

Judicial Videoconferencing Interview

The initial phase of the SimpliVi project is dedicated to a comprehensive exploration of the current state of judicial videoconferencing with a specific focus on cross-border applications. This investigation will delve into the technical, organisational and legal aspects of court hearings conducted via videoconference.

Our starting point will be an in-depth examination of the existing situation in selected countries. We aim to engage with practitioners including judges, court staff, representatives of the public authorities, legal practitioners and IT support staff through interviews and observational visits. The goal is to identify issues and challenges as well as to learn from their successful strategies in overcoming these obstacles.

This investigative process will be conducted in a minimum of 10 European Member States. These will include countries with diverse attitudes towards videoconferences, ranging from those with more liberal legislation to those with more restrictive laws and varying degrees of practical implementation.

Objective

The primary goal of this questionnaire is to dissect and understand the current landscape of cross-border videoconferencing. To gather data, we request your thoughtful responses to the questions presented in this questionnaire.

The questions designed to probe three key areas related to judicial videoconferencing: legal considerations, organisational structures (both at a central level and specific to the trial process), as well as technical functionalities. Our aim is to gather comprehensive information across all these areas, which may necessitate conducting multiple interviews with various entities or authorities within a single country.

Initially, the interview will pose a broad question, allowing for an open-ended response. This will be followed by more specific inquiries to delve deeper into the subject matter.

Target group:

The interview target groups are: judges, court staff, representatives of the public authorities, legal practitioners and IT support staff. Each part of interview is coded, as followed, to indicate a suggestion as to who is competent to answer:

1. Judges - **J**
2. Court staff - **CS**
3. Representatives of the public authorities - **A**
4. Legal practitioners – **LP**
5. IT support staff - **IT**

AGENDA

1. Introduction of the SimpliVi project and project partners – 5-10 min
2. Introduction of the interviewed participants and their organisation - 5-10 min
3. General question – 5-10 min
4. Questions on legal aspects -20 min
5. Questions on technical aspects -20 min
6. Questions on organisational aspects -20 min

Total duration of interview – approx. 1,5 H

Duration

Script v3: Questions marked with [DELETED] will not be asked explicitly anymore due to time constraints. These questions are still kept in the script for traceability reasons with older versions of the interview script.

Questions for Member States

In few sentences, please tell us what is the current state of play of judicial videoconferencing in your country? [J, LP, A]

(free statement – max. 5-10 sentences)

LEGAL:

In your country, what is the applicable legal framework in the field of judicial videoconferencing? [J, LP, A]

(free statement)

1. Does your country have specific legislation regulating judicial videoconferencing? If so, could you provide the relevant legal provisions (English version preferred)?
2. Does your country have specific legislation regulating cross-border judicial videoconferencing? If so, could you provide the relevant legal provisions (English version preferred)?
3. What types of judicial videoconferencing are currently being conducted (civil, criminal, administrative cases)?
4. Are judicial videoconferences limited to certain types of hearings and/or certain stages of the proceeding? Please elaborate.
5. *[DELETED] Is videoconferencing used in proceedings conducted by entities other than the court (e.g., mediators, arbitration court)?*
6. *[DELETED] Are videoconferences being utilized in the highest courts (e.g. Supreme Court)?*
7. *[DELETED] Which authority in your country is responsible for creating legal regulations concerning judicial videoconferencing?*
8. In what type of legislation (rank in the hierarchy of legal acts) is judicial videoconferencing regulated? Do these legal regulations apply universally or locally? Can each court have different regulations?
9. Has your country established any good practices, recommendations or other soft law concerning judicial videoconferencing? If so, who authored them and to whom are they addressed? If possible, please provide these documents (preferred English version).

10. Was judicial videoconferencing being conducted in your country prior to the Covid-19 pandemic?
11. Did the rules concerning judicial videoconferencing change during the Covid-19 pandemic? Were there any temporary regulations during that period?
12. *[DELETED] Does your country's law regulate the technical and organisational aspects of judicial videoconferencing?*
13. *[DELETED] Does your country's law specifically regulate any procedural steps, such as the questioning of a witness?*
14. Does your country's law permit hearings by teleconference (without video)?
15. Does your country's law permit the public to be present at a videoconference hearing?
16. *[DELETED] Have the laws regulating judicial videoconferencing been a topic of public or academic debate? If so, what were the main conclusions drawn?*
17. From your point of view: what are the biggest legal impediments for the conduction of cross-border videoconferences?

ORGANIZATIONAL:

Could you describe the organizational structure of judicial videoconferencing in your country? [A, IT]

(free statement)

1. Who holds organizational responsibility for judicial videoconferencing in your country?
2. Which unit or authority is responsible for managing the processes and tools (equipment) for judicial videoconferencing in your country? If your country has a decentralized administrative organization, what responsibility do the autonomous territories have?
3. Is the number of judicial videoconferencing (and cross-border judicial videoconferencing) monitored in your country? If so, by whom? Are there any available statistics? If possible, please provide these (English version preferred).

4. *[DELETED] Is the e-CODEX system utilized in your country? Is your national case management system connected to the e-CODEX platform? If not, does your country have any experience with the e-CODEX building blocks? Who (which organ or entity) has the authority to make decisions regarding the use of the e-CODEX system?*
5. Have any surveys been conducted on judicial videoconferencing among judges, participants in the proceedings or legal practitioners? If so, what were the findings? Please provide these documents (English version preferred).
6. *[DELETED] Have any organisational issues with judicial videoconferencing been reported? If so, what are they?*
7. Do users of the videoconferencing platform have access to technical or organizational instructions?
8. Is there a budget allocation for judicial videoconferencing in the state budget? If so, how much and how is it distributed?
9. Is training provided in your country for judges, court IT specialists and court staff on the use of videoconferencing?
10. Is information material provided to citizens about videoconferencing with judicial authorities?

What does a videoconference hearing look like in your country? [J, CS, LP]

(free statement)

1. If your court publishes a list of court cases electronically (e.g. on court's website), are videoconference hearings indicated on this list?
2. Who determines whether a hearing will be conducted via videoconference in a given proceeding? Does the judge have full discretion or are there certain conditions that must be met?
3. Can parties or witnesses request a videoconference? Can parties object to a videoconference?
4. *[DELETED] Is a mixed/hybrid participation permitted?*
5. *[DELETED] How is the participation of the public organized in videoconferences?*

6. *[DELETED] Are there documents outlining the procedures and processes required to conduct a judicial videoconference at the national level? If so, please provide (English version preferred).*
7. Are there videoconferences between the court and prisons or detention centers?
8. Are videoconference hearings recorded electronically?
9. How are participants provided with data (links) for the videoconference connection? How are invitations to participants/interested parties managed? Who is responsible for summoning the parties and for preparing the videoconference meeting?
10. Does the judicial authority need to formally check the identity of participants in videoconferences? If so, how is this done?
11. How are translators integrated in videoconferencing hearings?
12. *[DELETED] How does the audience participate in a videoconference hearing?*
13. *[DELETED] Are cross-border videoconferences currently being conducted? If so, with which countries (including any cases of judicial videoconferencing with states outside the EU/the EEA). Are there any available statistics? If so, please provide them (English version preferred).*
14. How are documents presented during a videoconference court hearing?
15. *[DELETED] What protocols are used to securely share documentation of interest to be discussed during a judicial videoconference?*
16. How are judicial agreements processed and signed during videoconference court hearing?
17. In your country, are closed-door court hearings be conducted via videoconference? Are there any specific requirements in this regard?
18. What are the most common issues with cross-border videoconferences?
19. How do you solve them?

TECHNICAL:

What platforms or systems are used for judicial videoconferencing in your country? Are these commonly available commercial system or system designed exclusively for courts? What functionalities do these systems/platforms offer? [IT]

(free statement)

1. *[DELETED] Who holds technical responsibility for judicial videoconferencing in your country?*
2. Is the videoconferencing system and equipment provided by a centralized or decentralized administrative authority? Are courts required to use a specific system, or can each court choose its own videoconference system?
3. What types of videoconferencing devices are courtrooms equipped with (video terminals, workstations)? Is there a general standard for courtrooms equipment? If so, are these standards contained in any binding documents? Please provide these (English version preferred).
4. Is the videoconferencing system used by courts in your country integrated with other judicial systems (e.g. case management system, electronic court files, electronic records, electronic registers)?
5. Do you have a booking system available for booking videoconferencing facilities? If so, does the system a central system comprising all VC facilities country-wide?
6. *[DELETED] How is user identification technically ensured during a videoconferencing connection to courtrooms? What methods or tools are used in your country?*
7. *[DELETED] Does the videoconferencing system used in your country for court hearings allow meeting moderation? Who moderates videoconference meetings during court hearings (judge, court staff)? What moderation functionalities are available in the system?*
8. *[DELETED] How is the process of hearing a witness or an expert witness organized during videoconference court hearing? Does the system have a waiting room functionality?*
9. Is technical support available for users of judicial videoconferencing? If so, who provides it? Is it available during judicial videoconferencing?
10. Do users have access to the system before the court hearing for testing purposes? If so, is it possible to test the system?
11. *[DELETED] Does the system allow for notifications to be sent to users (e.g. information about a delay in court hearing)?*

12. Does the system support live streaming transmission of videoconference court hearings for the audience?
13. *[DELETED] Does the system allow users to share their screens? Is this function used during videoconference court hearings?*
14. *[DELETED] Does the system support communication via chat during a videoconference court hearing? Is this function used during videoconference court hearings?*
15. What are the common protocols required for a judicial videoconferencing system in your country (H.323, SIP, WebRTC, vendor specific, proprietary protocols – e.g. CISCO, WebEx, Microsoft Teams, Zoom)?
16. *[DELETED] Is the equipment used for videoconferencing compatible with WebRTC protocol?*
17. *[DELETED] Is the equipment used for videoconferencing compatible with H.323/SIP protocol?*
18. *[DELETED] Is your national case management system connected to the e-CODEX platform? If not, does your country have any experience dealing with the e-CODEX building blocks?*
19. What kind of technical issues commonly occur during judicial videoconferencing?
20. How do you solve such common issues?
21. What kind of technical issues commonly occur during cross-border judicial videoconferencing?
22. How do you solve such common issues?
23. *[DELETED] Would it be an option to use a new, additional application for videoconferencing especially (but not exclusively) for cross-border videoconferences (if such an application would be provided as a standardized tool on EU-level)?*
24. *[DELETED] Would it be an option to use an open source tool for such an application?*