

BRIEFING NOTE

Proposed video launch: Paperless trial pilots in the Land and Environment Court

The Land and Environment Court has conducted two pilots running paperless civil trials in Class 3 resumption compensation cases. One of the trials was 12 days in length whilst the other was of 4 days. The technology used is simple and inexpensive, comprising simply a data projector connected to a courtroom PC. The operation of the computer and projection of data has been undertaken by the trial judge's tipstaff.

The paperless trials have been conducted with all materials (court book and tender bundle, particularly) being tendered on a USB thumb drive. During the course of the trial, material required to be referred to (whether for submissions or for examination of lay or expert witnesses) has been projected on the courtroom wall with the judge and trial counsel having laser pointers to identify different elements of a document, plan or air photo under consideration. The courtroom PC is connected to the departmental network, meaning that, in addition to documents that have been tendered electronically, statutory instruments on the New South Wales legislation website and cases on Caselaw and other electronic sources can also be projected on the wall.

There have been significant benefits demonstrated by these two pilot trials. The benefits are financial, environmental and access to justice ones. These benefits are summarised below.

Environmental benefits:

- Elimination of the need for significantly more than 100,000 pages of photocopying with a reduction not only in paper consumption but also in energy use as the materials are scanned once;
- Transport costs in moving multiple volumes of paper briefs between clients, firms of solicitors and counsel. All document transfer (including pre-trial preparation of drafts or exchange of material) can be undertaken by email.

Financial benefits:

- Cost savings in photocopying (at \$2 or so per page charge out by law firms, this has represented a cost saving of over \$200,000 in these two trials). As both of the trials were resumption compensation matters, where costs are almost inevitably borne by the government acquiring body, these savings are significant State budgetary ones;
- Staff time in trial preparation and, during the trial, in document management;
- Other stationery items such as folders and dividers; and
- Courier costs for moving documents between clients, solicitors and counsel.

Access to justice benefits:

- In each trial, material was able to be viewed and understood by all present in the courtroom, including lawyers, experts and other witnesses, clients (whose land had been acquired) as well as members of the public observing the trial.

The trial judge, in each instance, Justice Moore, has indicated that he has found considerable benefit in being able to access all documents electronically as part of his judgement preparation process. He has also advised that he did not consider that there was any additional time taken in conducting the two trials.

The Office of Environment and Heritage has supported the project by providing funding for the preparation of video material (one short video of 2/3 minutes and a second video of 8/9 minutes) to explain and promote the process that has been undertaken.

The reaction of clients, the legal profession and the Court for the concept of paperless trials is enthusiastically supportive.

The Land and Environment Court has scheduled five more matters to be conducted as paperless trials between now and the end of 2017. They vary in length from 8 days to 35 days. Four of them are in the Court's compensation resumption jurisdiction and one is a 10 day civil enforcement case. The Court estimates that in excess of half a million pages of photocopying together with other environmental and financial costs will be saved from these trials.

The Court has also identified a development merit appeal set down for trial in early 2018 that is an appropriate pilot for a trial to be run on a paperless basis.

It is the Court's general intention to move to a paperless trial model in civil matters when those matters are of five or more days' duration. Over time, it may also be possible to move even more of the Court's civil matters to be conducted on this basis.

These paperless trials have been conducted as part of the activities of the Sustainable Legal Sector Working Group, a body formed under the umbrella of the Australian Legal Sector Alliance, a national grouping of major and mid-tier private and government sector legal practices.