

DIGITALIZATION AT THE COURTS

A view of the state of digitalization at the courts in civil cases, criminal cases and administrative law cases in the Nordic and the Baltic states



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I. Introduction

In the second decade of the 21st Century, digitalization has an impact on most areas of our lives. Douglas Engelbart, the famous inventor of amongst others the computer mouse and hypertexts once stated that the digital revolution is far more significant than the invention of writing or even of printing. Along with the introduction of the personal computer since the beginning of the 1980ies the ordinary conduction of office tasks has been transformed within the public as well as the private sector. For many years now, citizens in the Nordic and the Baltic states have become used to electronic case handling when communicating with their governments. This has led to a great variety of initiatives which aimed at taking administrative case handling as well as administrative law into the digital era.

In contrast to the overall picture of digitalization of administrative case handling, courtrooms and court administrations were for many years remarkably untouched by the general trends of digitalization. The modest level of digitalization at the courts appears to have been more profound in the Nordic states compared to the Baltic states. In the years after the fall of the Soviet Union, Estonia, Latvia and Lithuania seized an unique opportunity to make digitalization an integrated part of the design of their newbuilt institutions. The Nordic states were obviously not eligible to build new institutions *ab initio* at the dawn of the digital revolution.

It is mainly within the last decade that courts in the Nordic and the Baltic states have opened for a more thorough digitalization of their court systems. This short study aims at establishing an overview of the technological developments and the current *level of digitalization* at the courts in eight Nordic and Baltic countries. Focus is especially on the case handling portals which today in various shapes set the frame for the ways in which parties go to court in the examined countries.

II. Overview

This study attempts to provide a basic *overview* of the development of the technological area in relation to the digitalization of court administration and court proceedings in the Nordic and the Baltic states. It is not the focus of this study to give a thorough technological description of the office tools at the courts, nor the procedural rules of digitalization which apply to each individual country. The main aim of this project is to share an insight and knowledge of how each of the court systems work digitally from the perspective of the user. The report can be seen as *catalogue of ideas* on how to digitalize the court system, based on a description of the functions which are made available to court users in each of the neighboring countries. The collection of data for this project was conducted during the covid-19 pandemic at a time where distance work and online meeting made many changes in the working life across the world. While it is still too early to conclude on the impact of the pandemic in the everyday life at the courts in the examined countries, the overall picture from the data in this project appears to be that covid-19 only in a temporary and limited way has changed the way the examined courts work in their digital capacity.

We have investigated eight countries in this project, namely Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden. The ambition is not to provide a detailed, technical description of each of the systems. The ambition is to give the average court user (judges, attorneys, court administrations) a brief introduction to the state of digitalization at the courts in the examined states. The image which is drawn from the study is uneven. The project demonstrates that the states have followed very different paths in their transition to digitalization of the case handling.

III. Rating

As an introduction to every country presentation this report presents an overall rating of how far each of the individual countries have gone in their technological developments. The rating has been made from an overall comparison of the digitalized case handling at the courts using the following criteria:

- i. The existence of a case handling portal and the functionality of that portal
- ii. Alternative opportunities to communicate with the court via digital equipment
- iii. The degree of use of technological equipment at the courts, e.g. video interrogations and sound recordings
- iv. Access to open source online caselaw

The study is limited to the extent that its purpose is to describe the functions and the functionality of the different digitalized case handling systems, seen from a user perspective. The study has not focused more closely on e.g. relations for safety and relations concerning operational reliability or other criteria which surely has significance for the technological development. Thus, the aim of this study has exclusively been to highlight the facilities which are accessible and to determine how far the individual country has reached in the technological development, all for the purpose of an overall comparison between the countries.

Every country has received a grade on a scale from 1 to 7 where the state with the most developed court system facilities would receive the grade 7 while the state with the least developed court system facilities would receive the grade 1. With all the shortcomings and inaccuracies such method implies, the focus is to present a snapshot from a user perspective of how each of the digitalized court systems works as of December 2021.

Among the countries which at present seems to be ahead, one clear digital frontrunner is for sure Estonia. It is also tempting to point out Latvia although the e-case system still has not been fully rolled out. Latvia has worked persistently in recent years towards gathering all technological systems into one integrated system across the state sector and into the courts where they now cover both civil, criminal and administrative proceedings. Estonia has for many years been a digital administration pioneer, and they have also gone very far in the digital development of the courts. Lithuania is similarly highly digitalized with a case handling system that allows the parties to access digital recordings of the hearings. In Denmark a system has been implemented in the civil courts which includes a full automatization of the written part of legal proceedings with regard to civil cases. As to the handling of criminal cases, Denmark is, however, still way behind. Denmark has started a case law database which became fully functional by 2022, primarily covering the civil area. In Sweden no general case handling portal has so far been rolled out. However, Sweden has gone very far in the digitalization of several sub-sections. Finland has recently introduced the very ambitious AIPA and HAIPA case handling systems, which has advanced digital casehandling significantly. In Norway the Aktørportal plays a significant role, and it is now used in all civil cases at the Norwegian courts. The Aktørportal is only covering civil cases and has limited functions when it comes to users from outside the court system. Ordinary mail and emails can still be used. On

Iceland there is continuously no case portal even though some documents are sent to the court electronically. The individual courts have their own case law databases, but overall, Iceland presents itself as the least developed of the examined countries.

Looking at the developments as a whole, there is no doubt, that the Nordic and the Baltic countries are headed towards a way of processing cases which will predominantly be digital.

In the future these countries will reach a point where trying a case no longer is conducted through ordinary mail, but exclusively conducted by uploading documents into large case portals.

1. Denmark

1.1 Overall perspective



In Denmark a relatively high number of tasks at the courts have now been digitalized. The introduction of the online platform sagsportalen in 2018 and a new case law database which was launched in 2022, as well as new initiatives, contributes to the development of a highly digitalized court system in civil cases including administrative law cases. The digitalization of the case handling at the courts is less developed when it comes to criminal cases.

1.2 The Danish legal system

The Danish judicial system consists of 24 district courts, the Eastern and Western High court, the Maritime and Commercial Court of Copenhagen, The Supreme Court and 24 district courts. There are no administrative courts. Denmark also has an independent Labour Court (Arbejdsretten) which operates separately from the ordinary court system with its own website. The Special Court of Indictment and Revision hears cases of judges who has been sanctioned and criminal cases which need re-opening. The Court of Impeachment, a rarely used institution, hears cases concerning ministers charged with a mischief of their duties. The 1849 Constitutional Act of Denmark was a step towards a more independent judiciary, as to the courts organizational, functional and personal independence. The Danish Administration of Justice Act was adopted in 1916 and it entered into force in 1919. The Danish Court Administration (Domstolsstyrelsen) an independent authority, which has the task of administering the ordinary Danish courts, was established in 1999. In 2007 a major rearrangement of the courts of justice took place, reducing the number of district courts from 82 to 24. The Courts of Denmark is also involved in the administration of the courts on The Faroe Islands and the courts in Greenland where The Danish Supreme Court is the highest legal authority.

Population: 5,792,202

Number of professional judges (2018): 375

Main court website: www.domstol.dk

1.3 Historic developments from 1990–2021

Like most other Danish state authorities, The Courts of Denmark have done digital case-handling for several decades for administrative purposes. From the beginning in 1999 The Danish Court Administration has communicated through digital

platforms such as www.domstol.dk, a site which contains all practical information about the courts including a detailed guide to the users as well as information on various subjects such as manuals to the court, calculation of court fees, courthouse locations, information on land registration, yearly reports of the court's finances etc. Since the end of the 1990's, the courts administrative correspondence has almost entirely shifted to e-mail correspondences. The administrative developments were for many years in sharp contrast to the case handling of documents when the court acted in the capacity as a court. Within this area, digital developments have been slow for many years. The regular letter was for a long time considered to be the only "safe forwarding mean" for legal documents in civil and criminal cases. Up until 2013 the Danish Administrative Justice Act (retsplejeloven) demanded an original signature on the most important legal documents, which e.g. hindered subpoenas from being sent to the court as an attached file pr. e-mail. It was only in 2013 that the demand for signature on essential legal documents as subpoenas and defense was repealed. Consequently, it was possible for the courts to skip an old-fashioned practice where urgent documents with a signature alone could be sent to the court by telefax, if the document was sent subsequently in the original form by regular mail.

In the meantime, the digitalization continued in other areas, most notably with the establishment of The Land Registration Court (Tinglysningsretten), a fully digitalized court which never conducts hearings situated in the town of Hobro in Western Denmark. From 2009 the court assumed registration tasks from all of the country's district courts. The establishment of the Danish Registration Court was accompanied by major technical problems and a prolonged legal aftermath which culminated when a union of real estate owners sued the court administration on the basis of delays in the registration. The matter was decided on 15 June 2020 by the Danish Supreme Court. The court noted that developing and implementing an IT system such as the digital registration system was a particularly complicated task. The court also noted that even with careful planning and implementation, problems of a technical, administrative, organizational or another nature could arise which could lead to extended processing times. In view of this, the Supreme Court considered that any compensation due to the extended processing times had to assume that there was a significant delay and that this delay was due to significant and clear maladministration. Therefore, the Supreme Court found that there was no basis for imposing liability on the court administration. In the European Commission 2021 rule of law report it was pointed out that digital access to proceedings were very limited for administrative and criminal proceedings, e.g. regarding the possibility to access files of on-going and closed cases online. They also called the system for criminal cases outdated and underfinanced. On the other hand, the Commission noted that a new data management system allowed that more complex data was extracted to identify the average age of a pending case

Within the civil law area, the court administration has amounted to great progress in the digital case handling with the enrollment of "sagsportalen" in 2018. The introduction of the Danish sagsportal is arguably one of the most important developments in Danish civil procedural law since The Danish Administration of Justice Act entered into force more than 100 years ago.

1.4 Presentation of the current platforms and databases in Denmark as of 2021

1.4.1 Sagsportalen

The online platform *sagsportalen* is accessible by login using NEM-id, a general identification service in Denmark (soon to be replaced by MitID) from the website www.minretssag.dk. The platform facilitates that parties in civil cases can complete the entire pleadings of the case online (by subpoenas, defense, rebuttal, surrebuttal, etc.). The parties are summoned to the courts by use of amongst others, the so-called e-boks, a public compulsory email system for all Danish users. The platform is also the content of all communication from the court to the parties e.g. services, messages, warrants, sentences etc. Sagsportalen allows all parties in all civil cases to communicate together. It also allows them to communicate with the judge in the preparation phase. With a few exceptions, it is now mandatory that all written communication related to the civil trial (such as the filing of a writ of summons, the filing of a petition or a ruling from the court) is handled by means of the electronic filing system. The case handling portal is one of the most important new creations in the civil justice administration since the passing of the Administration of Justice Act from 1916. The importance and significance of the portal is not only due to the parties and the courts relieve of an opportunity to communicate. The case files are sent to The Danish National Archives after five years. The judges of the jurisdiction can electronically get access to all cases from the jurisdictions' pending and finished civil cases. Accordingly, the judges in the two High courts and the Supreme Court now have a direct, electronic access to all pending, and finished civil cases within the respective courts.

The search functions in the case handling portal are limited. A district court judge does not have advanced opportunities to search within his colleagues' cases, and the initiation of a search demands access to certain information like the names of the parties or the case number (the so-called BS-number). The case handling portal would, if it was equipped with a better search function, amplify greater extents of free text search's.

The case portal is today only used in civil cases. In criminal cases most of the practical case handling still happens on paper and in some degree with regular mail even though the courts to a certain extend continuously communicate with the prosecutor's office and defense attorney etc. by email. The degree of digitalization varies depending on the area of practice. With new projects in the ladle it appears to be clear that the courts are headed for a more digital future. When court documents are uploaded to *sagsportalen*, they become a part of a constantly growing database of all pending trials in Denmark and also a database of all trials that have been decided for a period of up to five years before that.

1.4.1.1 Greenland and the Faroe Islands

Sagsportalen was implemented in Greenland in 2021 for the court staff only. There are major differences between the Danish and the Greenlandic Administration of Justice Act and it would require too many amendments if the portal should function

under these rules. On the Faroe Islands the NEM-ID as well as the personal registration number (CPR) is not used and therefore the external parts of the database have not been implemented. The database is, however, used by the administration at the courts.

1.4.2 Case law databases

Denmark was criticized by The European Commissions in 2020. The Commission noted that while all third-instance judgments are published, this was only partially the case for first- and second instance judgments. Selected case law from all instances, but primarily the High Court and The Supreme Court, have traditionally been published by private publishers in Denmark. From its website, The Danish Supreme Court and The Danish Labour Court has now for many years published all their judgments. Finally, the Maritime and Commercial Court of Copenhagen operates its own database covering all of its judgements.

By early 2022, another portal for judgments titled domsdatabasen will stand on the shoulder of sagsportalen and allow all internet users to search through "pseudo-anonymized" Danish case law. Since all documents which are uploaded to the portal and the future case law database are OCR scanned files and thereby searchable text, search technology will allow users to search through the content of the whole database in a fashion that is comparable to a google search. At present, each court has its own access to the database, and document sharing is possible within the offices of each court.

1.4.3 Other types of technical equipment

As of 2021 two court rooms in each district court had access to video equipment. In the district court of Copenhagen four courtrooms have access to a video-system. The video system allows inmates in state prisons to appear in court as witnesses and during proceedings for prolongation of custody sentences. Criminal cases are generally not handled by video, although less important witnesses may be heard via video link.

1.5 Perspectives

Sagsportalen has proved to be a helpful tool during shutdowns due to the covid 19-pandemic when preparation of lawsuits could be conducted from home by the parties as well as the judge. With a few exceptions court hearings have continued with physical presence even though the parties have a possibility to opt for a written procedure "in special circumstances" cf. section 366 of The Administration of Justice Act. During the pandemic, lawyers have also become more aware of the possibilities of a video hearing, using special digital video-equipment installed at the courts. Court staff meetings have been conducted using Microsoft Teams. In general, the pandemic has not led to any new IT-projects.

2. Estonia

2.1 Overall perspective



Estonia has for many years been considered a digital frontrunner. This is also the case when it comes to its use of digital equipment at the courts. In Estonia, all court proceedings are digitalized and they can be accessed through the e-File system. Judgments from all courts are published on the Riigi Teataja website which has a comprehensive search form. The covid 19-pandemic prompted the use of more online court meetings, however in the long run the pandemic is not considered a game changer for the already very digitalized Estonian state.

2.2 The Estonian Judicial System

The Estonian judicial system consists of three instances. The first instance are the county and administrative courts, the second is the circuit courts and the third is the Supreme Court. The county and administrative courts, and the circuit courts are financed by the Ministry of Justice. The administrative and county courts along with the court of appeal are administered both by the Ministry of Justice and the Council for Administration of Courts. The Supreme Court functions as an independent institution. The Supreme Court furthermore has the responsibility to guarantee the proper functioning of the administering bodies in the court system.

Population: 1,326,535

Number of professional judges (2018): 233

Main court website: www.kohus.ee/en

2.3 Historic developments from 1990–2021

On various occasions the Estonian government has emphasized the importance and the link between digitalization and its recent historic past. The independence in 1991 has in many accounts been considered an opportunity to start a new digitalized government "from scratch". In 1994, 1 percent of the GDP was earmarked as state funding for IT in Estonia and this high priority has been kept in the following years. All this contributed to a giant leap forward in the development of an IT-based public sector. A country-wide IT infrastructure development program was launched in 1996. An E-ID digital signature was created in 2002 and today the whole population uses an e-ID card which can be used to log on to The Estonian e-File system. The first information system that all Estonian courts used was the so-called KOLA system, which was taken into use in 2001. Through KOLA courts could amongst others, make publications of court judgements public. At the same time the prosecuting authority also started using their information system KRMR. By the year 2006 needs of the

court system in information technology had enlarged. As a result, in the beginning of the year 2006 a new information system KIS was taken into use. The goal of KIS wasn't just to be the database for judicial decisions, but KIS was meant to become a tool for judges and court officials which makes court proceedings more efficient. In KIS all electronic documents of civil and administrative court proceedings were registered and also all paper documents were scanned and registered. In 2014 a new KIS2 platform was implemented which is a new version of KIS. The main reasons for implementing this new platform were expiring technology and complaints from users of the old system.

2.4 Presentation of the current platforms and databases as of 2021

2.4.1 The e-File system

Today, Estonia appears to have the most comprehensive case handling portal among the examined countries in this report. The Estonian e-File system facilitates that parties to the proceedings as well as their attorneys and other representatives can participate in electronic proceedings in amongst others civil, administrative and criminal cases. The parties in the court procedure can monitor the progress of the proceedings and receive and submit documents and read the digital court file (in civil and administrative court cases). It is also possible to make queries in the criminal records database using the e-File system.

2.4.2 Case law databases

Public judicial decisions are accessible in the electronic Riigi Teataja. This database makes decisions made in amongst others civil, criminal and administrative cases accessible to the public after their enforcement if no restrictions on publication established by law have been set in respect of the decision.

2.5 Perspectives

The covid 19-pandemic led to an increase in the use of communication by digital means. To the extent that online proceedings were used, parties communicated using different electronic platforms. Participants in court proceedings were allowed to use commercial options such as Skype or Zoom since the existing internal platforms for communication did not have the necessary capacity. Proceedings were to be conducted as normally as possible with facemasks, protection screens, longer breaks with open windows etc. Thus, despite of the technological advantages and the existence of current platforms, normal court hearings were to a large extend continued. Covid-19 has not made any immediate changes in the way proceedings are held. Court personnel were in the front line when it came to vaccinations. At present, however, there are considerations to institutionalize hybrid format meetings.

3. Finland

3.1 Overall perspectives



Since the 1980's the courts of Finland have used a number of electronic platforms in their case handling. With the implementation of a new case handling portal, AIPA for the ordinary courts and HAIPA for the administrative courts, Finland has taken a major step forward in the digitalization of the courts. Since the outbreak of Covid-19, Finland has seen an increase in the use of remote digital video connections in the court rooms.

3.2 The Finnish Judicial System

The Finnish Judicial System is a three-track system. The first instance is the District Court, the second instance is the Court of Appeal, and the third instance is the Supreme Court. Finland has eight Administrative Courts, and the Supreme Administrative Court. Other special courts include the Labor Court, the Market Court, the Insurance Court and the High Court of Impeachment. The administrative court is mainly based on a written procedure, but in rare cases oral procedures are organized. The foundations of the judicial system are in the Finnish constitution. It is also laid down by the constitution, that Finland must have a three-track system with the general courts, the administrative courts, and the opportunity to establish special courts. The central administration of the courts is managed by the Ministry of Justice.

General population: 5,540,720

Number of professional judges (2018): 1081

Main website: <https://oikeus.fi/en/>

3.3. Historic developments from 1990–2021

Finland has made case law available free of charge in a number of databases from as early as 1981. Thus, among the presented countries in the DigiCourts project, Finland has the longest history of working with digital case handling. Finland has worked with digitized case handling at the courts since the 1980ies. Before 1990 personal computers as well as other types of digitalized equipment was introduced in the administrative work at the courts. At the civil courts the TUOMAS system was introduced in 1993 while personal computers was introduced early, a criminal system was introduced in 1997.

3.4 Presentation of the current platforms and databases as of 2021

3.4.1 AIPA

The AIPA system is an integration of a case and document management system used at the general courts and the prosecution authority which aims at moving the general courts to work entirely digitally and paperless. The system is groundbreaking to the extent that it supports criminal cases as well as civil cases at the ordinary courts. According to the NCA administration, the introduction of the AIPA information system was initiated with facilitating fines and summary penal fees in early 2017. This was followed up in the general courts with the introduction of petitionary matters, excluding insolvency issues in the autumn of 2020 and civil and precautionary matters in the spring of 2021. The implementation of the AIPA project was expected to end at the end of 2022.

3.4.2 HAIPA

The HAIPA system is a case and document management system now used at the administrative courts in Finland. The system allows users to submit an appeal or application and explanations and for instance to respond to a request for a hearing sent by the court. The court can also send its decisions using the system. The first steps towards digitalizing the activities of the courts were taken in the summer of 2018 with the adoption of electronic services for citizens and private legal entities. By 2021 the HAIPA system appeared to be fully implemented.

3.4.3 Case law databases

Judgments of the Supreme Courts, the administrative courts and special courts are at first published on the courts own websites. The Supreme Court currently has a database of precedents in Finnish and Swedish which includes more than 14 000 cases. The Supreme Administrative Court has a database of precedents in Finnish and Swedish which includes a database of other judgments and database of summaries of judgments of more than 20 000 cases. The Courts of Appeal has a database of judgments with more than 3000 cases. In addition, the case law of the Supreme Court and Supreme Administrative Court is published in linked open data format in the Semantic Finlex database, data.finlex.fi. The judgments of the courts of appeal and special courts will be available as linked open data in the new Finlex website in 2023. In Finlex there is also a database with references to case law in legal literature, starting from the year 1926 to 2022.

3.5 Perspectives

Upon the outbreak of the covid-19 pandemic, The National Courts Administration published a guide for all courts on using remote digital connections at court meetings. The court administration hereby encouraged the courts to change their existing policies and lower the threshold in order to minimize health risks by avoiding gatherings of a group of people. Regulations on issues such as the obligation to appear, quality of the remote connection in each situation, taking of evidence and publicity remained in force and unchanged. The court will separately and in each case decide whether the case can be heard via remote connections. Finish legislation generally allows a rather extensive use of remote connections mainly due to it's geography. Especially in Helsinki, where remote video connections rarely were used before covid-19, the increase in use of remote connections has likely made changes in the way people go to court in the capital.

4. Iceland

4.1 Overall perspectives



Iceland is the only examined country which currently does not have case handling portal. The courts are, however, well equipped with all kinds of technological equipment at the courts. It is also possible to safely submit documents electronically. Video conferencing has widely been used during the covid-19 pandemic.

4.2 Icelandic Judicial System

The court system in Iceland is a three-tier system. The first instance is the District Courts where all Icelandic proceedings commence. There are eight District Courts located around the country. The second instance is the Court of Appeal. The rulings of the District Court can be appealed to the Court of Appeal, as long as special conditions are applied. The Judicial Administration was established in 2018. This public agency manages the administrative work for the courts, and represent their dealings with government, media and other parties.

Population: 341,243

Number of professional judges (2018): 65

Main website: <https://www.government.is/ministries/ministry-of-justice/>

4.3 Historic developments from 1990–2021

Since at least the beginning of the 90's, the district courts have been using personal computers. However, no digital case handling systems were introduced in the court rooms and computers were only used for drafting judgments. At least from 2010 computers and video projectors have been used during the proceedings in the court rooms. The judges occasional use laptops or iPads in the court. It was not until 2020 that judges in the Supreme Court began using laptops or iPads in the courtroom.

4.4 Presentation of the current platforms and databases as of 2021

4.4.1 No case handling portals

There is no case handling portal for the court documents, however it is possible to send documents to the court by means of a safe server connection (SignetTransfer). This facility can be used to send documents to all courts in all three instances, using virtual ID. Following covid-19 The Central Court Administration has started to work on a digitalization project at the Courts in Iceland.

4.5 Perspectives on amongst others the covid 19-pandemic

A temporary amendment was made to the civil and criminal procedural acts regarding court sessions on video conference system and submission of evidence and other case files electronically. This amendment was at first extended to 31 December 2021 and extended again until 31 December 2024. According to the amendment it is possible to have all court sessions conducted via video conference systems (includes the main proceeding, witness testimony and testimony of the parties to the case). It is possible to submit evidence and other case files electronically, but it also needs to be handed in on paper. Court sessions cannot be handled exclusively by e-mail. Covid-19 has pushed the digitalization of the courts forward. Parts of the court sessions have been on video conference systems, in the District Courts and the Court of Appeal. The evidence and other case files have been submitted electronically.

5. Latvia

5.1 Overall perspectives



The digitalization of court proceedings in Latvia has been underway for many years and the courts have communicated through an electronic platform since 2006. With the implementation of its new e-case system Latvia plans to fully integrate case handling in the public sector with its court system. The covid 19 pandemic has led to a major increase in the use of remote courts proceedings where citizens do not show up in court.

5.2 The Latvian legal system

Latvia rebuilt its judicial system after leaving the USSR in 1990. A new constitution was passed in 1991 as a reinstated constitution from 1922 with amendments. The judicial system has been divided into a three-level court system which includes the criminal court, the administrative court and the civil courts in a three-layer system with district courts, the regional courts and the Supreme court also called the Senate, which includes a military court. The criminal, civil and administrative law cases are first brought to the district and city courts and they can then be appealed to the regional courts and lastly the Supreme Court. The Constitutional Court only manages cases where there are questions concerning the compatibility of the laws and other regulatory acts and ensures that they are consistent with the constitution. In the judicial system there is also a Council for the Judiciary, which has the purpose of creating a balanced relationship between the executive, legislative and judicial power.

General population (2021): 1,886,198

Number of professional judges (2018): 559

Main website: <https://pasts.ta.gov.lv/>

5.3 Historic developments from 1990–2021

In 2006 the Court Information System was set up with facilities for certain types of case handling at the courts. CIS was later updated with pdf and e-signed documents. It also came to include audio protocols. The system was linked to advanced technical equipment of courts and court rooms. This included amongst others, the possibility of listening to audio-recordings of the trials at the court. Since 2008 the possibility of hearings via video links were established and made available at the courts. By 2020 the legal basis for a new e-case system was introduced for the administrative, civil and criminal courts. The e-case system integrates many different existing systems.

The European Commission has noted that the level of digitalization of courts and the prosecution services is high. In the 2021 report, The European Commission concluded that the Latvian justice system was among the most advanced in the EU, especially for case management and court activity statistics, communication with court parties and online publication of judgments

5.4 Presentation of the current platforms and databases as of 2021

5.4.1 E-case

The court website tiesas.lv includes links to the courts of Latvia as well as practical information about the courts. There is also a link to e-services including an electronic lawyer's calendar which allows lawyers to centrally organize court meetings as well as links to the e-case system.

Latvia is currently implementing an e-case system for the court users with a very ambitious plan to facilitate administrative case handling with the court procedure.

In contrast to other electronic portals the e-case will, when fully implemented, compress the whole administrative procedure as well as civil procedure, preparations and investigation in criminal cases, criminal proceedings and the proceedings in the administrative courts. In the e-case program, all information on the case will be made available electronically to the parties and other participants in proceedings, from the pre-trial proceedings to enforcement of the ruling.

The court administration has announced that the main aim of the e-case programme is to make the administrative process, civil procedure, criminal proceedings and administrative court proceedings faster, cheaper, more efficient, transparent and safe while duly respecting the principles of data protection.

The main aim of the program is to collect all information relevant to a case to the parties of a proceeding in just one place, from pre-trial proceedings to the enforcement of the ruling. It is noted that the parties in the proceedings will be able to access the case file at any time and submit or fill in electronic forms, receive a ruling with legal force electronically, pay fees and other procedural expenses and view the appointed dates of court hearings.

One interesting feature which distinguishes the e-case system from similar platforms in other countries, is the recording of court hearings in audio and video which allows the parties to access digital recordings of the hearings in each instance.

The e-case system will be implemented over several stages. As of January 2022, the project had taken the first steps with administrative focus among all stakeholders on optimizing work processes in preparation of the second stage which is set to be finalized by 2023 and which aims at facilitating an integrated pretrial case handling with integration of the data systems of the involved institutions. A single calendar feature will allow all participants to schedule appointments using the same time-booking system. Existing information systems will be improved and finally integrated in order to create a single, unified system with a publicly available e-case portal.

The e-case has been well received by the users which have shown satisfaction in being able to view their own case documents online. Also, applications to the court are often submitted electronically, the calendar of lawyers is reviewed, e-forms are filled in, as well as other e-services are used. The European Commission has noted that the level of digitalization of courts and the prosecution services is high. In the 2021 report, The European Commission concluded that the Latvian justice system was among the most advanced in the EU, especially for case management and court activity statistics, communication with court parties and online publication of judgments.

5.5 Perspectives

During covid-19 there has been an enhanced use of the possibility to decide on a criminal case in writing in the appellate court instead of having court hearing in the courtroom. The latter is regulated by the Law on the Management of the Spread of Covid-19 Infection. Interestingly, over the last year, the number of remote courts, which Latvian residents use almost 300 times a month, has increased significantly.

6. Lithuania

6.1 Overall perspective



With the case handling system LITEKO Lithuania has a comprehensive case portal which gives the court and parties in litigations a wide access to almost all parts of the court system. In line with the two other baltic states and in contrast to the situation in the other Nordic states, practically all parts of the written procedure at the courts has been digitalized.

6.2 The Judicial System of Lithuania

In Lithuania there are two types of courts: the courts of general jurisdiction and the courts of special jurisdiction. The courts of general jurisdiction are the district courts, the regional courts, the court of appeal and the Supreme Court, and these are concerned with civil and criminal cases. The district court does however also hear cases with administrative offences. The district court functions as the first instance for criminal, civil and administrative cases. The regional court is the first instance for criminal and civil cases, and they function as an appeal court for the cases being appealed in the district court. The Supreme court makes jurisprudence in the interpreting and application of laws and other legal acts. The special courts of Lithuania are the Supreme Administrative Court of Lithuania and the regional administrative courts, and they try cases concerning legal administrative disputes. The regional administrative court settles internal and public administrative disputes within public administration. Before reaching the regional court there are several commissions, where the dispute has been reviewed beforehand. The Supreme Administrative Court of Lithuania is the first and last instance for cases assigned by law.

Population: 2,722,289

Number of professional judges (2018): 758

6.3 Historic developments from 1990–2021

Just like the other Baltic states Lithuania has been a digital frontrunner since the 1990's. The Lithuanian courts set up the case handling portal LITEKO in 2004. LITEKO is used in civil cases, administrative cases, cases of administrative offences and criminal cases. The main initial purpose of LITEKO was to allow the courts to follow the progress of the case and search through the case archives. The system is governed by the National Courts Administration.

The main purpose of the system was to computerize processing of documents and files in courts; to automate control of procedural terms; to automate the calculation of workload and the allocation of cases and the process of publicizing of court information.

6.4 Presentation of the current platforms and databases as of 2021

6.4.1 LITEKO for the court users

The LITEKO system is ground breaking to the extent that it covers all kinds of litigation in Lithuania and to the extent that it has an internal side for court staff and parties in legal proceedings and a public side as a database for final judgments. In LITEKO every case has an electronic file and all judges and clerks have access to this system. The horizontal approach allows the clerks to do searches in all civil, criminal and administrative cases. All the files of the case, and also audio recordings of the hearings can be found in the portal. The system allows the parties the possibility to submit procedural documents to the court and to follow the case. It also allows them to upload all files of the case and recordings of the hearings. Finally, LITEKO allows the parties the possibility to submit procedural documents to the court and to follow the case. It also allows them to upload all files of the case and recordings of the hearings.

As to the public in general, the LITEKO system provides a free reasearch system of courts' judgments, schedules of courts' hearings.

6.5 Perspectives on amongst others the covid 19-pandemic

In a report from 2020 Lithuanian associate professor Vigita Vėbraitė concluded that the courts had handled all written procedures without delays, but the oral hearings were delayed due to the ongoing pandemic which led to a sudden shift to virtual court hearings. Thus, regardless of the high level of digitalization in Lithuania, conduction of court hearings led to delays and considerations on how to support possible hybrid court meetings.

7. Norway

7.1 Overall perspective



Norway has taken a great leap forward with the introduction of *Aktørportalen* and *Justishub*, both case handling systems which allow attorneys and other external users the opportunity to communicate directly with the court. Several new digital initiatives have been taken recently. Norway still does not have a public case law database.

7.2 The Norwegian Judicial System

The Norwegian Judicial System is divided into a three-tier system: The District Courts, the Court of Appeal and the Supreme Court (the general courts.) Furthermore, every municipal has a *forliksråd* which mediate civil cases. These councils are the first instance for civil cases. They function as a mediating institution with limited jurisdiction.

Norway does not have any administrative courts. The ordinary courts conduct judicial review within all areas of public law.

All criminal cases start in The District Courts. The Supreme Court only hears a limited amount of cases and it's principal goal is to ensure clarity and interpretation of the law within the the Constitution and law.

General population: 5,491,979

Number of judges: 548

Main website: <https://www.domstol.no/en/the-courts-of-justice/the-ordinary-courts-of-norway/>

7.3 Historic developments from 1990–2021

From 2004 onwards Norway used the LOVISA electronic case processing system. This system was used in all cases and instances. The program included a calendar function with schedules for court meetings in Norway. LOVISA was an internal case handling system with no access for external parties.

7.4 Presentation of the current platforms and databases as of 2021

7.4.1 Aktørportalen

The platform Aktørportalen (API) and Justishub has recently been introduced. Aktørportalen is now the common internet portal for the courts. It works with criminal/civil cases and in fee processing (Electronic communication with the courts). All cases and digital documents are now processed in this system (except written evidence in criminal cases where the archiving obligation lies with the prosecuting authority). The system is based on pdf-filed documents with bookmarks. The system can send out emails. The system also has a facility for court fee handling and claims from lawyers in criminal and beneficiary cases. The portal is limited to lawyers. There is no access for the prosecution, private individuals or anyone without a lawyer's license.

7.4.2 Justitshub

Justitshub is a new technical platform for electronic interaction between the police/prosecuting authority/the courts/the prison service which opened in 2018. It has improved security/stability in the transmission of info/docs to LOVISA. The Justitshub allows further digitalization of the workflow with decisions/court books with attachments from the court to the prosecuting authority. The ambition was more reuse of information/structured data and metadata from the different parties in the chain and workflow. Project ESAS

7.4.3 No requirement for digital mailbox

In Norway it is not mandatory for private individuals to have a digital mailbox. Most courts now accept case documents sent by email, after corona, but there is no legal right for private individuals to communicate digitally. If signature is required by law, e.g. summons or appeals, a signed paper document or electronic signature (from Posten) must be submitted as well. Draft decisions are sent by email to lay judges.

7.5 Perspectives on amongst others the covid 19-pandemic

During the covid-19 a temporary legislation on video hearing (parties, lawyers, judges, essential witness) was introduced, but meant to be terminated 01.07.2022. The pandemic led to more use of video equipment. It appears likely that the use of video hearings for other witnesses will continue after the pandemic. And, as the courts, professional parties and user will be more used to video as an alternative, it remains a question whether this will lead to. If no new legislation is given, however, the court process will go back to physical meetings. Non-essential witness and professional witness as police etc., will nevertheless still be on video. Previously they were on telephone.

8. Sweden

8.1 Overall perspective



Even though Sweden does not have a case file handling system a new portal for filing initial electronic claims has been launched in 2021 which has led to a significant improvement of access to court by digital means. Covid-19 has led to more remote hearings using the courts' video equipment.

8.2 The Swedish Judicial System

The Swedish judicial system is divided into a three-tier system. The general courts are divided into the District Courts, The Court of Appeal and the Supreme Court. These court rulings deal with criminal offences and civil cases. The Patent and Market Court and the Land and Environmental Court also belongs to the general court. The Patent and Market Court makes decisions concerning marketing law and intellectual property law. The Land and Environmental Court makes decisions concerning property cases, planning and construction cases and environmental and water cases.

Population: 10,099,265

Number of professional judges (2018): 1217

8.3 Historic developments from 1990–2021

In Sweden digital equipment has been used by the courts since at least the 1990's and for many years, it has been possible to file case documents to the courts electronically by sending an email to the courts. The courts have for a long time also communicated with parties and counsel in the cases using email. When necessary while using encryption tools for sending sensitive documents. This was routinely used as means of sending/receiving documents once the claim had been initiated and the proceedings were pending. This has not been possible, however, for the first claim document, i.e. the document initiating a civil case, for which an original signature is necessary. In addition, the power of attorney for the attorney representing a party (that has to be appended to the document initiating the case), has to be an original. Before the electronic claim filing service was launched in 2021 it was necessary to send such documents to the court in original by post or other type of manual delivery. The point behind the reform in 2021 was to enable electronic filing with electronic signature of these types of documents that formally required an original signature.

8.4 Presentation of the current platforms and databases as of 2021

There is no case handling portal in Sweden. However, for civil cases a relatively new service has been launched in January 2021 for electronic filing of the initial claim form and other case documents. The purpose of the e-service is to make it possible to digitally sign and submit various application documents, mandates and other documents in ongoing cases. In order to use the service, the so-called e-IDENTIFICATION is required. The goal of the e-service is, among other things, that it should contribute to faster processing and service, since a cohesive electronic application and payment immediately reaches the court. There is no general database of all judgments in Sweden. The highest instance courts provide their own publication series on their separate websites. In addition, there is a public search tool for higher court precedents. Lower court rulings are available from some of the private service providers of legal information and to access these you need to pay a fee.

8.5 Perspectives

In principle the Swedish courts have been open and operating as normal during the covid 19-pandemic. In most cases court officials, judges, court secretaries, lay judges and attorneys have been present at the court in the designated hearing room. However, parties and witnesses have been able to appear via video link when necessary. This was already possible under certain circumstances also before the pandemic but the possibility has been used much more during the pandemic. For these purposes the court's own videoconference system, not commercial options such as Zoom or Teams, was used. If a private person is not able to use videoconference at home, that person may attend the hearing in a separate room at the courthouse or at the premises of another public authority that can provide access to the videoconference system.

Concluding remarks

This study has been an overall run-through of the contours which exist for the digital case handling in the examined states. The illustrations from studying each system gives way in which the individual countries work with digital systems towards a fundamental change in the administration of justice. Digitalization is generally promoted in order to make case handling at the courts more efficient. It speeds up the process since ordinary mail is no longer used and it reduces the administrative tasks for the courts as well as the users of the courts (private enterprises, the government and private persons). However, it is important to note, that electronic portals are more than just electronic mailboxes. When parties have the possibility to announce the process documents to the parties via an IT system, and when the parties have the opportunity to communicate through a system rather than using letters, some of the classic characteristics of work with a legal case is left at the station. But a court case is essentially an exchange of information between the parties and the judge. The preparation stage of ordinary legal cases consists of an exchange of written documents which goes back and forth between the parties, traditionally by ordinary mail. For several hundred years, this has set the frame for how the parties work at the courts, not least in countries such as Finland where a written procedure is predominant. If one has a court which predominantly has a written procedure and that procedure becomes digitalized, one must presume that there would be a special connection between the digitalization and the administration of justice. There is hardly any doubt that it will be less forgivable to miss deadlines if one has a computer which automatically notifies the parties of the deadlines. At the same time errors, which are made, are eliminated when one has a computer, which supports the case handling from beginning to end. Digitalization will simply set higher standards for the proceedings of the parties.

The future of case handling

The future of case handling at the courts will be more efficient. Deadlines will be kept to a greater extent, costs will be kept down and many elaborate procedures may be handled with more or less automatized processes. It is an interesting discovery in the study of the individual countries that the use of artificial intelligence is not used in a greater extent. Artificial intelligence may be seen as a part of for instance pseudo anonymization programs and the technology may also be used as search algorithms and sentence databases. Aside from this, however, there is not much that suggest a further automatization of the processes in the individual courts.

The computer is not substituting the judge

It appears clear from the presentation in the above, that no courts are even close to implementing fully automatized processes which could substitute a regular physical judge with a computer. There is hardly any doubt as to administration of justice, the work in the court has a certain character, which makes it more difficult to automatize processes in contrast to standard administrative work.

The consequences of covid-19 on the court procedure appears unknown

It has been an important part of the study in this project to examine how Covid-19 has had an impact on the individual countries' initiative to work electronically. The study has not mapped out any major change following Covid-19. It is however clear, that the Covid-19 pandemic has led to an increased use of oral meetings using the computer via e.g. Teams or Zoom or other communication channels, which has enabled video link and remote access to accomplish court sessions. At least to some degree this development is expected to continue in the future. Presumably after the Covid-19 pandemic is over, we will see that to a greater extent programs such as Zoom, Skype or Teams will be used to accomplish court sessions.

It is the hope that in continuation of this brief overview further studies can be made concerning the digitalization and its significance for the work of the courts in the individual countries, and how far the individual countries have reached in the area of digitalization. Overall, this rapport provides the image of a technological development where the Nordic countries are well on their way to realize one of the goals in the previous Digital North program of the Nordic Council of Minister. A view towards the remaining world, however, shows that this alone is not a Nordic development, but also a development which has been underway at the courts in England and the USA, and other countries which we normally compare ourselves to.

What characterizes this is – not surprisingly – that the inflow of resources from the legislative power to the judicial power is rather decisive for the development of the individual systems. The system in Finland has e.g. been strongly influenced by different financial decisions. In Denmark the case law database was only initiated when public financing was secured, as the courts did not see it as a priority to create a sentence database within their own budget. Likewise, there might not have been the needed interest in the individual countries' parliaments in relation to securing a sustainable model for the development of the digital systems. Legal rights are much more than just securing the compliance principles of the criminal justice. Rule of law also demands that citizens can easily be in touch with the courts and that the courts easily can communicate with the outside world to call attention to their judgments and to secure that judgments are being executed. Thus, the DigiCourts project maps out an area which is of importance as to the rule of law. In view of this rapport, attention should be brought to the fact that technology and legal rights go hand in hand. To which extent digitalization will directly affect the way in which the parties present themselves at the courts cannot be determined in this study.

The study only seeks to provide an overview of how far the individual countries have gone in the digitalization. In the review of the individual countries there is especially

focus has been on the facilities which are available for the judge and the other users of the court. We have not wished to describe specific technological relations in that connection. The key goal has been to map out which systems there exist in the countries. Even in the period where this project has been underway, there has been significant changes in the individual countries systems. Therefore, there is hardly any doubt, that parts of the information in this report will be outdated quickly. This report has provided a snapshot of the situation as to digitalization of the courts in the Nordic and Baltic countries. It will hopefully contribute to provide more clarity of how far each individual country has reached. Hopefully, this report will also be a starting point for further research on the state of digitalization and the general trends when it comes to the automatization of case handling systems in the Nordic as well as the Baltic countries. The overall conclusion is in any case that the state of digitalization is strong in the examined countries.

About this publication

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