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Interview Transcript

Judge Robert B. Freedman
Asst. Presiding Judge, Superior Court of California, County of
Alameda

CCN: Describe the courtroom technology you have and tell us about the benefits it provides.

Judge Freedman: This is somewhat of a standard courtroom. The building was constructed sometime in the 1960s. But thanks to affordable technology tools, if I can use that term, it's been brought into the modern era. Some of the resources that we have here that you're able to see around the courtroom include an evidence presentation system, which is a cart that is portable and can be moved from courtroom to courtroom. It has a LCD projector on it, a document camera, built-in onboard computer, and media player. It also has the ability to have counsel attach their own laptops to it to make presentations in the courtroom. The court has a bench computer, which is connected to the court's network and to the rest of the world through the Internet. It gives me the capability to do online research instantly on the bench during the course of a legal argument. It also permits me to communicate during the course of a trial, if I need to, with my courtroom staff and the outside world.

One other resource that we have here that you can't see because it's invisible to the eye in the courtroom is wireless connectivity to the Internet. The court, through a contract with an outside vendor, provides wireless Internet access to counsel who choose to subscribe to that service or, for that matter, self-represented parties, so that during the course of a trial they can remain in contact with their offices or the outside world. It facilitates them doing research, scheduling witnesses, things of that kind.

I also have real-time reporting. My wonderful court reporter is hard-wired to my bench-top computer. I get a feed of her stenographic record during the course of the trial, which saves me some note-taking responsibility. It also gives a judge the ability to look very good, because if your attention momentarily wavers, you can refer back to the real-time transcript when that objection is made and you haven't heard the question. It helps the court expedite the process. One of the benefits of the evidence presentation system is that it allows counsel to abandon the historic use of huge poster boards, which are expensive and bulky, and substitute ordinary 8½" X 11" documents, which can be projected for the entire courtroom to see through the evidence presentation system. So that's a benefit also to the courtroom clerk and the clerk's office staff in not having to manage

rather bulky exhibits during the course of the trial or afterwards. These resources satisfy the needs of several constituencies, the customers of the courts: litigants, counsel, the judges, the bench officers themselves, as well as the courtroom staff.

Some of the other technological features that we've implemented are a case management system that is a decision-support system as well and that's entitled Domain. Because of that application, we have real-time minutes, we have electronic work queues, we have digital signatures—also known as electronic signatures—that are affixed to orders. We have electronic workbaskets that are work queues that are assigned to specific clerks in the office, in the courtroom, as well as judicial officers. We also have wireless access for attorneys in the unlimited civil departments, and that allows these attorneys to electronically access their e-mail boxes in their office network. It also allows them to access the Internet over a secure VPN setup that a private vendor is offering them. It allows them access to online legal research directly in the courtroom. We have also set up evidence presentation systems.

We have three varieties in the court. We have two that are standalone systems that are fully set up in two of our civil departments—one is our complex litigation department, the other is a civil limited trial department. The others are a combination of civil trial departments and criminal departments.

Two systems are fully integrated in the courtroom, the others are Nomad units that can be transported to any and all departments depending on the use. And these allow the attorneys and the judge to electronically scan images so they can be viewed by the entire audience. They are also able to have a video setup so they can actually do video feed programs in the courtroom. We also have what we call "group e-mail boxes." These are e-mail boxes that we have set up for all the civil trial departments. And they allow attorneys to electronically send in, or electronically communicate, with the judge, with the courtroom, or with anyone who is designated to open and receive those e-mails.

CCN: How are court staff, judges, and attorneys trained in the use of this technology?

Judge Freedman: These technology resources, these tools, as it were, are of no use unless people learn how to use them and, indeed, are encouraged to use them. And we go about it in a couple of different ways. One is extensive education within the court itself, both for judicial officers and court staff. The court's Information Technology Committee, which I chaired for some time, has had an extensive program of technology education forums for our bench officers and staff. And as we've added to our resources over a period of time, we've—on a both formal and informal basis—made training available.

We've also done some outreach to the legal community. Judge Bruiniers from Contra Costa County and I have made presentations to the Alameda County Bar and the Contra Costa County Bar, both in this court facility and in Martinez, to make known to the practicing bar the availability of these resources and to provide some introduction to their use. When counsel come into this department for a trial, I always inquire whether they intend to use any kind of evidence presentation system. Some larger, well-funded practitioners are able to bring in their own equipment. But they don't need to for the most part because, through the court's own evidence presentation systems, we can provide that capability. But it's very important for counsel to get some familiarity with the equipment. It's not particularly complicated, but some hands-on training is important. Our court attendants and other courtroom staff have some basic training in the use of the systems. And on my own I have from time to time given some introduction to counsel.

The goal, of course, is to have a smooth presentation for all parties during trial to minimize any downtime, reduce inconvenience for jurors (who are already making the sacrifice to be here), and improve the quality of the trial experience, whether it happens to be the jury or, in the case of a bench trial, the judge himself or herself. So that kind of training is very important. All counsel, all judges who previously were lawyers have either themselves had the experience or observed the experience of somebody fumbling in the courtroom with presentation equipment. It's important that they have some experience beforehand. But it's a pretty short learning course and I think counsel appreciate the opportunity.

CCN: Why did you become an advocate for courtroom technology, and must judges take the lead for such advances to occur?

Judge Freedman: I've had a long-term interest as an end-user of personal computer systems. I've looked for resources that are affordable, that are practical to use, and that support the judicial function. There are many technology resources that are impressive, but they don't necessarily assist in the judicial function. So that's an important test. It's also clear that not everybody has the same enthusiasm, at least initially, for technological innovations, and we have to have systems that accommodate not only all levels of experience and ability but also levels of interest. Sometimes people use the phrase "paperless court." I prefer the phrase, "image document court." Because there's still a role for paper in the courtroom and in the rest of the world, and the system that we utilize has to be able to accommodate that function as well.

In my experience it's critical for judges to take a lead role in advocating the use of technology. But it has to be appropriate technology. There has to be an affordability component, both for the court and the customers, the outside users who come in to use our equipment. But only, I think, if judicial officers take the lead in showing an interest and a receptivity to the use of equipment, I think

practitioners will follow. Now, of course in the real-world legal community, there are many practitioners and people who assist in the practice of law who have tremendous expertise and may, in certain areas, be well ahead of the court, and we have to recognize that we can learn much from our customers as they can learn from us. But unless judges advocate and facilitate the use of these tools, the benefits that they have for the court as well as for the broader legal community will not be realized. So when a suggestion is made that we consider a technology resource that we don't have, we have staff that can evaluate. The financial piece of the analysis is always very important.

The technology has to justify its use, it can't be just to have something that is impressive. It has to support the judicial function and the operational aspects of the court. So when we've had issues come before us, suggestions, perhaps a technology resource that we learn that another court is using, we'll consider it, we'll make an economic analysis, and we'll solicit input from our bench officers and our staff as to whether it represents a benefit to the court or not. We have, like most courts, an organized system of making recommendations through our IT committee to our executive committee and supported by our executive office.

CCN: Why did you want to join the Courtroom 21 Project?

Judge Freedman: The court has had an interest in the Courtroom 21 Project for some time. Members of our Information Technology Committee, judicial members as well as court staff, have attended several of the court technology conferences. We've seen presentations done by Courtroom 21 with their wonderful portable courtroom. We've also accessed the Web site to see those resources. And the information that we are able to obtain from the Courtroom 21 Project has directed us in considering the use of technology tools in our courtrooms.