



A guide to eTrials

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In the digital age, the volume of material before the court is growing and creating new document management challenges. Advances in technology have streamlined the trial process, while fostering the growth of intuitive and efficient work processes. Some courts such as the Land and Environment Court of NSW have embraced the potential of paperless hearings to save time and cost. Service providers, such as DTI's NuLegal team, have developed eTrial services to support hearings both large and small.

What is an eTrial?

An eTrial (or electronic hearing) is the alternative to traditional, and costly, paper-based hearings. The major difference between the two is that documents are submitted and presented electronically in an electronic court book controlled by a central operator, while also allowing remote participation in real-time. High-definition screens are placed around the courtroom, so everyone including the judge, witness, counsel and clients have the same document in front of them at all times. As a result, eTrials negate the need for paper documents in preparation and throughout the course of a hearing, leading to massive reductions in both cost and duration of a hearing.

An essential part of the process is working closely with the parties to provide guidance as to the preparation of documents by providing protocols based on years of experience. DTI's NuLegal team is the most experienced Australian provider of eTrials, offering Electronic Hearing Services consisting of two parts: Electronic Evidence Presentation and the Online Review Book.

Electronic Evidence Presentation

An eTrial Consultant will coordinate proceedings, controlling the presentation of documents and ensuring the flow of the hearing is uninterrupted. Paginated hard copies in tabulated folders are replaced by the presentation of documents on high-definition monitors located at the bench, bar tables and witness box.

When referring to a document, counsel will read out the Document ID, which will then be brought up by the consultant. Documents can be brought up side-by-side, zoomed in or out or have specific sections enlarged.

Consequently, documents are presented 30% faster than in a paper-based hearing.

Electronic Evidence Presentation offers numerous advantages over paper documents, including:

- Presentation of spreadsheets in native electronic format with full functionality;
- Live annotation of documents;
- Automated exhibit tracking and transcript hyperlinking

Online Review Book

The Online Review Book is a proven replacement for paper-based hearing preparation, allowing practitioners to prepare with the security, efficiency and flexibility of modern technology. The Online Review Book is delivered as a secure web service accessible from any location, including the hearing room, offices, chambers, home and any other location where an internet connection is available.

During the hearing, every time a document is referred to, it automatically becomes an exhibit and is coded that way in the Online Review Book. This means that there is no manual production of exhibit lists and users can easily search the exhibits however they like – whether that is by day on which they were tendered, which witness they were tendered through or simply by a term or word used.

Additionally, a fully hyperlinked transcript is provided which links documents referenced in the transcript to those specific documents, as well as to a list detailing each time that document is referred to – either in the transcript or in a document filed in the proceeding, such as a witness statement.

The Online Review Book offers numerous other advantages over paper-based hearing preparation, including:

- Full-text searching;
- Collaboration features, such as annotations and notes;
- Document version management;
- Reduced duplication of documents;
- Reduced risk of data loss and inadvertent disclosure of confidential information

Cost Benefits

In addition to these advantages, eTrials offer significant savings on paper-related expenses, including:

- Print costs;
- Costs associated with collating, paginating, updating and repaginating paper court books;
- Paper document shipping and archiving costs;
- Costs associated with exhibit management and manual tracking of documents

Overview

Fast and secure access to documents. Electronic court books provide compelling advantages over the paper equivalents. The court book documents are always available, securely stored and backed up and fully searchable.

More efficient work processes. Document administration is a pain point during any paper-based trial and detracts from the more valuable work of your legal team. An electronic court book reduces paper handling, including printing and photocopying, makes updates to the court book easier and automates evidence management tasks.

Simple and effective evidence presentation. Evidence presentation is key to how well an eTrial runs. Poor legibility will undermine the process and force parties back to paper documents. Look for a solution that delivers high-definition display. This means complex spreadsheets and poor quality documents remain legible even when zooming in on the detail.

Uninterrupted cross-examination. One of the greatest advantages of an electronic hearing – and something that may really alter the outcome of a case - is that the cross-examiner is able to question the witness faster, enabling them to build momentum more easily.

Hyperlinked transcript. A fully hyperlinked transcript makes the preparation of closing submissions at the end of the hearing much more efficient than for a paper trial. Reports to the client can also be prepared during hearing hours, rather than for the transcript to be published that evening.

Confidential and secure. Ensure that the provider offers each party access to their own private copy of the court book. This reduces risk and ensures each party can organise their documents with complete confidence that their notes and annotations will not be shared with the opposing side.

Conclusion

The power of eTrials lies in their efficiency, streamlining the overall trial process through the engagement of innovative technologies. This can transform the legal team's work and have a profound influence on the outcome of the case.

NuLegal – which was acquired by DTI in October 2017 – has many years of experience in successfully executing eTrials for numerous clients in a number of Courts & Tribunals in Australia. For more information about NuLegal's eTrial service, contact us at info@nulegal.com.au or visit us at <https://www.nulegal.com.au/>