

# FOCUS

ON

## Information Technology

# OSCAR, MEET JUSTIN

## MOVING TOWARD AN ONLINE COURT DOCUMENT SYSTEM

A March 16 *Globe and Mail* article headlined “Judge bashes Ontario’s archaic court document system” included the following statements made by Justice David Brown:

“Consign our paper-based document management system to the scrap heap of history and equip this Court with a modern, electronic document system.”

“Yes, Virginia, somewhere, someone must have created such a system, and perhaps some time, in another decade or so, rumours of such a possibility may waft into the paper-strewn corridors of the Court Services Division of the Ministry of the Attorney General and a slow awakening may occur.”

Ouch.

To be fair, Ontario has tried to implement electronic court document management systems. Several years ago, Court Services used OSCAR (Online System for Court Attendance Reservations), a system which offers document management features.

Then, in March, 2010, the Ministry announced that it would not expand OSCAR’s use and would build a similar system internally—the Court Information Management System (CIMS).

(Note: CourtCanada Ltd., which developed OSCAR, is currently suing the Ministry of the Attorney General for \$14.5 million, alleging material misconduct on the Ministry’s part. That alleged misconduct includes inducing CourtCanada into signing an agreement under false pretences and materially misleading CourtCanada during the course of the contract.)

In an e-mail, Ministry spokesperson Brendan Crawley wrote that “a

first release of CIMS is targeted for 2012. (This) release...will have electronic document management functionality, but will focus on court produced documents...electronic services for litigants, the public and the judiciary will come in future phases.”

Any discussion of what CIMS-based systems should offer commonly turns to British Columbia and initiatives like the Justice Information System (JUSTIN), “a central database for all criminal court information in B.C., with information entered and shared by justice partners—judiciary, court services, crown counsel, corrections and police,” explains Alanna Valentine, director of service transformation for B.C. Court Services.

“CEIS, our civil tracking system, provided the infrastructure required for Court Services Online. Both CSO and CEIS were leveraged for civil e-search in 2004, e-filing for civil matters in 2005 and criminal/traffic e-search in 2008.

“In 2009 we further developed JUSTIN so court staff could produce criminal court documents such as warrants or bail orders electronically in JUSTIN.”

This ability appeals to David Outerbridge. “Many people I know show up in court with an extra copy of their materials because there’s a good chance the judge will not have received their material,” claims the chair of the e-Discovery Implementation Committee, a joint committee established by the Ontario Bar Association and The Advocates’ Society.

Patrick Cormier, CEO of the Canadian Centre for Court Technology,



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notes that a court document system requires at least three interrelated parts: “A document management (DM) system manages unstructured information and document files, a case management (CM) system manages structured information, and a records management (RM) system manages the life-cycle of information (i.e. defining records with retention periods and deletion instructions).”

JUSTIN-like electronic document filing would get documents into this system without hours of courthouse queuing.

“Lawyers could dump documents into the system for discovery purposes,” says Dominic Jaar, national leader in information management and e-discovery for KPMG. “Technologies like predictive coding would enable all parties to have the same

discovery rules applied to data sets of all parties without massive investment by the parties.”

Once filed with the court, documents (or notices of submission) could automatically be made available to organizations tangentially related to the court system, like police services or family and child agencies.

Information security is a straightforward matter, according to Gregory Azeff, president of CourtCanada Ltd. (OSCAR’s developer). For instance, Azeff claims OSCAR offers credential-based security. “Court staff, for instance, could access sealed motions, but lawyers or members of the public would never know that those things were in the system,” he says.

Courts could charge nominal fees for document submission and down-

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# Address cloud concerns with education



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A recent Angus Reid survey conducted for our company, Primus Business Services, reveals that Canadian small- and medium business owners and IT decision makers are concerned about security and confused about the benefits of moving to a cloud-based data management system.

It's interesting to note that although half of the businesses polled said they would have security concerns about hosting data in a cloud environment, more than 50 per cent of the respondents have not yet invested internally in the most advanced, non-cloud-based security measures. In addition, 72 per cent of respondents do not monitor or manage their data around the clock, which would provide them with basic security management.

Cloud computing concerns include worries about security and lack of control as well as the question of how to keep up to date on continuously evolving technology. These concerns can be addressed through education and by working with a knowledgeable partner. This is critical for data-sensitive businesses, such as accounting, engineering and law firms, that have not yet had the time to learn how cloud computing works and its potential benefits.

The fact is that lawyers, for example, have been storing sensitive documents offsite since before personal computers and the Internet. In February, the Law Society of British Columbia released its final report on a study conducted by its Cloud Computing Working Group and concluded: "All technology and business models present risks and challenges.



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What this means is that lawyers should be allowed to use emerging technologies, provided the lawyer is able to comply with his or her professional responsibilities while using the technology. Cloud computing is no different."

## Cloud computing is secure

Cloud-based data management is likely more secure than traditional forms of data management that many law firms have in place. A reputable cloud provider should offer a security package,

including firewalls that are specially developed to run in a cloud environment with built-in unified threat management, which acts like an all-in-one watchdog.

Intrusion protection systems, denial of service protection, secure virtual private network options and other security tools allow you to have complete control over your data. E-mail security options for mail servers, for example, protect users from e-mail abuses including spam, viruses and privacy breaches, and

Web application firewalls in the cloud offer protection against modern attacks and data loss.

A cloud service provider should offer round-the-clock management services, with certified technicians available to help if anything goes wrong and to ensure your data is proactively protected. Another key item to consider for additional protection is to implement a cloud backup strategy. Protecting your server environment is important, but it is also imperative to prepare for the worst—a robust disaster recovery strategy for your mission-critical data should be fully integrated into your cloud strategy.

## Data location is controlled

Security concerns may have something to do with semantics—the image of data floating free-form in a "cloud" can lead one to believe it remains uncontained. This is untrue. It is still a physical entity, just made cloud-like to provide end users with flexibility. For example, Primus keeps all of its Canadian customers' data stored in one of its eight secure and fortified data centres across the country.

Choosing a cloud service provider requires investigation. Ask to visit the data centre—we've had potential customers do the same, and their confidence and comfort level are strengthened by seeing the security measures for themselves.

Choosing to work with a cloud service provider removes the pressure to stay on top of technology trends because you will be working with a dedicated team whose job it is to keep up to date with those trends. If there is any breach in security, the right provider is going to know about it before a customer does. Look for a partner with experience in the cloud. Cloud partners who have experience in cloud implementa-

tions and migrations will ensure that your data is transferred into the cloud and set up securely.

"Depending on the size of the [law] firm, they may or may not have dedicated technology support or the understanding of how to maintain their systems from the point of backups, continuity and security. Companies that can provide those services in a cloud take care of everything for you. It can actually make it easier for the lawyer to know that those things are being done," says David Whelan, manager of legal information at the Law Society of Upper Canada.

## Increased application availability

The ability to access your applications and data continuously is a requirement, not a luxury. Practising law is a time-sensitive business and cloud computing is the best way to increase the reliability and up time of your computing environment. Not only does the cloud increase flexibility and add agility to your business, it provides access to a national enterprise-grade platform of computing resources. It removes the physical hardware single point of failure, and any reputable cloud provider will leverage industry-proven technologies and best practices to enhance the availability of your cloud infrastructure.

Security in the cloud is about education; and partnering with the right cloud provider can actually improve the security of your business infrastructure. Start on your cloud path today by choosing a partner who can ensure this transition takes all of your security requirements into consideration and provides you with new ways to enhance your business processes. ■

A.J. Byers is executive vice-president of Primus Business Services.

# First release of CIMS targeted for this year

## Document

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loads to fund systems in this time of both provincial and federal budgetary austerity, and filing costs would still decrease.

Donald Cameron, a partner with Bereskin & Parr, cites the U.S. federal court system Public Access to Court Electronic Records (PACER) where attorneys download documents for free while other people pay 10 cents per page, up to a maximum of \$2.40. "It could be a 50-page document or a 500-page docu-

ment—it still costs \$2.40 to download," Cameron says.

Court document system developers could create application programming interfaces (APIs) that developers of other software systems could use. These other developers could then bring a court document system's information into other software.

For example, lawyers could search court document systems from within their case management systems. Citizens could do the same from library websites or other portals.

Azeff included such APIs in

OSCAR to "allow the Ministry to focus on doing its job," he explains, and not get distracted by requests for making court documents more accessible.

For the foreseeable future, courts will still need to field hard-copy documents, scan them to a searchable electronic format, preserve the originals and produce hard copies on request. The court can price such services to cover costs associated with handling paper. ■

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## E-docs explained

Several organizations maintain websites that explain how their court document systems work.

→ PACER offers video tutorials showing how this U.S. electronic public access system works (<http://www.pacer.gov>).

→ B.C.'s Court Services Online offers a "Getting Started" section that includes video tutorials (<http://eservice.ag.gov.bc.ca/cso/index.do>).

Donald Cameron, in his capacity as a member of the Federal Court IP Users Committee, is looking at recommendations for improving the court document system in federal court. He created a wiki that links to what other organizations are doing in this sphere. "I'm trying to figure out a business case, how the federal court can make it happen," he says. Contact Cameron at Bereskin & Parr if you'd like to check out his research.