of the intranet. It is important that data is updated and published by users who are responsible for such data.

The extranet provides access to the legal information system where the complete jurisprudence and legislation of the Republic of Slovenia is collected. Using appropriate tools, users can find relevant information. The same applies to public documents which are created in the legislative procedure of the National Assembly of the Republic of Slovenia and the Official Gazette of the Republic of Slovenia.

## **5. Website**

Website is becoming a central media for posting Constitutional Court decisions and other information referring to Constitutional Court operations. This is the most convenient way for the Constitutional Court to make its work available to the public. The Website of the Constitutional Court contains not only a presentation of the Court, but is foremost intended for informing the public of the work and proceedings before the Constitutional Court. The Website is directly connected to our Case Management System, which enables certain information to be automatically posted on the Website.

Particularly interesting for the public is information regarding pending cases before the Constitutional Court which are automatically transferred from the Case Management System, as users can directly follow which acts or regulations are challenged before the Constitutional Court. This may perhaps contribute to a slightly smaller number of applications.

Not surprisingly, the database of Constitutional Court decisions is the most frequently visited part of our Website. For this purpose we have created a powerful search engine. The decision database contains all decisions since 1991, i.e. from the time Slovenia gained independence. All decisions are additionally furnished with key words, abstracts, and other attributes which makes searching much easier and provides additional information to users.

Moreover, new services which will be offered to the public are being tested, e.g. targeted informing (target decisions alert) of individuals or organizations regarding the contents of individual decisions. On the Website, users enter relevant key words. On the basis of such entries, decisions or alerts that are related only to such key words will be selected. Thus, users will not need to follow all decisions but will be immediately informed of the decisions that they are interested in.

## **6. Legal Search and Research**

In the previous sections we have already discussed the access of judges and legal advisors to relevant legal databases. Irrespective of the fact that the Constitutional Court has a special departments for conducting analysis and searching information, i.e. The Analysis and International Co-operation Department, as well as a fairly extensive library it is nonetheless necessary that all users (judges and legal advisors, etc.) are provided independent access to as many on-line legal sources as possible. The purpose of such is not to disburden other departments but to enable the users to find information for decision-making themselves.

Users most often use the following legal sources:

- The Case Management System for the analyses of pending and decided cases (searching through all data in the system is possible)
- The Decision database of the Constitutional Court (search possible of post-processed decisions – key words, abstracts, dispositions, etc.) – such search is possible on the Internet or in the Case Management System
- The Constitutional Court case law edited by the Constitutional Court staff
- Analyses and summaries of decisions of foreign constitutional courts elaborated by the Analysis and International Co-operation Department which are posted on the intranet
- The Legal and information system IUS-INFO, which is the central legal database in Slovenia. It is privately owned, however, the Constitutional Court has free access on the extranet and the Internet for contributing its post-processed decisions

- Legal databases of the European Union
- Other legal databases (HUDOC, etc.)
- The legislative procedure of the National Assembly
- West Law, Juris, and others (not all users are provided access because of license policies).

Owing to different user interfaces and search engines there are occasional problems, especially with less experienced users. Therefore, periodic training courses carried out at staff meetings must be organized.

## **7. Conclusion**

Technology, environment, and requirements are constantly changing. Thus, in the last few years the number of received cases by the Constitutional Court has almost doubled. In order to control such a large number of cases, an appropriate information system is very important. The principal and central system (also at other courts) is the Case Management System, including the Document Management System. Implementing such system is a very demanding task due to various processes, legacies, and the complexity of the system itself.

With the implementation of the system, the amount of work has become smaller and simpler in certain areas, whereas in other areas it might have become larger due to greater functionality (e.g. the Office of the Registrar has on one hand more work because of the imaging of documents, on the other hand the scope of certain other tasks has become substantially smaller due to the automation of such). On the whole, the Case Management System has substantially contributed to the better support of business processes and subsequently to the greater efficiency and quality of work.

Unfortunately, all the above-described benefits are not used sufficiently with reference to the exchange of information and data. Thus, the regular exchange of information (XML) is conducted only with legal databases and partly with the media, and not with other state bodies and courts. This does not concern documents and data that do not need to be served according to the Civil Procedure Act (we have already mentioned above that this Act does not allow the serving of electronic documents), but documents that could be sent via E-mail or other technology.

In order to achieve such, in addition to the Case Management System and the Document Management System, also other parts of the information system that are necessary for efficient work process must be appropriately developed. Quick and simple access to data needed for legal research, decision-making, and collaboration is foremost needed.

Furthermore, it is very useful that users have access to the majority of functions also at home, naturally with due consideration of appropriate security mechanisms.

Irrespective of the planned completion of the Case Management System, we regard this system as a transitional, i.e. temporary system, before establishing a real E-Court – a court that would be as paperless as possible. Nevertheless, we have established certain standards and processes from which we have gained much invaluable experience. Every three to five years the system must be thoroughly up-graded with regard to the circumstances, the environment, legislative amendments, the increasingly broader access of citizens to the informational infrastructure, and the rapid development of software and information technology. In the following two years we

are planning to start developing a new system and introduce a new platform that will hopefully set fewer limitations to our operation.

During those two years, the external environment and circumstances will change to such an extent that a better exchange of information and documents with the environment will be possible. In addition, the Global Justice XLM Document Model (GJXDM) for creating judicial documents is increasingly interesting, which we will probably have to consider and implement in the near future.