

# **Electronic Access to Courts**

## **I. Implementation of Electronic Document System**

### 1. answer to question 1

Answer: Digitization of proceedings is the outcome of development in information technology. Through digitization of proceedings, we hope to (i) facilitate the public in proceedings and provide litigants and their lawyers with online means for proceedings; (ii) track the full process of proceedings and provide justice with technical means; and (iii) improve the efficiency of proceedings as digitization of proceedings promotes repeated use of data and automatic generation of legal instruments to avoid errors.

### 2.. answer to question 2

Answer: Electronic transmission of court documents is a new form of service that has emerged in recent years. It is not a must but an innovative addition to the traditional forms of service.

### 3. answer to question 3

Answer: The construction of platforms involves information technology departments of courts, while adjudications and applications involve litigants, lawyers and judges.

### 4. answer to question 4

Answer: There is no compulsory requirement. The transmission of an application should provide litigants with convenience and ensure their receipt of the same.

### 5. answer to question 5

Answer: We have established the Sole Adjudication Process Publicity Platform and Enforcement Information Publicity Platform, while local courts have launched litigation service platforms. Through these platforms, litigants may track the progress online.

### 6. answer to question 6

Answer: Interoperability is not available for now but can be realized as our platforms are internet-based.

7. answer to question 7

Answer: We have received favorable feedbacks from them in respect of our four platforms, including China Judicial Process Information Online, China Judgment Online, China Court Hearing Online and China Enforcement Information Online. These platforms not only facilitate their access to information but also promote fair dispensing of justice within courts.

## **II. Statistics**

1. answer to question 1

Answer: It varies. For example, 70% of civil and commercial cases accepted by Jilin courts are filed and adjudicated electronically. This mode is being promoted nationwide, but statistics are not available for now.

2. answer to question 2

Answer: Basically, the answer is the same as the previous one.

3. answer to question 3

Answer: According to our experience, the cost would not be high. The key lies in operation, maintenance and application. It must be introduced to most of the litigants and lawyers. We will pay constant attention to improving the system in line with users' needs.

## **III. Observing the Adversarial Principle**

1. answer to question 1

Answer: The exchange can be made through online evidence exchange platform of electronic courts. Through the evidence exchange platform, evidentiary materials, instruments and multimedia materials of litigants can be displayed in visual forms, so as to facilitate review and exchange by litigants. In addition, the other litigant in the case will be reminded to review and exchange newly added materials and documents through short message service and mobile applications.

2. answer to question 2

Answer: Take current management of local courts as an example, only those evidentiary materials, instruments and multimedia materials that have been confirmed by judges as reliable and relevant to the cases after being uploaded by litigants will be included in the list of evidence. Otherwise, litigants will be advised to supplement and/or correct such evidence and be informed of its registration. After materials are uploaded by a litigant, the other litigant will be reminded by short message service or mobile apps to review or exchange the same. Cross examination can be made if the other litigant has any objection to such materials. In this way, both litigants will know that the materials are cross examined. Moreover, if any litigant uploads materials or posts any comment on cross examination, the system will remind judges by a message. In addition, the internal instant message communication and mobile apps will push notifications for registration and review.

3. answer to question 3

Answer: No.

4. answer to question 4

Answer: A third party may electronically intervene in the proceedings, including evidence exchange, cross examination, online mediation and online court hearing.

#### **IV. Expediting Proceedings and Urgent Proceedings**

1. answer to question 1

Answer: According to feedbacks received from judges, lawyers and litigants, the efficiency of adjudicating cases has been greatly improved through the informatization of courts and promotion and application of electronic proceedings.

2. answer to question 2

Answer: (i) The efficiency of case adjudication has been improved. For example, the court registry can automatically transcribe court hearing speech into text through speech recognition technology to reduce court hearing time and ensure the completeness and accuracy of court hearing transcripts. Another example is that judges can prepare instruments more efficiently and regularly through intelligent instrument accessory system, which may automatically check such instrument for logical errors. (ii) The quality of case handling has been improved. For example,

judges may automatically obtain laws and regulations related to cases as well as judgments on similar cases in other areas through push notification of laws, regulations and similar cases so that they can make more reasonable and fair judgment. (iii) The court administration has become more scientific. For example, court administrators can have real-time access to the accurate development of adjudication of courts nationwide through results of big data analysis, and make more scientific predictions.

3. answer to question 3

Answer: It depends on the specific situation.

## **V. Technical Aspects of Electronic Document System**

1. answer to question 1

Answer: Electronic information system may stop working due to technical malfunction. To this end, we have organized a specific information system operation and maintenance team to ensure 24-hour stable operation through regularly checking operating conditions. By far, we have experienced temporary minor malfunctions. For example, individual offices cannot access a system for a couple of hours. However, we did not encounter a situation where the system cannot be used for several days to a large extent.

2. answer to question 2

Answer: The most common consequence is that users cannot use the system temporarily, which would affect the efficiency of proceedings.

3. answer to question 3

Answer: In relation to information technology means, such as electronic service and online evidence exchange, there is no specific legal support. However, most of judges, litigants, and lawyers believe that these information technology means can facilitate proceedings. Therefore, we encourage using these electronic information systems after obtaining consent from all parties.

4. answer to question 4

Answer: Judges will require litigants to submit materials such as evidence within the

time limit provided for in laws and regulations. If any litigant fails to do so, he/she must be liable for the consequence of failing to produce evidence. If any litigant submits evidentiary materials beyond the time limit, the court adjudicating the case should order such litigant to state the reason for doing so. If the evidence so submitted relates to the basic case facts, the court should admit the same after cross examination, with admonishment or penalty being imposed on the litigant who produced evidence beyond the time limit.

## **VI. Keeping Information Secure**

1. answer to question 1

Answer: We keep information secure through several means, including (i) a dedicated court network, which is separate from the internet and carries out data exchange through a separated secure exchange platform; and (ii) strict access to system, which allows only those users with relevant authority being able to access case data.

2. answer to question 2

Answer: Judges and other members of the court can access electronic files through dedicated tablets or mobiles, which are connected to the dedicated court network so that information security can be ensured.

3. answer to question 3

Answer: No, they cannot. They may only process electronic files which are within their authority.

## **VII. Notification of Decisions to Parties**

1. answer to question 1

Answer: Yes. The system will remind parties through short message service and/or mobile apps when judges finalize the judgment instrument and close cases. In turn, parties should be deemed as having known the judgment when they download and confirm electronic files through the electronic service platform.

2. answer to question 2

Answer: There is no such issue till now. However, significant security event caused by technical malfunction of the electronic system would lead to proceedings.

## **VIII. Influence of Electronic Document Systems on Courts' Operating Methods**

### 1. answer to question 1

Answer: Yes. For example, the Supreme People's Court has issued technical standards with respect to judicial disclosures.

### 2. answer to question 2

Answer: Yes.

### 3. answer to question 3

Answer: Yes. The working methods of members of the court have changed greatly with respect to adjudicating cases and transacting administrative affairs. For example, we draft documents, examine and approve, affix seals and circulate them electronically, abandoning the conventional paper-based circulation. In discussing cases, collegial panels are gradually resorting to reviewing evidentiary materials and making opinions on electronic files.