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INFORMATION SYSTEMS FOR AUTOMATED CASE MANAGEMENT IN THE BULGARIAN COURTS

ABSTRACT: The practice of the Member States in the EU related to the e-justice includes the introduction of information and communication technologies in judicial proceedings in the administrative services of the courts and the provision of legal information and documents electronically. The European e-Justice must fulfill three basic functions in terms of access to information in the field of justice, electronic communication between the court and the parties concerned, and to simplify and promote the exchange of information between judicial authorities in the Member States. In view of this development and implementation of an information system of enforcement is crucial, not only the expected effect on the affected public relations internally, but also as a means of fulfilling the obligations imposed as a result of Bulgaria's membership in the EU. Information System for Management of court cases lead to faster and more efficient service, as well as to greater precision by the magistrates and court officials. Bulgaria's Supreme Judicial Council has approved four systems for case management, a a Web-based interface for court rulings is introduced, integrated with the four IS.

KEYWORDS: *e-justice, Information system.*

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Introduction

According to the practice, the scope of e-justice includes:

- electronic access to court information and documents;
- electronic exchange of judicial information and electronic folders and documents;
- provision of administrative services by the courts electronically;
- conducting court proceedings electronically and electronic monitoring of convicted persons;
- international cooperation through information and communication technologies.

The implementation of information systems (IS) is established by Art. 377a of the Judiciary Law and Ordinance № 1 from 18.01.2008 about the automated systems in the judiciary. Activities are based on approved by the Supreme Judicial Council (SJC) automated information systems, which are coordinated by the Ministry of Justice.

According to Art. 64 para. 1 from the Law on the Judiciary, the acts of each court shall be published immediately after their pronouncement on the website of the relevant court in compliance with the Law on Protection of Personal Data and the Law on Protection of Classified Information.

There is also a central web-based interface for publishing judicial acts publicly available at: <http://legalacts.justice.bg>. Searching is performed by different criteria, including keyword in the text of the act, status of the act, which facilitates public control.

Integration is built through the technology Windows Communication Foundation, for that purpose are created web services, through which the systems can transmit information to the portal.

Exposition

Proper administration: processing cases, allocation of cases, monitoring the progress of cases under clear, fast and transparent procedures, may have a preventive effect in limiting the opportunities for corrupt behavior and at the same time is a key tool to establishing a transparent and efficient judicial system.

Information systems can be grouped in several technologies:

- for the processes occurring in the „back“ office, supporting the processes related to secretarial administration, formation of documents and the processing of documents, management of the particular court and management of the database;
- systems for supporting the processes during court sessions;
- external communications supporting all communications with the participants in the judicial system and publicity outside the court; [10]

Under the instructions of SJC each court can choose among the 4 IS: Automated system for case management (ASCM), Court Case Management System (CCMS), Judicial Administrative System (JAS), EMSG. From functional point of view, the information systems generally offer:

- creating documents by templates and applications from the legislation;
- registration of paper documents, scanned documents;
- automatic registration, processing and closing of files on correspondents, maintaining physical and virtual correspondence and files with documents.
- registration and processing of documents with legal requirements - complaints, requests, statements of claim;
- electronic document exchange, management of document flow, document routing, control over their location.

- automatic creation of electronic archives and automatic creation of archive databases;
- universal high-speed reference activity;
- reports on all the characteristics of documents, tasks, correspondence, files in arbitrary combinations;
- full-text search of documents with fast response regardless of the size of the system database.

Two of the programs are donated by the US Agency for International Development USAID / JSI and EU / PHARE and according to the terms they should have been used over the next five years.

1. Automated System for Case Management

Automated system for case management (ASCM) was developed in 2001. It was implemented in Sofia Appellate Court, Appellate specialized criminal court and 15 regional, district administrative courts. There is a connection to the system of higher court level.

The module for random distribution of cases is more reliable than that required by SJC in the courts Law Choice - At ASCM - random distribution module is designed to operate in a network.

2. Court Case Management System

Court Case Management System (CCMS) was developed by „Siemens“ LTD under the project of program PHARE. The system was designed and developed in 2005 as a web-based database system. It was implemented at Sofia District Court, nine regional courts of the district judicial area and Sofia Regional Court.

Access to the system is accomplished by a standard Web browser: Internet Explorer, Firefox, Mozilla, Opera and other popular browsers. Technologies that are used to build the system: Microsoft® .NET Framework; Windows Server 2003, and Oracle 10 g Database.

Court officials experience difficulties with the speed with which the system works and performs different functions. Given the workload of the Sofia Regional Court, for example, the users often choose an alternative way to do the job, avoiding CCMS, despite previous activities performed on a particular case in the system. Avoiding the system prevents the subsequent publishing of judicial acts, leading to difficulties in reference to the archive, difficult transition of the cases from paper to paperless format. The system was not implemented in the Criminal Division of the courts.

3. Judicial Administrative System (JAS)

JAS „Court filing“ was developed by „Information Services“ Jsc. - Varna and is the most popular information system. The functions of the system are divided into several main groups: functions for generating a database and electronic folder, functions for preparing the necessary outputs in terms of legal books, reports, statistical reports and other, functions regarding security.

The system has a module for random distribution of cases, but 144 out of 146 courts do not use it. The system has no connection with the system of the Ministry of Interior and General Directorate „Execution of Punishments“.

It was developed on the network protocol TCP / IP, with C++ executable code, with exchange of database using .NET and XML.

There is a connection with the information system for bankruptcy proceedings.

4. Case Progress Management System (EMSG)

The system for case management - EMSG Kodinov is being developed since 1996. It was developed with the network TCP / IP protocol in the form of the system Workflow - increases access control, brings the activities in sorted implementation procedures.

Information is stored in a specialized relational database.

It uses closed and outdated software platform, which has suspended its development, and so there is not enough information available and no updates. It is used only in three appellate courts in the country;[8]

		INFORMATION SYSTEMS			
		ASCM	JAS	CCMS	EMSG
	Appellate	1	1	-	3
	District	6	21	1	-
	Military	-	3	-	-
	Administrative	2	24	-	-
	ApSpCC	1	-	-	-
	SpCC	-	1	-	-
	Regional	7	96	10	-
Total:	177 courts*	17	146	11	3

* does not reflect the exact number of courts but only those using information systems from the four.

Table № 1 Distribution of IS in the courts

„JAS – Court Filing“ is used in ≈ 83 % of the Bulgarian courts.

	Module „Case distribution“	Module „Official summoner“	Automatic depersonalization of data before publishing	Keeping electronic books	Creating electronic folders	Reports	Connection with other information systems
	1	2	3	4	5	6	7
ASCM	+	-	+	+	+	+	+ courts, prosecution
JAS	-	+	+	+	+	+	+ ISBP; - DBMS
CCMS	+	+	+	+	+	+	- UISCC
EMSG	+	+	+	+	+	+	- UISCC

Table № 2. Comparing the used systems by indicators

Regarding the indicator 1, the system JAS module CourtClerk is not as widespread and to date is only used in Karnobat Regional Court and Yambol Regional Court in the criminal division.

Regarding the indicator 7. JAS is connected to the information system for bankruptcy proceedings (ISBP), but for example, it is not connected to the database management system in the bodies of the Interior Ministry and General Directorate „Execution of Punishments“ for the criminal cases.

Regarding the same indicator 7 – The systems EMSG and CCMS are not connected to the Unified Information System for Combating Crime (UISCC). This module for both systems is in progress and there are no updates, and the system UISCC is still in the process of implementation in the judiciary

<p style="text-align: center;">Advantages</p> <ul style="list-style-type: none"> ● Introducing them automates the work processes; ● Facilitates the work of judicial officers; ● Notification and monitoring of the case in any moment of the proceedings; ● Issuance of reports and statements by set criteria; ● Automatic deletion of the data of the parties and the use of initials. 	<p style="text-align: center;">Disadvantages</p> <ul style="list-style-type: none"> ● Use of different programs from different courts, even those within one appellate region, it could also prevent the simplified transfers of information on movement of cases; ● Some systems are not updated and others are very slow and create problems in the busier courts; ● The lack of uniform mechanisms for electronic case management.
<p style="text-align: center;">Possibilities</p> <ul style="list-style-type: none"> ● Unification of systems at least in single district or appellate region; ● A new project for building a unified filing information system in the Bulgarian administrative courts; ● Greater future application of the module “Office summoner”; ● Updates of systems with new modules and trained people to work with them; ● Filing complaints and claims electronically by using digital signature and according to the terms laid down in LEDES; 	<p style="text-align: center;">Threats</p> <ul style="list-style-type: none"> ● An increase of information stored on paper for double security; ● Incomplete legal framework for the smooth operation of those systems; ● The absence of guarantees relating to electronic summoning; ● Lack of training or such performed a long time ago; ● Time is necessary for implementation of new modules and systems to the current ones, that would have good results after some time;

Table № 3. SWOT analysis, reflecting the state of the information systems for automation of cases

Unified filing information system (UFIS)

The filing information system EventIS Cases „Organisation“ of the Supreme Administrative Court was implemented in operation between 1997 and 1998. All processing activities of documents and creating new ones are automated, a flexible product is created, that can be supplemented or altered based on the dynamic legislation. It covers all technological activities - from taking complaints to the preparation and announcement of the judicial act. The system is developed on the platform IBM Lotus Notes and IBM Domino Server.

A Unified filing information system (UFIS) for implementation in the administrative courts in the Republic of Bulgaria is being developed since 2013 and should be completed in September 2015.

System for random distribution of cases Law Choice

According to Art. 9, para. 1 from the Law on the Judiciary, the distribution of cases is done on a random selection by electronic distribution under the order of their receipt. By Protocol of the SJC in 2007 the council requires all courts, which do not use such software to install the already existing and approved Law Choice.

In practice, the application of SRDC depends on a system of legal, administrative, organizational, computer and other measures which together should provide the inability to predetermine the discretion or desire of the court, which will rule on individual cases.

At the end of 2013 the principle of the system Law Choice was compromised by information how it can be manipulated and how the random distribution could be exactly adjusted by means of

adjustments that can be performed in a simple text file and copied to the program code of the specialized software.

In Law Choice the software is not connected to the record-keeping system and this may lead to even purely technical errors in the application of the same data in two products, and is also ineffective. Law Choice does not work in network - it is installed on one or multiple computers in the court and the operations can not be monitored by ordinary judges.[18]

As of December 2014, there are already proposals from companies to develop a system for distribution of cases after the said system proved unreliable. “Dextro Group” Ltd. and “Smart Systems” Ltd cover the necessary requirements. The idea is the module of “Smart Systems” to be implemented in these judicial bodies that currently use their software - the filing system ASCM. The other one of the “Dextro Group” will be introduced in the courts and prosecutors which are currently using Law Choice.

According to data provided by the Annual Report for 2013 of Operational Programme “Administrative Capacity” there is data for 176 courts using software for distribution of cases.

Currently the courts in the country work with three programs for random distribution of cases: 165 of them work with the program of the SJC “Law Choice”, 2 with the program JAS CourtClerk of “Information Services” (RC Karnobat and RC Yambol) and 9 courts use the module of ASCM for random distribution of cases (SCC, RC and DC Blagoevgrad, RC Gotse Delchev, RC Razlog, RC Smolyan and DC Kardzhali, RC Zlatograd and RC Chepelare).

Law Choice	ASCM Module	JAS CourtClerk
165	9	2
Data for total 176 courts		

Table № 4. Systems for distribution of cases, used by the courts

It is necessary the Supreme Judicial Council:

- to organize an independent evaluation by external experts to assess all the currently used software for random distribution.
- to ensure full compatibility of the general program for random distribution of court cases with the programs for court filing (registry) to improve the integrity, avoid errors and risks of manipulation.

Conclusion

According to the EU Justice Scoreboard, the perception of justice in Bulgaria as independent ranks third among the worst results in the EU. The results of the scoreboard showed areas where Bulgaria is performing more poorly in comparison with other Member countries: in terms of electronic communications between the courts and litigants and tools of e-Justice, Bulgaria is below the EU average.

The ability to exchange electronic folders of cases saves costs of the courts. In terms of this indicator, the Bulgarian judicial system stays behind other countries in the EU by data presented in an analytical report on judicial systems.

Guideline for the development of systems - communication between the first and appellate instance to be facilitated by exchanging case documents between courts and litigants.

In our judicial system, videoconferencing is not yet widespread, except in criminal cases and a system for „small claims“ system for collection have not yet been developed.

Introduction of an entirely paperless exchange will be possible after the adoption of the legislation on e-Justice.

Implementation of new systems set out in the Sector Strategy for introduction of e-government and e-justice is to be made.

With their introduction, an attempt for synchronization with the four already working systems will be made, in order to achieve the optimal results defined in the strategy.

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ИНФОРМАТИЧКИ СИСТЕМИ ЗА АУТОМАТСКО УПРАВЉАЊЕ ПАРНИЦАМА У БУГАРСКОМ СУДСТВУ

АПСТРАКТ: Пракса земаља чланица ЕУ везана за е-правосуђе укључује увођење информација и комуникацијских технологија у судским процесима у административне услуге судова и достављање информација и правних докумената електронским путем.

Европско е-правосуђе мора да испуни три основне функције што се тиче приступа информацијама у области правосуђа, електронске комуникације између суда и странака, те да олакша размену информација између правосудних органа у државама-чланицама. У том смислу, увођење информатичког система за правосудне органе је неопходно, не само због очекиваног ефекта на односе са јавношћу, већ и као начин испуњавања обавеза које Бугарска има као држава-чланица ЕУ.

Информатички систем за управљање парницама обезбеђује бржу и ефикаснију услугу, као и већу ажурност судија и судских службеника. Врховно судско веће Бугарске дало је сагласност за четири система управљања парницама. Такође је уведен и интерфејс за судске одлуке, који је интегрисан са четири информациона система.

КЉУЧНЕ РЕЧИ: *е-правосуђе, информациони системи.*