Information and Technology in Open Justice

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Guest editors: Mila Gasco-Hernandez & Carlos E. Jimenez-Gomez

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Abstract: The topic of open justice has only been little explored, perhaps due to its traditionally having been considered a "closed" field. There is still a need to know what open justice really means, to explore the use of information and technology in enabling open justice, and to understand what openness in the judiciary can do to improve government, society, and democracy. This special issue aims to shed light on the concept of openness in the judiciary by identifying and analyzing initiatives across the world.

Abstract: An ecosystem is a complex system of interdependent subsystems. The disjointed open justice ecosystem and the e-justice ecosystem, if they fail to co-evolve and adapt to changing environments, contribute to the conundrum of understanding enablers and inhibitors for public value creation. Drawing on the formal system theory and the literature review, we developed a collaborative network governance framework for aligning ecosystems and creating public value. This framework is applied to guide case study research to identify enablers and inhibitors of strategic alignment and public value creation in the Federal Court of Australia context. We found evidence for collaborative network governance in facilitating court judges and practitioners to assimilate e-justice subsystems in open justice practice, with impacts on enhanced operational efficiency and service level. These realized economic and social values in turn provided the Federal Court with political return on investments in digital transformation of the court services and the legitimacy of open justice practice.

Abstract: This paper explores the concept of Open Justice in the context of EU cross border litigation and focusing on the e-Justice dimension. It does it looking both at the Open Justice principle coming from the legal tradition, both at the new ideas coming from the Open Government discourse. More in detail, the paper investigates the

attempt to create an open area of justice in Europe through the development and implementation of a European Justice Digital Service Infrastructure, and the opening of such infrastructure to users and service providers. It is a development and implementation effort which builds on the European Union's multi-level legal frameworks, which uses available technological innovations, which responds to the economic needs and challenges of an EU without internal borders, and which result should be capable of be embedded in the existing cultural communities. EU Member States have developed such infrastructure and tested it successfully. Currently, EU institutions are faced with the serious and unavoidable challenge: to open up such infrastructure and to ensure its use. In a dynamic environment in which EU and Member States laws, technologies, economies and cultures co-evolve, this is not an easy task.

Open judicial data: A comparative analysis / Marko Marković & Stevan Gostojić

Abstract: Open data gained considerable traction in government, nonprofit, and profit organisations in the last several years. Open judicial data increases transparency of the judiciary and is an integral part of open justice. This paper identifies relevant judicial dataset types, reviews widely used open government data evaluation methodologies, selects a methodology for evaluating judicial datasets, uses the methodology to evaluate openness of judicial datasets in chosen countries, and suggests actions to improve efficiency and effectiveness of open data initiatives. Our findings show that judicial datasets should at least include court decisions, case registers, filed document records, and statistical data. The GODI methodology is the most suitable for the task. We suggest considering actions to enable more effective and efficient opening of judicial datasets, including publishing legal documents and legal data in standardized machine-readable formats, assigning standardized metadata to the published documents and datasets, providing both programmable and bulk access to documents and data, explicitly publishing licenses which apply to them in a machine-readable format, and introducing a centralized portal enabling retrieval and browsing of open datasets from a single source.

"Objection, Your Honor": Use of social media by civilians to challenge the criminal justice system / Azi Lev-On and Nili Steinfeld

Abstract: Social media constitute useful and effective platforms for miscarriage of justice campaigners to challenge state authorities and decisions taken by the criminal justice system. To characterize such endeavors, this study analyzes the activity in such a major group dedicated to the murder case of Tair Rada and the trial of Roman Zadorov, one of the most controversial legal cases in Israel's history. Using digital data extraction and linguistic analysis tools, we focus on five themes: (1) The central role of group administrators in directing the discourse and setting the group agenda; (2) Correspondence of group activity with offline events and mainstream media coverage; (3) Skewed distribution of post publications per user and engagement measures per post; (4) Prominent topics in group discussions, revolving around key figures, institutions and officials, making justice, considering alternative theories and examining investigative and forensic materials; And (5) the framing of key figures, institutions and values in

portraying a somewhat dichotomous image of a corrupted justice system, an innocent man wrongly convicted and a Facebook group in the search for the truth.

Understanding e-justice and open justice through the assessment of judicial websites: Towards a conceptual framework / Rodrigo Sandoval-Almazan & J. Ramon Gil-Garcia

Abstract: The pressure to adopt information technologies has clearly reached the judicial branch of government. General trends toward greater transparency and more openness in the public sector have pushed judges, ministers, and lawyers to use emergent technologies and to provide more information online. In fact, judicial agencies have created their own websites with diverse levels of technological sophistication and functionality, often with the intention of opening their processes and interacting with multiple stakeholders. In contrast to the executive branch, however, little is known about the structure, usability, content, and impacts of these websites. There is also no clear understanding of how judicial websites could be used to better understand and assess electronic justice and open justice efforts. Using a longitudinal mixed-method research design, this study analyzes the functionality of judicial websites and proposes a comprehensive assessment framework that not only evaluates the availability of information, but also the participatory mechanisms related to e-justice and open justice. We started with an exploratory research project, followed by a pilot evaluation, and ended with an assessment of the 32 state judicial websites in Mexico in 2014 and 2016. Based on the results of these empirical efforts, this paper proposes a framework to understand e-justice and open justice through the assessment of judicial websites.