How Slovenian lawyers accept e-business

Benjamin Lesjak, MSc.
Faculty of Law, University of Maribor
Benjamin.Lesjak@uni-mb.si

Abstract
Author discusses the subject of e-business at court and how susceptible Slovenian lawyers are for adopting e-business. Projects of adopting e-business in judicature in Slovenia are included in e-government projects. Therefore author defines e-business at court as a part of e-government. With a survey author researches how well Slovenian lawyers, judges and jurists are prepared to do business electronically. Perception on introducing e-business at court is researched considering their opinions and their expectations.

Key Words
e-business at court, electronic filing, court of law, survey, Slovenian lawyers

Introduction
One of the most important facts for lawyers is getting the right information at the right time. The great acquisitions for them are information systems on the web. Public access to the laws in Slovenia has well developed recently, because of the Act on the Access to Information of Public Character, which was adopted about a year ago (MID 2003, IPMIT 2003). Information inquired by lawyers most often concerns: legislation, court and government decisions, legal opinions and literature, data from registers and public records, personal experiences, public information etc. (Toplisek 1998). But lawyers should not be satisfied with one-way communication, which represents the right information at the right time.

Susskind (2000) suggests more opportunities for connecting lawyers and information technology. Lawyers mostly use information technology for purposes of automating the old techniques of existing practice or finding innovations and new ways of carrying out tasks. Lawyers use information technology for (Susskind 1996): electronic communication, creating and managing documents, support at legal proceedings, self-knowledge support systems, searching information and for case management systems.

E-business at court may be conditionally considered as e-business of G2C (government to citizen) or G2B (Government to business), but we have to define letter G in a wider sense, for instance: state or state agency, because courts are under judicial power. Nevertheless, in the Republic of Slovenia the most activities concerning e-business at court are taken at e-government projects.

Supreme Court of Republic Slovenia, Public Accessibility to Land Registers and Legal Registers are finished or just at the end of the developmental stage. Some of them like Monitoring Civil Procedures or Monitoring Execution Procedures, however, haven’t started at all.

Progress at offering legal information was made at web site “eGovernment - State Portal of the Republic of Slovenia” considering legal matters, also. On the web site, life events, which concern society, state and law, are included; for instance: life situations about elections, legislation, justice, political parties, public information, official procedures, but other then legal sources or brief information are not included. Lawyers and other interested parties can hardly find services specifically dedicated to legal matters, for example e-filing of document to court or any other prosecution procedures electronically to court.

E-filing
Electronic filing, which can be considered as a start of development of e-business at court, is defined (McMill et al 1998) as the process of transmitting documents and other court information to the court through an electronic medium, rather than on paper. Electronic filing enables people get more of their work done with their PCs, send and receive documents, pay filing fees, notify other parties, receive court notices, and retrieve court information.

Lesjak (2004) defines e-business between parties at court as a communication / collaboration process with the court, where information and services are exchanged, delivered and paid with use of information technology from start to end of a trial at court.

Survey
In December 2003 we performed an e-mail survey among Slovenian lawyers. Judges of 65 Slovenian Courts of law, lawyers at Slovenian law firms, and jurists at both Slovenian faculties of law were included in the sample. E-mail addresses were acquired from the Business register of Republic Slovenia 2003; Ministry of Judicature, Chamber of Lawyers, Faculties of Law; and some more with search engines on the World Wide Web. Approximately 900 judges, 900 registered lawyers at law firms, and 90 lawyers at law faculties were registered in Slovenia by the time of the survey.

Questionnaires were sent to 1800 e-mail addresses, where 37.9% of addresses were false. 163 questionnaires were filled out until the final date for returning the questionnaire.

Results and discussion
Survey results are divided in four segments:

- Demographic data,
• The presence of IT and preparedness for e-business, where we research potential and actual use of PCs connected to internet, use of e-mail and World Wide Web,

• Awareness of electronic filing,

• Perception of e-business, where we research participant’s opinions about developing e-business at court, their expectations and their preparedness to participate at prototype testing.

Demographic data
Survey participants were equally distributed among men (50.6%) and woman (49.4%). Most of them were between 41 and 50 years of age (31.7%) and between 31 and 40 (29.2%). Most participants were judges (36%), followed by lawyers (35.4%), jurists (13.7%), and other professions (14.9%). Participants were mostly employed in their occupation between 4 and 9 years (36.4%) followed by 20.4% of those who worked between 10 and 19 years.

Presence of IT and preparedness for e-business
Almost all survey participants (98.8%) owned a PC connected to Internet at work and 69.9% of participants owned a PC connected to Internet at home, whereas 12.3% owned a PC not connected to internet and 17.8% did not have a computer at all. There is obvious potential interest for e-business, but the actual use of IT was measured with time spent on the Internet and amount of e-mails received per day.

More than half of participants (57.7%) spent not more then 1 hour on Internet, and 27% spent more then one and less then two hours on Internet. The use of Internet at home was minor; half of participants used it less then one hour and 16.1% of participants more then one and less then two hours. The use of e-mail was measured with the number of received e-mail messages, where more then one and less then five messages were received by 54.3%; more than six and less than ten by 22.8%; more than ten and less than fifteen messages by 12.3% of participants.

89.6% of participants did use World Wide Web and 8% did not, and 2.5% planned on using it in the next 2 years. Among possible reasons for using the web, participants picked the following answers: search for court decisions (93.3%), search for codes of law (91%), and search for legal literature (83.6%). Surprisingly, e-banking was used by 46.3% of participants, among which 57.7% were lawyers; and for online shopping 16.4% of participants. On the other hand, only 8.2% of participants were using the web for e-government services. Low percentage on the use of e-government services could be explained by low availability of interesting legal services.

Awareness
Electronic filing opens the possibility of doing e-business with court, which means to exchange documents electronically. Almost one half (47.2%) of Slovenian judges, lawyers and jurists were already aware with electronic filing. If we cross tabulate the results with profession, electronic filing was most familiar to judges (61.4%) and less to lawyers (40.4%) or jurists (33.3%). Judges had to be well acquainted with e-filing,
because it had to be adopted at the courthouse and they have more information on adopting e-filing, although e-filing presents a benefit for all parties at the court trial.

**Perception of e-business**

With opinions we measured whether it is possible to introduce e-business at court in Slovenia; especially what were the participant’s opinions on what should be introduced or achieved, and what were participant’s expectations on introducing new services.

Slightly less than one half of participants believed, that it will be possible to file documents at court electronically in two years, whilst others didn’t believe or know it would happen. Mean value was 3.3 with standard error 1.2.

Expectations on electronic filing at court are high among participants. 47% of them strongly agree and 41% agree with the opinion, that courts should enable electronic filing for interested parties. We measured the highest Mean on this opinion with standard error of 1.

Would electronic filing enable quicker and cheaper trial at courts? 47% of participants in overall agreed or strongly agreed that electronic filing would quicken the trial. Mean was 3.3 with standard error 1.3. Moreover 60% of participants agreed or strongly agreed that electronic filing would lower the costs of the trial. Mean was 3.6 with standard error 1.2. We could see that survey participants had more belief in lowering the costs than in quickening the trial at court.

Similar results were shown with the opinion, that courts should send their writings of trials to interested parties electronically. 75% of participants agreed or strongly agreed with the opinion. Mean was 3.9 with standard error 1.2. The reasons for high expectations could again be found in the benefit of quicker trial, on which one half of participants agreed or strongly agreed, or in lowering the costs of trial, which 59% of participants believed.

Was there any chance of paperless trial in the next two years? One third of participants more or less disagreed on that opinion; mean was 2.1 with standard error 0.9. On the other hand, the participant’s opinions on efficiency of judges at court are more negative than positive, and they didn’t think that e-business at court would solve the court arrears.

**Conclusions**

If we gather the results of the survey, we can conclude that Slovenian lawyers are quite prepared for adopting e-business at their everyday work. They are well equipped and they actively use the benefits of information technology and e-business. Regardless of the results of perception of e-business, lawyers would like to use new services, because their expectations are high and they see advantages in e-business, especially with e-filing of documents to the court and receiving legal writings from court electronically.

We would like to propose some steps for further activities in developing e-business in Slovenian justice area.
• Planned projects at e-government should go forth with precise definition of e-business at court and activities at certain courts, where judges and other staff are very much interested on e-business.

• Planners should be aware of procedural legislation and legal proceedings at court, therefore judges, lawyers, and jurist should be included in planning proposed legislation, because legislation should permit e-business.

• Prototyping should be included before final adoption of e-business at court1.

References


1 A prototype solution for e-filing documents at court was made after this research. More about prototype can be read in article: Lesjak, B. (2004) and on the web page: http://e-vložitev.uni-mb.si