

**Thoroughly Employing Technological Methods:
Promoting Scientific Management, Improving Judicial Transparency and Implementing
Judicial Accountability**

Yan Ge

Deputy Director of the Supreme People's Court Research Centre

In the present day, modern scientific technology, represented by computer-based informatisation, has gradually become a great force driving social progress and scientific development.[The importance of] thoroughly utilising technological methods that will satisfy the judicial needs of the masses, and bringing about new developments in each type of work undertaken by the people's courts, has already become a view commonly held by people both inside and outside of the courts. In 2008, the Supreme People's Court issued the "Technological Powerhouse" [document].In essence, this required the people's courts to embrace technological efficiency and quality as strategic tools with which to bolster the development of the courts. In 2009, with the "Third Five-Year Reform Outline of the People's Courts", strengthening the development of the informatisation of the people's courts continued to be an important task of reform. According to the requirements and arrangements of the Supreme People's Court, each level of the people's courts should firmly take hold of the excellent opportunities offered by the current rapid development of informatisation. Focusing on judicial work, work information and public service, trials and other activities should employ technological methods widely and thoroughly, thereby driving the holistic development of each type of work undertaken in the people's courts.

1. Take the "Technological Powerhouse" road, and strenuously improve trial management

The management of trials is inseparable from modern information technology. Following the increase in the number of cases accepted by people's courts, trial management has become more complicated. It is necessary to employ technological methods to improve management standards and efficiency. Therefore, each level of the people's courts has specially established steering committees for the development of informatisation. This will drive the employment of technological methods in trial management work.

A. Use trial management systems scientifically; promote the realisation of normalised management in trials and other types of work. Trials are a court's core work, and the management of trials also lies at the core of a court's management. Presently, the vast majority of provincial (directly controlled municipality)courts have already established unified information application systems covering the entire process of trial work. Each stage, including the registration of a trial, the hearing of a trial, the conclusion of a trial, and the filing of a case, implements computer-based management. Moreover, in the management

of a trial's progress, adjudicative documents are automatically produced, while legal and regulatory inquiries, and information inquiry statistics, bring into effect the computerisation of management. Once data is entered, it can be utilised many times, and inquiries and statistics with complex combined conditions can be supported. Furthermore, this can supply multifaceted analyses that aid in decision-making. For example, during the stage of a case's registration, besides making a traditional record by hand, the registering judge can, in the process of receiving a registered case, use a second-generation ID scanning device to obtain information on the parties concerned. The system for registering a case employs a mechanism for automatically assigning cases, and automatically generates a case number, as well as the time of a case's assignment. Based on a judge's specialities and work-load, it might assign a comparatively smaller number of cases, and the most appropriate judge to handle the case. At the same time, it will also automatically compare and select identical or similar cases for assignment to the same judge, thus economising on trial costs. During the trial stage, trial information management systems can record, and manage, information on a case's progress. They can automatically calculate the time-limit for concluding a trial, warn of an approaching time-limit in a case, and issue reminders about cases that have exceeded their time-limits. When undertaking cases, trial information management systems can provide daily records, video recordings of court hearings, hearing transcripts, adjudicative documents, as well as other information pertaining to the original trial judgements in civil cases. This enables the judge to understand the facts of the case in a holistic fashion.

B. Develop precedent databases and judgement comparison systems; promote the unification of judicial measures. Unifying measures for case judgements, and improving the credibility of the judiciary, are important tasks for the people's courts in the establishment of a just, effective and authoritative socialist judicial system. At each level of the people's courts, the establishment of new computer database functions; the regular ordering, editing and release of model precedent cases to be stored on networked databases; and their dissemination via internal local area networks, public networks and other channels, does not only allow judges to consult similar model cases. The persons concerned can also delve into, and understand, the situations surrounding similar case judgements. They can then have reasonable expectations concerning the result of their own legal actions. Some courts have even developed analytical systems, such as the "Substantive Case Comparison [System]". Comparing similar model cases in the database is of assistance to judges when issuing judgements. For example, the Beijing Court has united the "Criminal Trial System" with the "Substantive Case Comparison System". These take substantive information on cases, such as the facts of the case, related sums of money, the target of the crime, methods, the level of threat and so on, and compare it with the criminal cases stored in the municipal court's informationised system. This takes the longest, shortest, and average prison sentence times from similar past cases, and displays the number of each type of case with prison terms. It also supplies the results of the trials of similar cases, as well as adjudicative documents, thus providing comparative information for the judge to consider.

At the same time, supplementary intelligent criminal law legal advice systems can, based on the particular type of crime, or the causes of a civil lawsuit, sort regulations and articles of law. These supply articles of laws and regulations that are related to cases being tried, as well as relevant explanations on judicial law, and similar model cases. This allows the judge handling a particular case to accurately, easily and holistically obtain supporting legal information, thereby improving the quality and efficiency of judgements.

C. Expand the functions of judicial statistical systems, and provide more comprehensive and precise analytical judgements and situational forecasts in the management of trials.

Presently, the judicial statistical work of the national courts is evenly divided among special computers, thus establishing a unified trial information management system. Judicial statistical data, from the gathering of information, to the transmission and collation of data, thus brings into effect automatisation and networking. This has greatly improved the quality of judicial statistical data, and provides more comprehensive, accurate and prompt information sources that can be used in trial work and scientific decision-making. At the same time, the application of technological methods has released judicial statistical workers from miscellaneous routine work. On a certain level, this has prompted a change in the function of judicial statistical work, promoting the strengthening of data analysis in statistical work, and strengthening the dynamic monitoring of trial work. Next, judicial statistical data will be linked with adjudicative documents, enriching trial information.

D. Apply systems for the management of trial progress and convenient service; improve work efficiency, and lessen the litigation exhaustion of concerned parties.

Concerned parties do not only seek substantive justice from judicial work. They also require cases to be managed rapidly and effectively, with the greatest possible reduction of legal expenditures and costs associated with maintaining one's legal rights. Each level of the people's courts makes thorough use of trial information system management platforms. Each stage of a trial proceeds in an orderly manner and in due succession, engaging in a process of mutual regulation so as to form a benign mechanism. On the one hand, they provide notifications concerning the registration of various kinds of cases, services, hearings, announcements of judgements, reports on conclusions, and other key points influencing the efficiency of cases. They also supervise judges in reasonably arranging each stage of a trial. At the same time, once an appeal has been launched, or a case changes jurisdiction, high-level courts, or the court with jurisdiction, can receive records in a timely manner, and thus proceed with the next hearing. On the other hand, in recognition of the fact that it is inconvenient for some concerned persons to travel to and from the court, some courts have initiated systems that enable arrangements to register a case to be made on the Internet, court sessions to be held using long-distance video channels, adjudicative documents to be signed electronically, and so on. Concerned persons can, through the Internet, submit indictments, evidential material and other materials that are required to lodge a case, as well as submit to examination. They can also participate in court hearings through long-distance video channels.

2. Guarantee the right of concerned persons to know the facts of the case, and use technology to increase the judiciary's transparency

Open transparency is an important sign of the modernisation of the judiciary, as well as the judiciary's democratisation. It is also an effective way of raising the authority and credibility of the judiciary. Each level of the people's courts employs technological methods, and with judicial openness, they engage in productive investigations to obtain clear results.

A. Promote video broadcasts on the Internet, and bolster the level of openness in the progression of court hearings. These days, court hearings are one of the key stages in trials. They are also an important stage in which the concerned persons in a legal action directly perceive whether judicial proceedings have been just and efficient or not. Since 2003, a number of the national courts have begun to explore the broadcasting of court hearings on the Internet. That year, chinacourt.org initiated China's first Internet graph-text direct broadcast column for court hearings. The aim of this was to "open up trial processes, reveal the graceful bearing of judges, and popularise legal knowledge". Afterwards, the broadcasting of court hearings on the Internet rapidly took off throughout the country's courts. These use text, pictures, video and other such methods. By making the court hearing process available to the public through the Internet—completely and in real time—ordinary citizens can "audit" via online networks.

B. Extend the openness of adjudicative documents online, and promote openness and transparency concerning the results of trials. Adjudicative documents represent the conclusion of the people's courts' trial activities. They are the most directly perceivable expression of a judgement's quality, as well as of the judicial standards of a judge. They are also related to the judicial image of the people's courts, and the degree to which the masses affirm judicial judgements. Since 2006, all of the adjudicative documents of the national courts related to intellectual property rights have been online. The Beijing Court has successively issued adjudicative documents related to commercial law, and some adjudicative documents related to criminal law, on the Internet. This established the work of placing adjudicative documents related to commercial law on the Internet as standard. From 2009, the Henan Court has publicly issued all adjudicative documents, apart from those involving state secrets, the offences of minors, the secrets of individuals, and other cases that are inappropriate to make public. Other provincial city courts have also, to different degrees, carried out the work of making adjudicative documents publicly available on the Internet. The unfolding of this work has bolstered the transparency of judicial trials, as well as given expression to judicial civilisation, judicial transparency, judicial democracy and judicial fairness. However, to protect the legitimate rights of citizens, corporate bodies and other organisations affected by these adjudicative documents, the open promulgation of information contained in adjudicative documents requires technological management.

C. Establish information openness and mechanisms for sharing; comprehensively implement the entire mechanism. In judicial practice, some concerned persons transfer or

conceal assets, or engage in other evasive behaviours. This presents people's courts with significant obstacles when undertaking work. Therefore, the people's courts have developed a linkage mechanism. This forms links, and enables the sharing of information between, the departments of market supervision that are concerned with financial observation, business records, and immigration. This sets firm limits on making changes to intellectual property, investment and financing, market management, emigration and so on before the person subject to legal action, and who has implementive power, has finished with their legal affairs. At the same time, the people's courts have, through an online inquiry system for information on cases, gradually established the people's court case information inquiry and monitoring system, enabling applicants to understand the situation concerning their progress, thus alleviating the feelings of anxiety that concerned persons have while waiting. This additionally allows them to understand, and accompany, the court in its work.

D. Establish the openness of case information and mechanisms for inquiry; increase the range of trial information openness. In recent years, the people's courts have made thorough use of interconnected networks, mobile phones and other such technological pathways. This has provided more channels for the dissemination of information to the public, and enabled the establishment of a diverse range of conduits and convenient service terminals, enabling judicial information services to connect directly with the public. Internally, many courts have established computer inquiry and trial information announcement systems in case registration halls, electronic display screens that regularly issue public announcements and important trial information, as well as touch screens to implement open judgement and case inquiry systems. Courts, such as the Beijing Court, have at the same time been trialling the implementation of 12,368 judicial information service systems for the benefit of the public. After the persons concerned have registered their case, they can use a PIN provided by the court to make a telephone call and inquire about the progress of the case. They can then gain concrete information about each stage, including if the case has been registered or assigned, if the hearing has begun, if the time limit for a case has been extended, and if an appeal has been lodged. They can also obtain the phone numbers of the case's contact people. At the same time, if the agreement of the persons concerned has been obtained, the court will also send text messages to the mobile phones of the persons concerned to advise if a hearing is in session, the extension of a case's time-limit, if there have been changes in jurisdiction, and other important matters.

3. Strengthen trial supervision; realise judicial accountability

Presently, the public's expectations concerning the judgements of courts are increasingly high. Substantively, they require fairness. In terms of procedure, they require legitimacy. In terms of results, they require social satisfaction. Practice has shown that in improving case quality and efficiency, and making judgements acceptable to the majority of people, judicial ability is the foundation, implementing accountability is the focal point, and the strengthening of supervision is the key. In recent years, each level of the courts has been

thoroughly aided by computer-based information methods, has unceasingly expanded their range of supervisory methods, enriched the content of supervision, and has forged a basis for the implementation of judicial accountability.

A. The dynamism of trial monitoring work. Presently, the masses are paying increasing amounts of attention to the progress of trials, and their expectations concerning procedural fairness are increasingly high. Each level of the people's courts thoroughly employs informationised technological methods, reflecting optimum levels of comprehensiveness, objectivity, and timeliness. They are bolstering the dynamic monitoring of each stage of trials, thus improving the normalisation of judicial behaviour at the source. Through the application of "digital court" technologies, the written information, video information, audio information and information that is put to the proof, and that is produced by court hearings, has been collated and stored digitally. This important material is to be kept as a basis for passing judgement on the work of judges, and on judicial ability.

B. The scientification of the appraisal of trial quality. Judging the quality of a case scientifically is a necessary premise and basis of objectively evaluating a judge's work, and of rigorous judicial accountability. In 2008, the Supreme People's Court issued the [document] "Guiding Views on the Development of the Work of Evaluating Case Quality (Trial Implementation)", drew support from computer software technologies, and employed modularised presentation layout methods. The targets of this system's appraisal were divided into judicial fairness, judicial efficiency and judicial effectiveness—three level two indicators and 33 level three indicators. This established an initial, unified index for case quality evaluation, lent completion to each level of the people's courts' trial decision-making and management, provided a detailed basis for consultation, and comprehensively improved the quality of trial judgements. In 2009, the unified case quality index of the nation's courts was 85.72, 0.16 points higher than in 2008, and 4.98 points higher than in 2005.

C. The digitisation of file management. The widespread application of computers, and the rapid progress of social informatisation, have led to new and higher requirements concerning the use of legal files, and the work of managing them. Presently, the people's courts are engaged in the task of digitising legal files. One only needs to open the inquiry system and point with the mouse. One can then access relevant information and understand it at a glance—statements of claims, the replies to charges, court verdicts, reconciliation agreements, and other related legal documents. The judge or file management officer can, on a computer in the office, complete multiple lots of file reading, downloads, printing and other such operations for multiple people. The consultation of files is no longer constrained by time or allocation's limitations. For example, this year in April, the Shanghai Court relied on the electronic management of legal files, and cleared the way for a "public consultation of electronic legal files" service platform. So long as the public's credentials and formalities are in order, they can go to a nearby court, and remotely apply

to consult the content of the city's electronic images of a court's files. Presently, the number of files that can be consulted using this on-line system has already exceeded 2,000,000.

D. Establish mechanisms for studying and determining popular opinion and sentiment.

The strengthening of supervision, and the implementation of accountability, is inseparable from the correct reading of the public's judicial experience, and is inseparable from the positive participation of various social circles and the great masses of people. In May of 2009, the Supreme People's Court specially established an electronic mailbox for communicating public opinion, and for the special use of collating views and suggestions on the work of the courts from the masses of people and various social circles. Each level of the local people's courts also successively established different kinds of mailboxes for directors on networks, as well as mailboxes for public opinion, and platforms for communicating public opinion. Some also specially established hotlines for reflecting on various situations, as well as hotlines for reporting on corruption and other such special lines, thus working along many trajectories and from different angles to completely understand the masses' personal experiences of the work of the courts. In addition, some courts have explored the establishment of mechanisms for studying and determining public sentiment, employing computer-based procedures, as well as searching for and selecting news and information from Internet media pertaining to particular jurisdictions and courts. After automatically collating this, it is used for the analysis of public sentiment on the Internet. This has provided a valuable reference, allowing courts to make scientific decisions, timely decisions, and direct decisions.

4. Thoughts on the application of technological methods by the people's courts, and directions for development

The emphasis of China's future use of technological methods will be in the following areas:

First, continue accelerating the installation and development of hardware related to software that is in use. Presently, some courts have been developing numerous software programs that can improve efficiency and promote judicial transparency. Moreover, these can be used by other courts, but because the hardware facilities of some courts are not adequate, the use of this software has been limited. This will limit the degree to which the value of judicial resources and information can be uncovered. Therefore, we will firmly take hold of developments in network technologies, and the excellent opportunities offered by the development of the nation's e-government, thoroughly utilise the results of the development of "Project Scales", and accelerate the development of judicial resources and information platforms. Continuing to optimise the structure of trial information networks, extending information network antennae, progressively establishing and perfecting a network covering the nation's four-tier court system, realising interconnectivity between internal networks in the nation's court system, as well as the sharing of information, will ensure they avoid becoming information "islands".

Second, continue to increase the level of the usage of technological methods and software. The driving function of the use of technological methods in trials and other types of work is mainly manifested in the use of various systems and software programs. Presently, however, not all systems and software programs have achieved full implementation. Therefore, the main emphasis of the next stage in the technologisation of people's courts should be, internally, to further promote the application of information technology and software in trial work, and establishing case and judge-centred information network service platforms. Externally, it will be to increase the level of openness of judicial information, and by bolstering the development of judicial service platforms, provide more timely and convenient judicial information services to all areas of society.

Third, promote information networking with public security, examination, business, tax administration and other systems. The judicial information and resources held by people's courts contain much important information reflecting current social and economic trends and development. This information is of great value when formulating decisions on social management. At the same time, information held by other organs forms an important background to the trial work of people's courts. Therefore, strengthening all aspects of information sharing and exchange is of significant and profound importance. In future, we will thoroughly utilise and progressively renew technological methods, as well as build expansive platforms for the mutual sharing of information with other organs and systems, thus giving practical expression to the value of trial information.