

# Feasibility Study on the Introduction of Digital Audio Recording (DAR) in Court Proceedings in Cyprus

**Technical Assistance Project 2019  
IPA, Ireland**

**Supported by the Structural Reform Support Service  
(SRSS) of the European Commission**

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The project was funded by the European Union via the Structural Reform Support Programme and implemented by IPA (Ireland) in cooperation with the European Commission's Structural Reform Support Service (SRSS).

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# Table of Contents

|                                                                           |    |
|---------------------------------------------------------------------------|----|
| <i>Executive Summary</i>                                                  | 1  |
| 1. Introduction, Background and Context                                   | 6  |
| 2. Current Arrangements for the Recording of Court Proceedings in Cyprus  | 12 |
| 3. Comparative Study of Digital Audio Recording in Other EU Member States | 25 |
| 4. Feasibility of Introducing Digital Audio Recording in Cyprus           | 40 |
| 5. Conclusions and Recommendations                                        | 61 |
| 6. Action Plan                                                            | 69 |

## Appendices

|                                                                                                  |     |
|--------------------------------------------------------------------------------------------------|-----|
| A. Terms of Reference                                                                            | 82  |
| B. List of Participants                                                                          | 91  |
| C. Organisation Chart of the Cyprus Judiciary                                                    | 95  |
| D. General Criteria on the Management (Destruction/Preservation)<br>of Court Documents in Cyprus | 96  |
| E. Structure of the Courts in Ireland: Organisation Chart                                        | 104 |
| F. Slovenian Courts System Structure: Chart                                                      | 105 |
| G. Courtroom Official: Job Specification                                                         | 106 |
| H. Indicative Areas of Cost: Resource Implications Arising from DAR                              | 108 |
| <br>                                                                                             |     |
| Bibliography                                                                                     | 111 |



# Executive Summary

## Introduction

The Institute of Public Administration (IPA), Ireland, at the request of the Structural Reform Support Service (SRSS) of the European Commission (EC), has carried out a Technical Assistance (TA) project: a feasibility study on the introduction of Digital Audio Recording (DAR) of proceedings in the Cypriot courts. This was carried out by an IPA Review Team between January 2019 and July 5 2019. A separate provider, Telmaco, was retained to report on the technical specifications required. The interim and final reports produced by Telmaco were read and considered by the Review Team. This report sets out the findings of the Review Team and includes Recommendations and an Action Plan.

## Structure of the Report

This report is organised as follows:

- Chapter 1 sets out the background to the study and the context in which DAR would be introduced and implemented in the Cypriot court system.
- Chapter 2 provides an in-depth analysis of the current arrangements for the recording of court proceedings in Cyprus.
- Chapter 3 provides a comparative perspective on the experience and operational best practice of certain other Member States that have implemented a DAR solution. This chapter also includes details of DAR study visits by a delegation of judges and registrars from the Cypriot courts together with representatives of the Ministries of Finance and Transport Communications and Works.
- Chapter 4 sets out the business and administrative requirements of stakeholders in the Cypriot courts system in the context of the recording of court proceedings. It then proceeds to assess the feasibility of introducing and operating DAR to meet those needs.
- Chapter 5 offers conclusions and recommendations.
- Chapter 6 provides an Action Plan.

Appendices and a bibliography conclude the report.

## Acknowledgments

The IPA team would like to thank all participants in the project. Both during the missions to Cyprus and over the course of the project generally, many people gave generously of their time and expertise. Particular thanks must go to Mr. George Erotocritou, former Judge of the Supreme Court of Cyprus and Director of Reform and Training, and to Ms. Aliki Serghi, Project Co-ordinator, for arranging the various meetings and for playing such key roles throughout the project

We would also like to acknowledge the assistance of staff of the Irish Courts Service, including Mr. Brendan Ryan, Chief Executive Officer, and staff of the European Courts of Justice, including Mrs. Múgica Arzamendi, Director of Protocol and Visits, for facilitating the DAR study visits.

## Background and Context

The Functional Review of the Courts System in Cyprus, carried out by the IPA in 2017/2018, made a series of recommendations for improving the efficiency of the justice system. One of these was that a system of DAR, a technology-based way of recording court proceedings, be introduced as an alternative to the current use of stenography or stenotyping. It was in the light of this recommendation that a feasibility study was undertaken. Critical elements of the feasibility study included:

- A comprehensive analysis of the business needs of stakeholders around the recording of court proceedings in Cyprus.
- Two missions to Cyprus by the Review Team to document the current procedures for the recording of court proceedings and to meet with key stakeholders.
- A study visit by a Cypriot delegation and by the Review Team to DAR-enabled courts in Ireland and Luxembourg.
- Desk-based research by the Review Team into the operation of DAR in other Member States.

Among the especially relevant environmental factors in the courts in Cyprus are the following:

- Following the recommendations of the Functional Review referred to above, Cypriot courts are in the process of delivering a significant reform programme.
- Reforms planned or in progress include the creation of new court jurisdictions and the appointment of 53 additional judges to service those courts and to address the backlog of cases for hearing.
- The E-Justice Project, when implemented, will be the first significant ICT investment in court operations in Cyprus and is expected to drive wide-ranging changes to the administration of the courts. The contract for this project is expected to be awarded shortly.

## The Current Arrangements for the Recording of Court Proceedings in Cyprus

The current arrangements for the recording of court proceedings in Cyprus were analysed within the context of the very minimal use of ICT within the courts. No formal management policy or structure exists to oversee this vital component of the courts system. There is no oversight from budgetary, operational, risk, security or long-term planning perspectives.

Stenography is the primary method used in the Cypriot courts for the recording of court proceedings. Increasing difficulties in recruiting stenographers led to the Government of Cyprus signing, in 2015, a 10-year contract for the hiring of stenotyping services from the private sector. The courts are now critically dependent on this contract, which accounts for 20% of the human resources assigned to court recording. The Government has the option to purchase the contract, including the system and training of staff, outright. A decision to purchase must be taken by July 2021.

The current mix of stenography and stenotyping cannot meet demand by providing a service in all sitting courts. As far as the Review Team is aware, there are no plans to increase the level of court recording support to cater for the pending increase in courts and judges resulting from the implementation of the recommendations of the Functional Review.

Concerns relating to the accuracy of transcripts produced by both stenographers and stenotypists have been raised by various stakeholders. Nonetheless, stenotyping is the preferred option of



judges, courts management, staff and other stakeholders in Cyprus, primarily due to the fact that this method makes transcripts available within 48 hours. By comparison, transcripts from the records taken by stenographers can take from one week to three years to prepare.

The operation of the courts in Cyprus differs in certain respects from most other EU court systems. While the latter have increasingly moved toward digitised and technology-enabled courtrooms, registries and filing systems, Cyprus continues to operate in a largely paper-based environment. There is no court official within the Cypriot courtroom to manage the day-to-day running of the court, so the Registries rely on the written transcript as the official record of the proceedings. There is also a higher-than-usual proportion of written judgements by comparison with other common law jurisdictions.

### **Comparative Study of Digital Audio Recording in other Member States**

This study contains a review of the experience of the implementation of DAR in certain other Member States. While the desk-based research by the IPA Review Team found that electronic recording has been introduced successfully in a number of jurisdictions, the availability of recent detailed information as to the technical solution, deployment, operation and legal framework for same is somewhat limited. The report focuses in particular on the experience in Ireland, Slovenia and the European Court of Justice in Luxembourg.

The arrangements introduced in the Irish courts since 2008 are particularly relevant to assessing the feasibility of introducing DAR to Cyprus. Ireland and Cyprus are small countries with comparable common law legal systems. The implementation of DAR in Ireland has led to greater transparency and accuracy of the court record, a significant reduction in the number of transcripts, cost savings, a technology-enabled court environment and an improved customer service. Hearings are shorter, allowing more efficient use of judicial time. The transcription of hearings in local or foreign dialects presents no difficulties. Access to the recordings is regulated by rules of court or procedure. This experience is *ad idem* with the other jurisdictions examined.

A critical feature of all the systems examined by the Review Team is the presence of a full-time court official during the hearing with responsibility for, inter alia, the management of the court list, recording of the decision of the court and the operation of courtroom technology including DAR. No such role currently exists within the Cypriot courts system. Further, an important factor in ensuring the success of the DAR solution is the presence of an ICT Unit to provide technical support to DAR and other court technologies.

In the course of the study visits, the Cypriot delegation confirmed that the DAR solution in operation in Ireland would be most suitable to the Cypriot courts. It noted the essential presence of the full-time court official managing the operation of DAR in courtrooms. The group remarked on the low level of transcripts required in both jurisdictions visited and highlighted as a priority the requirement for modernisation of the courts infrastructure in Cyprus - both buildings and technology.

### **Feasibility of Introducing DAR in Cyprus**

In assessing the feasibility of the introduction of DAR in Cyprus, the Review Team carried out a comprehensive analysis of the business needs of stakeholders in the context of the recording of court proceedings. It examined whether or not those needs are being met within the current arrangements and whether DAR can deliver on stakeholder requirements. The capacity of DAR in

this regard is critical to its potential success or failure. It must integrate with the current Cypriot courts system, improve it and enhance the customer experience for all users.

In the meeting with the President of the Supreme Court that took place during Mission 2, support was expressed for the introduction of DAR. The President confirmed that the Supreme Court is positively disposed to the project and is of the view that it would increase efficiency and speed up hearings. This study has given significant attention to the capacity of the Supreme Court (as courts management and the owner of any ICT project), working together with other relevant Ministries and state agencies, to both introduce DAR and manage the system.

We have already referenced the pending technological developments in Cyprus in the form of E-Justice and are acutely aware of the challenges they will bring. The Review Team is aware of the difficulties of implementing a new system in a low ICT-enabled environment. This comment is not only appropriate to E-Justice. It takes on even greater significance in the context of the challenges for courts management and staff presented by the introduction of DAR in parallel with, or close in time to, E-Justice.

It is the view of the Review Team that DAR presents a high-quality sustainable and transparent solution to the recording of court proceedings and has the capacity to meet the needs of the Cypriot courts. There is a high level of support among the judiciary, staff and other court users for the introduction of DAR. Nonetheless, significant constraints and challenges face courts management in proceeding with the project. The level and quality of management and support required for any major ICT project cannot be understated.

Proper project management at the planning and procurement stages is critical to the success of DAR. So too is the ongoing strategic and operational management and appropriate technical support once the system is implemented. Business process re-engineering and the careful management of risk attached to the project will be required to ensure a successful outcome.

In all of these areas there is a deficit of experience in the Cypriot courts. It is vital that the Supreme Court establishes the necessary mix of skills, business and technical knowledge and experience to manage and control the complexities presented by DAR from the various perspectives of risk, finance, staff resources, court operations integration, change management and stakeholder communications. To ensure there is support and buy in from all stakeholders, not least from the legal profession, a comprehensive communications plan will be required.

## **Conclusions**

The recording of court proceedings, the accuracy of the record, and the secure retention of that record are critically important to any court jurisdiction. These criteria are *not* met within the current arrangements for recording of proceedings within the Cypriot courts. From the perspectives of transparency and accountability, confidence cannot be expressed in the system.

The current arrangements are also inconsistent in customer service delivery for all stakeholders. They do not guarantee value for money and expose the courts to significant risk in the context of court operations, the ongoing sustainability of the system and the reputation of the courts, both locally and internationally. Stenography and stenotyping cannot, neither individually nor together, support current levels of court sittings, let alone the significant expected increases in sittings from 2020.

Our first conclusion is as follows: **The current arrangements are not fit for purpose.**

The main focus of this study is the assessment, using the criteria set out in Chapter 4, of the *feasibility* of introducing DAR as a method of recording court proceedings in Cyprus. In this regard the position is clear. DAR is the most commonly used methodology of recording court proceedings within the EU and, increasingly, worldwide. It is now well established and continues to evolve. It is easy to use, secure, accurate and can integrate with electronic case management systems and other ICT-based courtroom developments. It is also scalable depending on demand. In short, DAR can satisfy all the business needs of Cypriot courts stakeholders.

Our second conclusion is as follows: **Despite the challenges and constraints facing the Supreme Court, it is feasible to introduce DAR as the standard method of recording court proceedings in Cyprus.**

## **Recommendations**

Following on from the above conclusions, the Review Team has the following recommendations:

1. That the Cypriot courts introduce DAR as the standard methodology for the recording and transcribing of court proceedings.
2. That the planning for DAR commences immediately.
3. That the implementation of DAR begins on a pilot basis in two different types of court setting.
4. That the courts introduce a new role of court official within the courts system.
5. That the courts examine the regulation of the production of written transcripts.
6. That the courts give serious consideration to whether or not to purchase outright the stenotyping contract.
7. That renewed consideration be given to the recommendation in the 2018 Functional Review regarding the management structure for the courts in Cyprus.

## **Management and Administrative Arrangements**

A series of management and administrative arrangements will be required to facilitate the development and implementation of DAR. Appropriate governance, project management and operational management structures should be established. Attention must also focus on the communication and change management areas of any project plan. Formal responsibility for each of these areas must be assigned.

DAR will drive procedural change within the courts. Revised procedural or legislative guidelines and directions to enable the effectiveness of the new operational regime will be required in a number of areas. We note these in chapter five. The nature and scope of new procedures will be a matter for courts management to decide and develop to ensure the integration of DAR with the work of the registries and the courtroom.

It is the view of the Review Team that implementation of the above recommendations can move the Cypriot courts to a system of court recording that is accurate, transparent, secure, accessible and which delivers a quality customer service. If the implementation of the system and the associated change is properly managed it can act as a positive catalyst for the introduction of other court technology systems.

# 1. Introduction, Background and Context

## 1.1 Introduction and Background

Cyprus is currently carrying out a major reform of its court system on the basis of the recommendations of a Functional Review<sup>1</sup> of that system, which was carried out by the Irish Institute of Public Administration (IPA) and funded by the Structural Reform Support Service (SRSS) of the EC. The Functional Review made a series of recommendations for improving the efficiency of the justice system. Recommendation 14 of its report suggested that a system of Digital Audio Recording (DAR) of court proceedings be introduced as an alternative to the current use of stenography or stenotyping.<sup>2</sup>

As a result of the reduction in numbers of stenographers in recent years and delays in producing transcripts through stenography, the Cypriot Government, in 2015, entered a 10-year contract for the hiring of stenotyping services from the private sector. Stenotyping is considered to be a more efficient and speedier method of recording court proceedings and producing transcripts.

The contract is currently in year four of implementation. The Government has the option to purchase the contract outright. A decision to purchase may be taken after July 6th 2019, with the right to purchase exercisable from July 6th 2021. Purchase of the contract includes the system itself and the training of staff.

Under the contract terms, the contractor will provide services for at least six years. This, therefore, guarantees service provision by the contractor until July 2021. A decision to purchase the contract does not affect this guaranteed six-year period of service provision. If the Government decides to terminate the contract, the guaranteed period of six years increases to seven years. Notice of a decision to terminate the contract by the Government must be accompanied by a notice period of one year.

During the process of restructuring the cooperative banks in Cyprus in June 2018, the Cypriot authorities gave a commitment to the Directorate General of Competition (DG COMP) to carry out various reforms, within 18 months, so as to increase the efficiency of the judicial system. Undertaking 3 of the Commitment List provided that Cyprus must:

Carry out a study to examine the introduction of Digital Audio Recording of court proceedings. Upon completion of the study, the recommendations will be implemented, starting from the new court buildings.

### 1.1.2 Request from Supreme Court of Cyprus

In discussions between the Supreme Court of Cyprus and the EC/SRSS in 2018 it was decided that funding would be available for a feasibility study to examine the introduction of DAR for court proceedings, taking into account the strengths and weaknesses of the stenotyping and stenography systems currently in use.

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<sup>1</sup> Functional Review of the Courts System of Cyprus I.P.A 2018

<http://www.supremecourt.gov.cy/judicial/sc.nsf/>

<sup>2</sup> at p147

### 1.1.3 Selection of the IPA and Terms of Reference

The IPA was selected as the service provider to support the Supreme Court of Cyprus in undertaking this feasibility study. The IPA possesses recognised and relevant experience and expertise in the provision of advice in the area of governance and public administration reform and development. Between 2017 and 2018, the IPA carried out a detailed functional review of the courts system in Cyprus. It has also successfully completed a number of reviews of Cypriot Ministries and Independent Government Organisations and has gained an in-depth knowledge of the Cypriot administrative system. Critically, in respect of reforms of the activities of the courts, the IPA can provide experts with an extensive knowledge of courts system reform in a common law system. Given that the request for technical assistance arises out of the recommendation of the 2018 Functional Review, and given its current role in the review of the Cypriot Rules of Civil Procedure, the SRSS considers the IPA to be the most suitable provider for the legal and operational aspects of the project. A separate provider, Telmaco, was retained to report on the technical specifications required.

#### *Terms of Reference*

The Terms of Reference for the feasibility review are as follows:

- Establish and gain further detail on the current systems for documenting, recording and transcribing in Greek of court proceedings, including relevant legislative, procedural and administrative features unique to the Cypriot system.
- Establish the business and administrative needs of key stakeholders and users of the current system of record keeping in courts (stenography and stenotyping) and analyse the scope for improvement.
- An analysis of the potential future role of Digital Audio Recording (DAR) in the context of existing legislative, procedural and administrative mandates and international best practice based on a desk review of systems in three comparable EU Member States states.
- Study visits to two Member States states deemed relevant.
- An assessment of the risks, opportunities, challenges and operational management constraints facing the courts in the delivery of DAR.
- Consideration of the management and administrative arrangements that would need to be put in place to facilitate the development and implementation of DAR (including the identification of the main areas where it is possible that legislative changes may be required).
- Preparation of a Final Feasibility Study Report.

The full Terms of Reference - including agreed outcomes, outputs and timelines - are at Appendix A.

## 1.2 Methodology

The Feasibility Study was carried out by the Review Team, which comprised Mr. James Connington and Mr. David O' Mahony of the IPA and Mr. Gerard Nugent and Ms. Olive Caulfield of the Irish Courts Service, acting as IPA Associate Consultants.

The methodology included two Missions to Cyprus (11<sup>th</sup> – 15<sup>th</sup> February 2019 and 14<sup>th</sup> – 17<sup>th</sup> May 2019), meetings with key stakeholders, desk-based research, site visits in Cyprus, and study visits to courts in Ireland and Luxembourg.

### **1.2.1 Missions to Cyprus**

The principal activities of the Missions were:

- Meetings with key stakeholders, coordinated by the Director of Reform and Training of the Cypriot Courts.
- Detailed examination of the current stenography and stenotyping arrangements.
- Identification of the business and administrative needs of the stakeholders in the recording of court proceedings.
- Identification of the benefits and constraints of the current system.
- Identification of the operational issues around the introduction of DAR and the implications for court rules and legislation.
- Workshops with the judiciary and registrars covering, inter alia, the management, administrative and operational arrangements required by the introduction of a DAR system.

### **1.2.2 Desk-Based Research**

Desk-based research included:

- Pre-Mission meetings with key personnel in the Irish Courts Service who carry strategic and operational responsibility for both the ICT and business elements of the DAR system.
- Consideration of a number of reports and papers on the experience of DAR in other EU Member States and in the U.S.A.
- Correspondence with Ministries of Justice in Greece and Slovenia.
- The transmission of a number of information requests to the Director of Reform and Training in Cyprus.

### **1.2.3 Programme of Meetings**

A programme of meetings in Cyprus took place with the following:

- The Director of Reform and Training and the DAR Project Coordinator.
- The Reform Steering Committee (scheduled).
- The President of the Supreme Court.
- Representatives of the judiciary of the District Court and courts of specialised jurisdiction.
- Representatives of the Registrars attached to the Supreme, District and Administrative Courts.
- Representatives of stenographers attached to the Supreme, District and Administrative Courts.
- Representatives of the Office of the Attorney General.
- A representative from the Pan-Cyprian Bar Association.
- Representatives from the Department of Information Technology Services (DITS) and the E - Justice Project Team.
- The DAR Facilitating Committee. This committee, a 'working group' in nature, was established during the first Mission in February 2019.

The meetings were held in the Supreme Court building in Nicosia. A full list of participants is at Appendix B.

In accordance with the Terms of Reference, on 18<sup>th</sup> April 2019, a meeting (via conference call) was held with the technical team, Telmaco, to discuss the progress of each study. Ms. Admantia Manta (SRSS) chaired the meeting. Interim Papers from each team were provided in advance.

#### **1.2.4 Site Visits in Cyprus**

Site visits were made to the Supreme Court Registry, the Nicosia District Court Registry and the Registries of the Administrative and Rent Control Courts.

#### **1.2.5 Study Visits**

In April 2019 a Cypriot delegation of Judges, senior Registrars, and representatives from both the Department of Finance and the Ministry of Transport Communications and Works visited the Criminal Courts in Ireland and the European Court of Justice in Luxembourg. The purpose of these study visits was to gain information on the experience of the implementation and operation of a DAR solution in those jurisdictions. A list of the participants is at Appendix B.

#### **1.2.6 Methodological Challenges**

The IPA team experienced a number of methodological challenges in the preparation of this study. Certain information provided by the Cypriot courts was in the Greek language, and the Review Team had to await its translation.

As part of the comparative review on the implementation and operation of DAR in other Member States, requests for information were made by the Review Team to the court authorities in both Greece and Slovenia. To date, there have been no responses to these requests.

A feedback report on the site visits to Ireland and Luxembourg was prepared by the Cypriot delegation and submitted to the Supreme Court. The Review Team was not formally provided with this report.

### **1.3 A Short Summary of the Legal Context**

The judicial system of Cyprus is founded on the following:

- The Constitution of Cyprus.
- The laws which have been retained by virtue of the Constitution.
- The principles of Common Law and Equity.
- The Laws enacted by Parliament, after 1960.
- Rules of procedure and evidence.

The judicial system has two jurisdictions - the Supreme Court and the Courts of First Instance. An organisational chart of the judicial system is at Appendix C.

#### **1.3.1 The Supreme Court**

The Supreme Court of Cyprus is the highest court in the Republic and consists of a President and 12 judges. It has jurisdiction as an appellate court and first-instance jurisdiction in prerogative writs, admiralty cases, election petitions and constitutional matters. Jurisdiction in administrative cases was passed to the newly created Administrative Court in January 2016. The Court also acts as the

Supreme Council of the Judicature, dealing with judicial appointments, promotions, transfers and disciplinary matters.

### 1.3.2 District Courts and other First Instance Courts

The District Courts have jurisdiction to hear at first instance civil cases where the cause of action has arisen wholly or in part within the limits of the District where the court is established, or where the defendant resides or carries on business within that District. The Assize Courts, composed of three judges, have unlimited jurisdiction to try, at first instance, all criminal offences punishable by the Criminal Code or any other law. They have power to impose the maximum sentence provided by the relevant law.

The other specialised courts are:

- The Rent Control Tribunals, which have jurisdiction to try all disputes arising from the application of the Rent Control Laws.
- The Industrial Disputes Tribunal, which hears cases by employees regarding unjustified dismissals and redundancies.
- The Family Courts have first instance jurisdiction to hear matrimonial petitions for the dissolution of marriage as well as all relevant property disputes between the spouses. They also have exclusive first instance jurisdiction to hear cases of custody, maintenance, access and adoption of children.
- The Administrative Court adjudicates upon administrative recourses, under Article 146 of the Constitution. Such recourses are filed by persons having a legitimate interest in the annulment of administrative acts or decisions.
- The Military Tribunal has jurisdiction to try offences committed by the members of the Armed Forces under the Criminal Code and the Military Criminal Code.

The Family Court has a Registry in each District. The judges of the Industrial Dispute Tribunal, who hear cases in all districts, are supported by the Registry of that Court, which is based in Nicosia. The Rent Control Tribunal sits in each District and is supported by the staff of the local Registry. The Administrative Court and Registry are located in the Supreme Court building in Nicosia. The Military Tribunal is also based in Nicosia.

### 1.3.3 Staffing of the Courts System

At the end of March 2019 there were a total of **545 persons** employed in the courts system, comprised of judges, judicial staff, and general administrative staff.

### 1.3.4 Judiciary

At the end of March 2019 there were **120** judges in the courts system. The President and the Judges of the Supreme Court are appointed by the President of the Republic, usually from within the ranks of the serving judiciary, and on the recommendation of the Supreme Court. Judges of the District and other courts are appointed by the Judicial Council, which consists of the 13 members of the Supreme Court.

### 1.3.5 Administrative Structure

There are five administrative offices (Registries) managing the courts and supporting the judiciary. The Supreme Court and Administrative Court offices are located in Nicosia, and District Court Offices



are located in Nicosia, Limassol, Larnaca (including the Registry for Famagusta District), and Paphos. The total staffing complement at the end of March 2019 was **425**.

The Supreme Court has overall responsibility for the management and administration of the courts. The Chief Registrar of the Supreme Court is the head of all personnel, except judges, and has responsibility for the management and allocation of staff, as well as shared responsibility for the budget.

## **1.4 The Reform Context**

The Cypriot Courts are in the process of delivering a significant reform programme. Reforms planned or in progress include:

- The establishment of a Commercial Court, including the Admiralty jurisdiction, which is currently expected to commence operations in 2020 with the appointment of five additional judges.
- The establishment of a Court of Appeal with 16 additional judges.
- The appointment of 26 additional District Court judges to address the backlog in that jurisdiction.
- The appointment of six judges for the handling of financial disputes – judicial procedures relating to non-performing loans.
- The development and implementation of an E-Justice case management system.
- The establishment of an Administrative Court of International Protection.
- Drafting of new Rules of Civil Procedure.
- The establishment of a Judicial Training School.
- Development of Objective Criteria for the Recruitment and Assessment of Judges.
- Development and rollout of an electronic register for cases.

### **1.4.1 E-Justice System**

The Review Team held meetings with members of the E-Justice Project Team and with a senior court Registrar who is a member of that team. An update on progress was provided. The E-Justice system will deliver a comprehensive networked computerisation of case initiation, management and hearings and will be implemented in all courts and court offices. A budget of €9 million has been allocated to the project.

The tender evaluation process is underway and, at time of writing of this report, is expected to be completed with the award of the contract by the end of June 2019. An implementation date of June 2021 is envisaged. When implemented, this E-Justice system is intended to provide a digital solution for e-filing, case management, e-payment of fines and fees, e-notices and electronic evidence display. It will involve wide-ranging changes to the administration of the courts.

During the discussions the Review Team explored likely areas of operational overlap between the systems, particularly in the courtroom. The Team stressed the importance of close liaison and co-operation between the E-Justice project and the DAR project at all stages of their delivery.

## 2. Current Arrangements for the Recording of Court Proceedings in Cyprus

### 2.1 Introduction

The practice in courts worldwide has long been to record all verbal engagements during cases. These engagements include evidence, legal submissions, and speeches to juries by judges and lawyers. The most common subsequent use of such records has been in the production of a written account known as a *transcript* of what was said in the courtroom. The transcript can be used for a number of reasons, such as verifying what was actually said during a particular part of a hearing or for the benefit of a court hearing an appeal.

### 2.2 Methods of Recording Court Proceedings

The following is a brief description of the most commonly used current methods of recording what is said during court proceedings.

#### 2.2.1 Stenography

The process of writing in shorthand is called stenography. Shorthand is an abbreviated symbolic writing method that increases speed and brevity of writing as compared to longhand, the more common method of writing a language. Generally, a shorthand system provides symbols or abbreviations for words and common phrases, which allow a well-trained stenographer to write as quickly as people speak. A shorthand speed of 80 to 100 words per minute is the usual required standard. Shorthand was traditionally the method of recording the evidence given and the oral submissions made during court hearings. The stenographer subsequently prepares a written transcript of what has been recorded.

#### 2.2.2 Stenotyping

A stenotypist uses a small machine like a typewriter to record speech using phonograms. The process of stenotyping requires training in typing as many as 225 words a minute on a stenotype machine, a chorded keyboard used to transcribe spoken word into shorthand. Most modern stenotype machines typically store a full day's work in non-volatile memory such as an SD Card. The stenotypist can run the recorded shorthand through a computer program, which translates the shorthand and generates a transcript.

Stenotype machines may be directly connected to a laptop, thereby generating real-time transcription as the stenotypist is typing. They also have attached screens that allow the stenotypist to view the transcribed shorthand as they are typing.

A stenotypist is highly trained. For example, in order to pass the United States Registered Professional Reporter test a trained court reporter must write speeds of approximately 180, 200, and 225 words per minute at very high accuracy in the categories of literacy, jury charge, and testimony, respectively.<sup>3</sup> In France, the Certification Professionnelle for a stenotypist requires a speed of at least 200 words per minute.<sup>4</sup>

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<sup>3</sup> <http://www.uscra.org/>

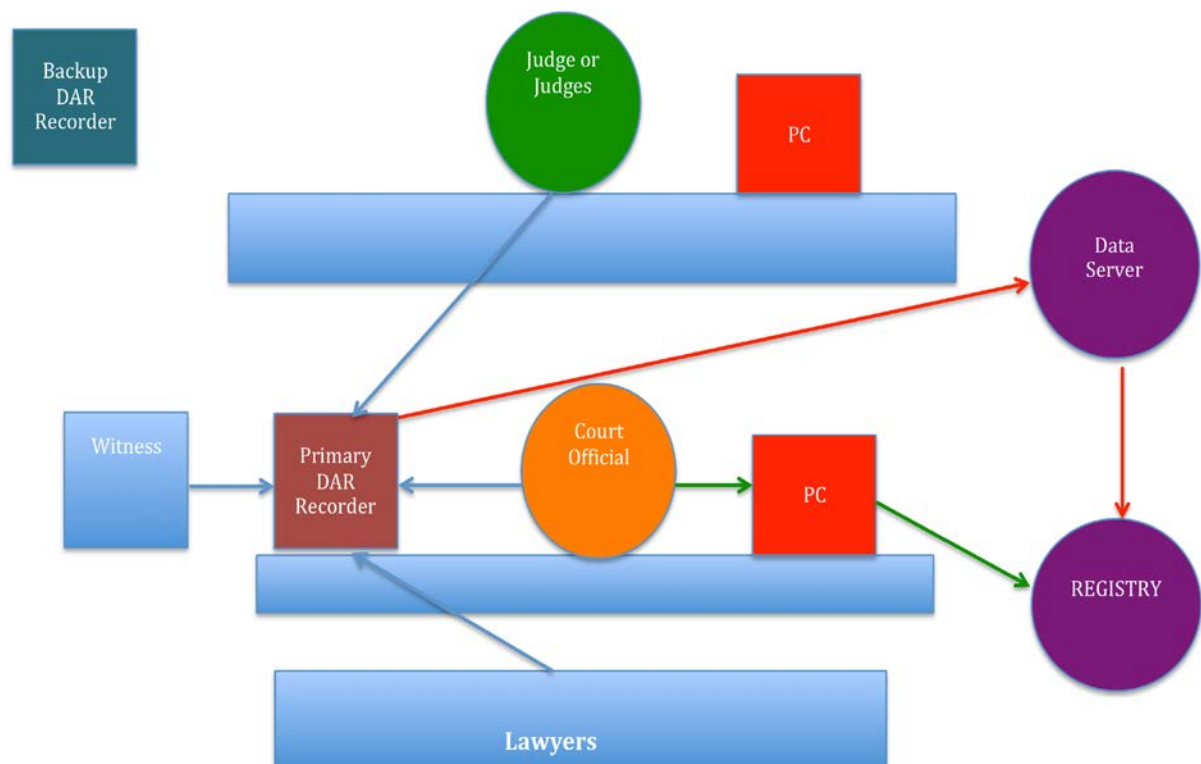
<sup>4</sup> <http://www.rncp.cncp.gouv.fr/grand-public/visualisationFiche?format=fr&fiche=9856>

### 2.2.3 Digital Audio Recording (DAR)

Digital Audio Recording (DAR) is a technology-based way of recording what is said in a courtroom. In a typical DAR courtroom:

- A computer is installed and acts as the recording device.
- In the courtroom there is the permanent presence of a court official. He/she can have many roles in the courtroom including the operation and control of ICT systems such as DAR.
- Each microphone in the courtroom is connected to this computer. This computer is known as the primary recorder and is connected to the courts system computer network.
- As the case proceeds, the recording is stored on the primary recorder in the courtroom. The audio recorded is generally either immediately or very shortly thereafter transferred or migrated to servers, where it is stored securely.
- It is normal that a backup recorder is also installed in courtrooms in the event of failure of the primary recorder. This backup system operates automatically during the hours that courts normally sit.
- The Registry has immediate access to the live hearing and to the audio file once saved to the storage facility.
- The recording can be played, at any stage, to confirm what was said during a case.
- A judge hearing a case can access and listen to the recording from his/her secure computer or similar device, as can authorised court officials.
- After the case ends, a written transcript of what was said can be produced. A transcript may be needed for an appeal or may be required by the judge who heard the case.

**Fig. 2.1: A Typical DAR Courtroom**



## 2.3 Recording Court Proceedings in Cyprus: An Overview

There is no provision in the Cypriot Rules of Court that permits any type of audio or electronic recording of proceedings in the courtroom. Different methods are used to document, record and transcribe evidence, legal submissions and other verbal engagements in the various courts. These are:

- Stenography.
- Stenotyping.
- Written notes taken by the presiding judge to supplement the above record. In the event of the unavailability of both stenography and stenotyping, the judge is required to take more detailed notes.

The preferred option, as expressed during Mission 1 by judges, courts management staff and other stakeholders in Cyprus, is for the stenotyping service. The reasons for this are primarily as follows:

- Transcripts produced from stenotyping are generally available within two days, and within a day if necessary. Those produced from the stenography process take longer, a fact that can negatively affect critical court operations.
- Transcripts produced from stenotyping have an electronic record and can be created by a person other than the stenotyper who made the recording. Those produced from stenography are in paper format. The notes are unique to the individual stenographer, so the transcript cannot be created by anyone other than the person who took the recording in court.

### 2.3.1 Stenography in the Cypriot Courts

Stenography is the primary method used to record proceedings in the Cypriot courts. Stenographers take a record of oral proceedings in the courtroom in Greek handwritten shorthand. Most also carry responsibility for other duties such as secretarial work for judges, typing letters and preparing written judgments. Stenographers also act as personal assistants to judges in administrative matters, prepare correspondence, organise diaries, and liaise with other judges, advocates and other agencies in the justice system. In the context of the preparation of written judgments, even if the stenographer's notes are not transcribed and used, the stenographer will very often copy or scan documents for the judge, to be included in the judgment.

After a case concludes, or after that portion of the hearing for which a stenographer is responsible has concluded, the stenographer prepares the written transcript of evidence if required. The stenographer also provides a short handwritten summary of the order of the court that allows the Registry take any action required without the need for the full transcript.

The speed of delivery of the transcript depends on matters such as:

- The importance and urgency of the case.
- The reason for the transcript. Transcripts are mandatory for the hearing of an appeal. In *ex tempore* judgments the parties are entitled to a copy of the transcript within three days after the hearing.
- The other duties for which the stenographer is responsible at the particular time, including the volume of transcripts outstanding in the stenographer's workload.
- The complexity of a particular transcript.

- The availability of the stenographer in the period after the hearing. He/she may be on leave or absent due to illness.

In shorter cases, a stenographer can deliver a transcript within a week. In other cases, however, it takes significantly longer. The delay is particularly evident in cases appealed to the Supreme Court, where the transcript from the court of first instance forms part of the appeal file. Practice Directions require the preparation of transcripts for appeal to be given priority.<sup>5</sup> On its delivery the transcript is checked for accuracy by the presiding judge.

Historically, the complement of stenographers employed within the courts system was sufficient for the needs of the courts. In recent years, however, due to retirements and the inability to recruit well-trained stenographers, the numbers employed within the courts have reduced. There are now insufficient numbers to properly service the needs of the courts system. There are currently 20 stenographer vacancies. As there is now no institution in Cyprus that trains stenographers, there are unlikely to be new entrants to the profession.

### **2.3.2 Stenotyping in the Cypriot Courts**

To bridge the gap caused by the declining numbers of stenographers, the Government of Cyprus, in July 2015, signed a 10-year contract with a private company for the provision of stenotyping services for recording proceedings in the courts. The number of stenotypists provided for the first year of the contract was 15, for the second year it was 20, and from the third year onwards it was 25. This is the maximum number of stenotypists available to the courts until the end of the contract and is now fully exercised. Transcripts are provided by a stenotypist within 48 hours, but delivery can be expedited to 24 hours at an increased cost.

### **2.3.3 Written Notes taken by the Presiding Judge**

On the exceptional occasions when there is neither a stenographer nor stenotypist available, the presiding judge keeps a detailed note of the proceedings. Efforts are made to confine such a situation to less important civil cases and to preliminary and interim matters such as Motions. The judge relies on these notes in preparation of a written judgment and also provides them to the Registry as the record of the proceedings.

## **2.4 Recording Proceedings in the Supreme Court**

Other than in criminal appeals scheduled to last longer than one day's hearing or for significant constitutional matters, the Supreme Court uses stenographers to record the proceedings before it. In the exceptional circumstances of the absence of a stenographer, stenotyping is used. In other words, stenotypists are rarely required by the Supreme Court. The stenographers come from the pool of full-time stenographers, 17 of whom are currently assigned to the Supreme Court. During court hearings they usually work in court for 30-minute periods at a time.

Appeals before the Supreme Court are based on written addresses from the parties to the Appeal. While the production of a transcript for a case being appealed is mandatory it is not always required by the Appeal Court. Sometimes transcripts are produced when it is not strictly necessary.

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<sup>5</sup> Circular 3<sup>rd</sup> July 1996 et al

The stenographer also prepares the minutes (a summary) of pre-trial proceedings that have taken place before the Supreme Court. These are a formal record of the various occurrences as a case makes its procedural passage through the court. They are usually prepared within a week. Transcripts of hearings before the court can be required where the record is needed, for a speedy direction by the Court or perhaps if a case is taken before the European Court of Human Rights.

## **2.5 Recording Proceedings in the District Courts and other First Instance Courts**

Transcripts of proceedings heard in the District Courts, Assize Courts, Civil Courts, Military Court, Administrative Court, Rent Control Court, and Family Court are considered necessary in all cases. Only in exceptional circumstances does the Industrial Disputes Tribunal require a transcript. A transcript for appeals from this court is not required, as the appeal is filed only for points of law or legal issues.

There are in excess of 70 daily sittings of the District Court in Cyprus. Approximately half of these are held in Nicosia, with the remainder taking place in Limassol, Larnaca, Famagusta (sitting at Paralimni) and Paphos.

As stated, there are 25 stenotypists available to the courts under the stenotyping contract. They are generally only assigned to the District Courts, Assize Courts and other courts of first instance. In addition, about 75 stenographers are attached to these courts. The Registry in Nicosia manages the deployment of the stenotypists.

### **2.5.1 Preference for Stenotypists**

As already stated, there is a preference among court users, including the judiciary, for the stenotyping service over stenography. The Chief Registrar confirmed that while the efficiency of the stenotyping service is not in doubt, the overall management of the full resources of stenography and stenotyping could be improved to ensure maximum benefit from both.

The available supply of stenotypists is insufficient to meet the demand. We were advised of situations where the Registrar of the Nicosia Registry had 40 requests for the 25 stenotypists. The situation is managed by affording priority to criminal cases in the Assize and District Courts. It is the general practice that, where possible, the record in criminal courts is taken via stenotyping, but not all criminal courts have this service available at all times. The Assize Courts in Limassol, Larnaca-Famagusta and Paphos use both services.

In the other first instance courts, both stenotyping and stenography are used. The Military Court uses stenotyping in Nicosia and stenography in Limassol.

The Rent Control Court in Larnaca and Limassol uses both services, but the court in Paphos generally avails of stenography. The Industrial Disputes Tribunal uses a stenographer unless a stenotypist is provided privately by the parties.

It was confirmed to the Review Team that the method of recording of hearings relating to non-performing loans has no negative impact on the proceedings. Appropriate support is always provided to this type of case.

Table 2.1 illustrates the current method of recording proceedings in each court.

**Table 2.1: Current Methods of Recording of Proceedings Cypriot Courts**

| Jurisdiction | Court                  | Case Type                                           | Recording Method                                               |
|--------------|------------------------|-----------------------------------------------------|----------------------------------------------------------------|
| Supreme      | Supreme                | Constitutional                                      | Stenotyping                                                    |
|              |                        | Appeals from all courts                             | Stenography                                                    |
|              |                        | Revisional Recourses                                | Stenography                                                    |
|              |                        | Electoral                                           | Stenography                                                    |
|              |                        | Prerogative writs                                   | Stenography                                                    |
|              |                        | Admiralty                                           | Stenography                                                    |
| District     | Azzize                 | Criminal                                            | Stenotyping only Nicosia. Both in Larnaca, Limassol and Paphos |
|              | Criminal               | Criminal                                            | Stenotyping only Nicosia. Both in Larnaca, Limassol and Paphos |
|              | Civil                  | Civil                                               | Stenography/Stenotyping                                        |
| Specialised  | Administrative         | Recourses                                           | Stenography/Stenotyping                                        |
|              | Family                 | Family                                              | Stenography/Stenotyping                                        |
|              | Family Court of Appeal | Appeals from decisions of Family Court              | Stenography/Stenotyping                                        |
|              | Rent Control           | Disputes under rent control laws                    | Stenography/Stenotyping                                        |
|              | Industrial Disputes    | Dismissals and redundancies                         | Stenography                                                    |
|              | Military Court         | Offences under Criminal and Military Criminal Codes | Stenotyping in Nicosia<br>Stenography in Limassol              |

## **2.6 Relevant Legislative, Procedural and Administrative Features of the Cypriot Courts System**

### **2.6.1 Legislative**

The relevant legislative features are as follows:

- There are no juries in the Cypriot legal system.
- There are no specific provisions at present in Cypriot Legislation or Rules of Court that permit audio or video recording of court proceedings.
- Production and verification of transcripts is regulated by court rules, practice directions and circulars. Access to transcripts by lawyers and third parties is similarly regulated.

### **2.6.2 Procedural**

The relevant procedural features are as follows:

- A significant proportion of court hearings result in written judgments, even in less serious cases.
- Registries cannot initiate urgent and critical post-court processes such as Bail and the issue of Warrants without sight of a formal court order signed by the judge or of the transcript.
- A transcript of proceedings is required in most cases.
- Transcripts are checked and signed off by the presiding judge. The person who kept the record may make formal verification of the transcript. This can be the judge, stenographer or stenotypist<sup>6</sup>.
- In *ex tempore* judgments a transcript must be available to lawyers for the parties within 3 days after the hearing to facilitate consideration of an appeal.
- A Supreme Court direction regulates the creation of transcripts by stenographers.
- Formal protocols are in place around the destruction of records of the various courts (see Appendix D).

### **2.6.3 Administrative**

The relevant administrative features are as follows:

- The administration of the courts system, including case management, is predominantly paper based, with very minimal use of any ICT systems.
- Other than the presence of a stenographer or stenotypist in court, the system does not involve the deployment of an official within the courtroom to manage the day-to-day running of the court. The stenographer or stenotypist plays no role in the administrative operation of the court.
- Court registrars in Cyprus are lawyers and are a senior grade within the courts system. Unlike other common law jurisdictions, they generally do not have court-going duties. The exception is in the Supreme Court, where the registrar sits in the courtroom when the court is sitting.

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<sup>6</sup> Law N.14/1960 section 65, Criminal Procedure Law CAP 155 section 173 and related circulars and rules of procedure 1985-2009



## 2.7 Transcripts of Court Proceedings

The principal output of the work of the stenographer or stenotypist is a typewritten transcript of the proceedings. In Cyprus, the transcript plays a critical role at various stages of court processes, as outlined below:

- The largely paper-based system means that the written transcript is the official record of the proceedings in court.
- The absence of an official in the courtroom managing administrative and procedural functions, including record keeping, creates a reliance on the written transcript.
- The Registry cannot initiate any post-court work such as the issue of warrants, management of bail, processes in domestic violence matters, etc., in the absence of the transcript prepared by a stenotypist and signed by the judge or a handwritten note of the order provided by a stenographer. The increasing reliance on and preference for the full transcript by both the Registry and the judge is a relatively recent development and is only available in the approximately 20% of hearings supported by a stenotypist.
- Transcripts often constitute the order of the court when signed off by the judge. The notes taken by a stenotypist or stenographer form the basis for the court order in the District Court and in other courts of first instance.
- The inclusion of the transcript or stenographers handwritten note in the court file provides the judge with details of the previous hearings including the reason for the adjournment, the attendance at the hearing and the previous rulings of the court.
- Transcripts are of importance to judges in the preparation of written judgments and in assisting them in reviewing the history of a case.
- On the rare occasions, when there is neither a stenographer nor stenotypist available to the court, the judge will take a more detailed note of the evidence to make up for the absence of a transcript.
- Transcripts play an essential role in an appeal or other hearing before the Supreme Court and Family Appeal Court.
- An extract from a transcript may be needed for a judge to check a particular part of a court hearing or may be requested by parties to proceedings during the course of a hearing. The stenographer may simply be required to read out her notes.
- Lawyers and third parties may apply to the court for a copy of a transcript. In cases other than for appeal the request must take its place in the non-priority list for preparation. Since the introduction of stenotyping, there has been a marked increase in the request for copy transcripts from the legal profession and other parties. These are provided for a fee. The fee income to the courts is estimated to be in the region of €180,000 a year.<sup>7</sup>
- A transcript may be required by asylum seekers and their lawyers in relation to applications to the Refugee Review Authority.

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<sup>7</sup> Based on March 2019 income

**Table 2.2 The Requirement for Transcripts**

| Court          | Case Type               | Transcript Required  | Reason for Transcript                                                                                                                                                                                                   | Circumstances where transcript required during a hearing                                                                                                                                                                |
|----------------|-------------------------|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Supreme</b> | Constitutional          | Not usually required |                                                                                                                                                                                                                         |                                                                                                                                                                                                                         |
|                | Appeals from all courts | Yes                  | <ul style="list-style-type: none"> <li>- Notification of specific directions of the Court</li> <li>- Search and file purposes</li> <li>- Statements affecting other cases</li> </ul>                                    | <ul style="list-style-type: none"> <li>- For ECHR cases</li> <li>- Statements affecting other other procedures</li> </ul>                                                                                               |
|                | Revisional - Recourses  | Not usually required |                                                                                                                                                                                                                         |                                                                                                                                                                                                                         |
|                | Electoral               | No                   |                                                                                                                                                                                                                         |                                                                                                                                                                                                                         |
|                | Prerogative writs       | No                   |                                                                                                                                                                                                                         |                                                                                                                                                                                                                         |
|                | Admiralty               | Yes                  | <ul style="list-style-type: none"> <li>- Notification of urgent orders or specific directions of the Court</li> <li>- Search and file purposes</li> <li>- Statements affecting other cases</li> <li>- Appeal</li> </ul> | <ul style="list-style-type: none"> <li>- Notification of urgent orders or specific directions of the Court</li> <li>- Search and file purposes</li> <li>- Statements affecting other cases</li> <li>- Appeal</li> </ul> |

| Court           | Case Type | Transcript Required | Reason for Transcript                                                                                                                                                                                                                                         | Circumstances where transcript required during a hearing                                                                                                                                                                                               |
|-----------------|-----------|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Assize</b>   | Criminal  | Yes                 | <ul style="list-style-type: none"> <li>- Notification of urgent orders or specific directions of the Court</li> <li>- Search and file purposes</li> <li>- Statements affecting other cases</li> <li>- Written addresses (Paphos)</li> <li>- Appeal</li> </ul> | <ul style="list-style-type: none"> <li>- Notification of urgent orders or specific directions of the Court</li> <li>- Search and file purposes</li> <li>- Statements affecting other cases</li> <li>- Issuing of judgment</li> <li>- Appeal</li> </ul> |
| <b>District</b> | Criminal  | Yes                 | <ul style="list-style-type: none"> <li>- Notification of urgent orders or specific directions of the Court</li> <li>- Search and file purposes</li> <li>- Statements affecting other cases</li> <li>- Written Addresses (Paphos)</li> <li>- Appeal</li> </ul> | <ul style="list-style-type: none"> <li>- Notification of specific directions of the Court</li> <li>- Search and file purposes</li> <li>- Statements affecting other cases</li> <li>- Issuing of judgment</li> <li>- Appeal</li> </ul>                  |
| <b>District</b> | Civil     | Yes                 | <ul style="list-style-type: none"> <li>- Notification of urgent orders or specific directions of the Court</li> </ul>                                                                                                                                         | <ul style="list-style-type: none"> <li>- Notification of specific directions of the Court</li> <li>- Search and file purposes</li> </ul>                                                                                                               |

| Court                         | Case Type                                | Transcript Required | Reason for Transcript                                                                                                                                                            | Circumstances where transcript required during a hearing                                                                                             |
|-------------------------------|------------------------------------------|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
|                               |                                          |                     | <ul style="list-style-type: none"> <li>- Search and file purposes</li> <li>- Statements affecting other cases</li> <li>- Written Addresses (Paphos)</li> <li>- Appeal</li> </ul> | <ul style="list-style-type: none"> <li>- Statements affecting other cases</li> <li>- Issuing of judgment</li> <li>- Appeal</li> </ul>                |
| <b>Administrative</b>         | Recourses                                | Yes                 | <ul style="list-style-type: none"> <li>- Appeal</li> <li>- Upon request by lawyers</li> </ul>                                                                                    | <ul style="list-style-type: none"> <li>- By asylum seekers for the needs of Refugee Review Authority.</li> <li>- Upon request by lawyers.</li> </ul> |
| <b>District</b>               | Family                                   | Yes                 | Appeal                                                                                                                                                                           |                                                                                                                                                      |
| <b>Family Court of Appeal</b> | Appeals from decisions of F Family Court | Yes                 | Appeal                                                                                                                                                                           |                                                                                                                                                      |
| <b>Rent Control</b>           | Disputes under rent control laws         | Yes                 | Appeal                                                                                                                                                                           | - On Lawyers' request                                                                                                                                |
| <b>Industrial Disputes</b>    | Dismissals and redundancies              | Rarely              | <ul style="list-style-type: none"> <li>- Complex cases</li> <li>- Material Facts</li> <li>- Upon request by Supreme Court</li> </ul>                                             | No                                                                                                                                                   |

| Court                 | Case Type                                  | Transcript Required | Reason for Transcript                                                                                                                                                                           | Circumstances where transcript required during a hearing                                                                                                                                               |
|-----------------------|--------------------------------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Military Court</b> | Offences under Criminal and Military Codes | Yes                 | <ul style="list-style-type: none"> <li>- Notification of specific directions of the Court</li> <li>- Search and file purposes</li> <li>- Statements affecting other cases and appeal</li> </ul> | <ul style="list-style-type: none"> <li>- Notification of specific directions of the Court</li> <li>- Search and file purposes</li> <li>- Statements affecting other cases</li> <li>- Appeal</li> </ul> |

### 2.7.1 Availability of Transcripts to the Office of the Attorney General

The Office of the Attorney General advised of its dependence on written transcripts in certain cases where it pays costs after a hearing. It indicated that the delivery of the transcript can take up to six months.

## 2.8 Issues Identified to the Review Team

This section briefly outlines some of the findings of the study in relation to current procedures for recording court proceedings. It reflects both the positive and negative views of those procedures that were disclosed to the Review Team.

Stenography remains the default position within the courts system for the recording of court proceedings. The stenography service available within the courts system has historically managed the recording and transcribing of court proceedings relatively successfully, and it continues to play a significant role in the process. A constant decline in numbers of stenographers within the system, however, has led to the placement of the stenotyping contract. That contract has a limited lifespan. The contracted stenotyping service has been very successful in filling the service gaps caused by the declining numbers of stenographers.

Leaving aside the decline in the number of stenographers and the merits or otherwise of the stenotyping contact, a number of operational difficulties were raised regarding the present mix of stenography and stenotyping in recording court proceedings.

### 2.8.1 Issues relating to Stenography

Stenographers employed in the courts system have a number of secretarial type functions as well as that of taking and transcribing evidence. The number of stenographers employed in the courts has

declined in recent years and now stands at 101<sup>8</sup>, which includes 19 temporary staff. This number is insufficient to service the existing number of court sittings in the country.

- Stenography notes are individual to the particular stenographer and cannot be interpreted and made into a transcript by a fellow stenographer. This weakness manifests itself in particular in the absence of a stenographer through retirement, leave or illness.
- A number of participants expressed, from experience, concerns as to the accuracy of transcripts prepared by stenographers. There can be errors or gaps in the record.
- The stenographer may not be able to keep pace with the spoken words. The requirement to run a case at a pace that allows the stenographers keep up disrupts the flow of the proceedings and the quality of the hearing. If the pace is quickened, it is at the expense of the record.
- Stenographic notes and transcripts are in paper format only. They are vulnerable to damage and total destruction by events such as floods or fire.

### **2.8.2 Issues relating to Stenotyping**

Based on stakeholder feedback, there appears to be a considerable degree of satisfaction with the stenotyping service. It is perceived as being efficient and effective in recording court proceedings and in delivering transcripts within the short turnaround times demanded by the courts. Given the shortage of full-time stenographers, the courts have become critically dependent on stenotyping. It is being used to full capacity. In short, the courts would struggle to function without it.

- Stenotyping is perceived by judges and other court users as playing an invaluable role in the system of recording proceedings in the courtroom.
- The prompt delivery of transcripts, which stenotyping generally allows, plays a critical role in enabling the Registries to manage and process essential post-court documentation such as warrants or bail notices. As a result, it has become the preferred choice over stenography among the registrars, judges and court users.
- Stenotyping can create a digital file for soft-copy storage.
- In common with the experience of stenography, we were advised of some concerns, albeit rare, as to the accuracy of transcripts prepared by stenotypists. There can be errors or gaps in the record. The stenotypist may not be able to keep pace with the spoken words. Stenotypists are only assigned to court recording and transcription duties and, unlike stenographers, do not provide any additional secretarial support to the judiciary.

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<sup>8</sup> At 1<sup>st</sup> April 2019.

## **3. Comparative Study of Digital Audio Recording in Other EU Member States**

### **3.1 Introduction**

The desk-based research by the Review Team into the experience of DAR in court proceedings in member states of the EU found that electronic recording has been introduced in, among others, Spain, Portugal, Ireland, Luxembourg, England and Wales, Greece, Malta, Slovenia, Romania and Estonia. However, availability of recent detailed information as to the technical solution, deployment, operation and legal framework for same is limited. Requests for further information were made by the Review Team to the court authorities in Greece and Slovenia, but no responses were received. An outline of the implementation and operation of DAR in Greece was obtained, via SRSS, from the technical provider. This has been included at 3.4.1.

In accordance with the Terms of Reference for the project that the identification of individual member states for further research and examination should be based on similar scale resources and legal system to Cyprus, the team has selected Slovenia, Ireland and the European Court of Justice (ECJ) in Luxembourg as appropriate examples for the purpose of this report. Spain was also initially identified as a suitable location for a study visit, but due to linguistic and translation difficulties this visit was not proceeded with. The experience of the implementation, operation, benefits and challenges of DAR in certain jurisdictions is set out in this chapter. The chapter also provides detail on the study visits that formed an important part of this project, including the views of members of the Cypriot delegation.

### **3.2 DAR in Ireland**

Ireland has been chosen as the main example in this report for the following reasons:

- It is a common law jurisdiction.
- In common with Cyprus it is a relatively small country with a legal system similar in principle and structure to the British legal system.
- The court experts in the team have direct experience of the pre-DAR arrangements and of the implementation and operation of DAR in Ireland.
- Due to the legally required mandate of the Irish Courts Service to provide information on the operation of the courts system to the public, more detail is available.

#### **3.2.1 The Irish Courts Service**

The Courts Service is a statutory corporation that provides administration and support services to the Courts of the Republic of Ireland. The Service is responsible, inter alia, for the management of the courts and the provision of support services and facilities to the judiciary and members of the public. An organisational structure chart of the Irish courts system is at Appendix E.

#### **3.2.2 Background to the Introduction of DAR in Ireland**

In 2007/2008, as part of the Irish Courts Service Information and Communications Technology Strategy, the Irish Courts Service procured and agreed a contract for a nationwide DAR system. This strategic decision was the result of:

- The reduction in the availability of stenographers on a nationwide basis.
- Issues with the accuracy and consistency of transcripts of court proceedings.
- The increasing cost of providing stenography services.
- The absence of centralised management of stenographers records or recordings.
- The absence of any added value from the existing arrangements (e.g. access to recordings of proceedings).
- The national programme for e-Government.
- The proposed establishment of a Judicial Council.

The DAR system enables proceedings to be recorded and provides an accurate record of evidence that can subsequently be accessed for the preparation of transcripts, playback within the courtroom, or otherwise as required.

The approach taken by the Courts Service was for a single managed outsourced service. The core elements of the service provided are:

- Courtroom Recording.
- Managed Hosting Service.
- Managed Transcription Service.

### **3.2.3 Implementation Challenges**

In common with the implementation of any new ICT project, a number of challenges were experienced.

- The infrastructure in some of the older courtrooms was not conducive to the installation of the in-court sound system, the PC and DAR primary recorder required to implement the system. Modifications were required in a number of locations.
- While DAR was introduced into a technology-enabled environment, one where both the judiciary and staff were familiar with the use of computers and case management systems, a low level of resistance to the change was encountered. This was overcome by the delivery of DAR training and refresher training to all users, together with increased familiarity once the system was being used on a daily basis.
- The operation of the system by the court official represented an increase and change in the responsibilities of that grade. This required a significant amount of industrial relations engagement by the Human Resources Directorate with the staff unions.
- Lawyers, witnesses and other court users had to adjust to the DAR courtroom protocols so as to ensure that the recording was clear and unaffected by two people speaking simultaneously. There was an initial concern, particularly among lawyers, that private or whispered conversations might be picked up on the microphones and recorded. Experience over time has shown this not to be the case.
- Clear signage in each courtroom indicating when recording was in progress, together with the DAR clock showing that the system was live, assisted in the transition process within the courtroom. This signage was also requested by the Data Protection Commissioner.
- The challenge presented by the absence of network connectivity in certain courthouses not connected to the courts ICT network was overcome by the deployment of a portable DAR solution, which is described in greater detail at 3.2.4.



### 3.2.4 Deployment

Following a successful pilot phase, the system initially replaced stenography in the Central Criminal Court, the Circuit Criminal Court and the High Court Family Law Court. It is now the standard method for recording court proceedings and is operational in all 240 courts.

For the purpose of the DAR system, courtrooms are divided into different categories, with tailored technical and hardware solutions for each category. The DAR monitor and clock is located on the desk of the court official (see 2.2.3 and Fig. 2.1) in each courtroom. The illuminated clock is confirmation that recording is taking place. The clock proves useful for the notation of times in the context of subsequent audio reviews.

Courtrooms (described as Category 1) used for hearings of criminal business on indictment, Supreme Court and Court of Appeal hearings and certain civil and family law business in the Dublin courts are provided with both a primary and backup recording unit. Both units have full network connectivity and are remotely monitored. This solution primarily utilises the in-court sound system to generate audio, with an independently generated audio feed provided for backup.

In the Central Criminal Court, which tries cases of murder and rape, overnight transcripts of proceedings are provided for the sitting judge. In Category 1 courtrooms there is a live replication of the recording to the data hosting centre.

Category 2 courtrooms are mainly those used for sittings of the District Court, where a transcript of proceedings is rarely, if ever, required. In such venues used for the hearing of criminal, civil and family law cases, and in courtrooms used for non-criminal Circuit Court cases, the DAR solution consists of a primary recording unit only. The unit is equipped with an independent sound mixer and omni-directional microphones, thereby negating the necessity for an in-court sound system. This type of recording is called single instance recording. The recording unit is connected to the courts network and is remotely monitored. The replication of the courtroom recording is deferred until later the same day so as not to overload the Courts Service ICT network.

A laptop-based portable DAR unit is deployed in temporary or remote District Court venues (Category 3 courtrooms) without network connectivity. This solution utilises a court official-operated encrypted laptop with docking station design. The laptop is equipped with an internal sound recording facility that can be augmented with detachable omni-directional microphones in secure locations. Due to the lack of network connectivity, DAR audio is stored locally on the encrypted laptop for later uploading on return to a networked home site. Owing to the mobile nature of the solution, one unit can operate in multiple venues. This is also described as single instance recording. Replication of the audio to the data hosting centre takes place on the return of the court official to headquarters.

The operation of DAR does not preclude any party to proceedings providing its own stenographer in order to produce a transcript. This occurrence is not uncommon in civil cases where one or more of the parties have significant means.

### 3.2.5 Technical Support

The operation of the DAR system is supported by a Managed Support Service provided on contract to the Courts Service by an external consortium. The contract provides for:

- Nationwide onsite support services.

- Provision of Helpdesk Service.
- Remote Management.
- Software & Hardware Support.
- Data Hosting Service & Disaster Recovery site.
- Service Delivery Management.
- Technical Support.
- User Licensing.

The DAR Managed Service covers the entire life cycle of installing DAR equipment, recording court cases, and maintaining a managed central storage facility for all DAR material. The managed storage (or hosting) facility is linked securely to the Courts Service ICT network and also includes a VPN (virtual private network) tunnel to the transcript provider. Secure access controls ensure the security of the data.

### **3.2.6 Access**

The recording of court proceedings is converted into an audio file. This is then stored centrally in a managed secure datacentre. Once uploaded and stored, access to the file is provided in the form of an interactive folder searchable by date or venue. There is an archive of all audio recorded via DAR since its inception. All of this is available to the courts at short notice.

The audio file is the property of the court. Parties to proceedings who wish to have a copy of the audio file must apply to the presiding judge of the court or a judge presiding in a court of higher jurisdiction. Such applications are regulated by rules of court appropriate to each jurisdiction. The rules have proven to be of importance in regulating this area and have been modified over time. The audio file can be provided to the requesting party on CD, DVD or via USB.

If the judge grants access to the audio file, the applicant may then request a copy of the transcript from the external transcript provider and pay the appropriate fee (see 3.2.12). Members of the judiciary and approved courts staff have unrestricted access to the audio file. Staff access to the audio record in certain cases is restricted to those with verified business needs. This access facilitates the use of the playback facility, which can be used by the judiciary during proceedings or in the preparation of judgements and charges to the jury. Similarly, court officials may use the playback facility to verify the terms of more complex orders. It has also proved useful as a training aide for new staff.

### **3.2.7 Operation**

The DAR recording equipment is operated in each court by the court official according to an agreed protocol. The protocol requires the official to switch on the system and perform a series of short pre-court checks to ensure the microphones are operational, the system is recording and the clock is functioning.

Where in-courtroom audio playback is required there is a player in all courtrooms for this purpose. It is similarly available to judges and staff for remote access to the audio. Access control is maintained where appropriate.

### **3.2.8 Logging**

While it is possible to provide a fully acceptable and accurate transcript based on the audio file alone, such provision is expedited by the logging of a minimal amount of information by the court

official. Logging means the notation of critical times and events during proceedings such as the time a witness was sworn in. Where there is a complex case, or where there are multiple defendants, the Courts Service may use an external logger to provide a more detailed log note of the proceedings.

### **3.2.9 Post-Hearing Review**

The availability of courtroom audio within the DAR Central Storage solution allows for access to the audio from any courts network connected terminal. This facilitates access from any Courts Service desktop, laptop, tablet or smartphone. Officials and members of the judiciary frequently access the audio post hearing for review purposes.

### **3.2.10 Operational Benefits**

While the main purpose of the recording of court proceedings is for the production of a transcript, the installation of DAR equipment and recording of courtroom audio allows for immediate playback and review of proceedings at the push of a button. The court official has full access to all audio recorded on the DAR unit. Access is instantaneous, and the ability for fast and easy recall of audio has been utilised in multiple areas of court proceedings, including witness examination/cross-examination. Access to audio recordings is restricted in matters such as family law cases. Access to the audio quickly resolves a courtroom dispute over what was said in a particular instance. There has also been a verified improvement in transcript accuracy.

### **3.2.11 Key Organisational Benefits**

The installation of the DAR solution has generated the following organisational benefits for the Irish Courts Service:

- Improvement in the administration of justice through a stable and reliable solution for the provision of accurate transcripts and/or audio files to the judiciary. DAR ensures the integrity and security of the data is maintained.
- Improvements in the management, provision of and access to court recordings through the provision of a centralised management system for all court recordings. DAR has become a business critical resource for judiciary and staff.
- Provision of an independent source for the verification of transcripts in the event of dispute and resolution of evidential disputes associated with Judicial Reviews.
- Ireland is in the process of instituting a Judicial Council. The presence of DAR will facilitate this body in certain areas of its work.
- Savings, both in terms of the administration of justice and in the administration of the courts, have resulted by replacing certain transcripts with audio files and through the provision of value added services.
- DAR keeps Irish Courts Service in line with strategic developments in court recording in jurisdictions worldwide.
- Certain value-added benefits have been achieved by the integration of DAR with other ICT Services.

### **3.2.12 Management of Transcripts**

Transcripts are rarely required in cases in the District and Circuit criminal, civil or family law courts or in the High Court civil or family courts. Transcripts are required in the Central Criminal Court and on appeals from that Court and the Circuit Criminal Court to the Court of Appeal.

When required, transcripts are provided by an external provider in accordance with contracted delivery time. It is worth noting that in order to keep transcript costs to an acceptable level there are restrictions on access to overnight written transcripts. Overnight transcripts are provided in the Central Criminal Court (CCC) and are prepared in real-time by the transcript provider. It is only in exceptional cases that overnight transcripts are authorised for courts other than the CCC.

An electronic copy of the transcript is provided by night, with the hard copy delivery taking place the following morning. The cost of the transcript is approximately €320 per transcript hour. The cost in 2018 of the use of a commercial logging service and of overnight transcripts in the Criminal Courts of Justice (CCJ), referred to later in this chapter, was €700,000, with approximately 50% of the cost spent on each service.

A party to proceedings may apply to the court for a copy of the audio recording. On receipt of the recording the party may obtain the written transcript from the contracted service provider on payment of the appropriate fee.

### **3.2.13 Cost Benefit**

The initial cost of installation of DAR in the Irish courts was approximately €6m. The installation of the DAR system has generated significant savings since 2008. The principal areas where savings have been achieved are in reduced transcription costs and (as technology advances) reduced service management costs.

The Irish Courts spent €11m on transcription costs between 2006 and 2011, this figure reducing to €9.5m for the period 2009 to 2013. The projected costs for these services for the period 2015 to 2021 is €6.5m.

The Irish Courts Service does not employ any stenographers or stenotypists. A court official operates and manages the DAR system in addition to the general management of the court list and updating of the appropriate computerised case tracking system with the order of the court.

The introduction of DAR in Ireland saw DAR logging carried out by a commercially sourced service. In the intervening years the practice of minimal logging by court officials in the Central and Circuit Criminal courts has become commonplace. The most recent Courts Service report suggested savings in the region of €360,000 per annum have accrued as a result.

The Irish Courts Service updated its DAR software and replaced associated hardware across its entire network in 2018 at a cost of €1m. The current annual cost of the complete DAR support service by the service provider is €400,000.

Further analysis of the DAR system operating in Ireland is provided below at section 3.5, which, along with section 3.6, covers the **study visits** that took place during this project.

## **3.3 DAR in Slovenia**

### **3.3.1 Background**

Slovenia has been chosen as the second member state for examination for a number of reasons:

- It is a relatively small country.

- It is a civil law jurisdiction with a codified system of law.
- The courts system conducts business in a number of languages.

The Slovenian Courts System comprises the Constitutional Court, the Supreme Court of Slovenia with lower jurisdictions at High, District and Local level. There are also specialised courts dealing with administrative, labour and social insurance disputes. The Directorate for Justice Administration of the Ministry of Justice is responsible for the operation of the courts system.<sup>9</sup> An organisational structure chart is at Appendix F.

DAR was introduced to the Slovenian courts as part of the Strategy of Computerisation and Modernisation of the Slovenian Judicial System 2008-2013.<sup>10</sup> The project was partially financed by the European Social Fund. The DAR business needs analysis project commenced in 2008 followed by a public procurement process in 2009. It was implemented in 2010. It was not mandatory on introduction. In 2011, 185 judges used the system as the main method of recording proceedings. The Justice 2020 Strategy continues the investment in technology in the courts.<sup>11</sup>

### **3.3.2 Deployment**

DAR is now installed in all 353 courtrooms in Slovenia. Many of these were old and had to be adapted for the use of audio recordings.

### **3.3.3 Language**

While Slovene is the main language, the courts also conduct business in Italian and Hungarian.

### **3.3.4 Operation**

Court proceedings are audio recorded and the court clerk logs important parts of the proceedings for easier retrieval of the relevant part of the recording.

### **3.3.5 Transcripts**

It is the decision of the judge as to whether a transcript is required. If required, a transcript is then prepared by the court clerk from the audio recording. There is no charge for the transcript.

### **3.3.6 Access**

The audio record in Slovenia is digitally authenticated by the judge and is available online to all parties no later than the day after the court session has finished. Access is monitored.

### **3.3.7 Operational benefits of the DAR system**

- Prior to the introduction of DAR every statement of a witness or other party was summarized by the judge and dictated into a written protocol. The court clerk was then

<sup>9</sup> <http://www.mp.gov.si/e>

<sup>10</sup> <https://aaert.wordpress.com/2013/06/14/digital-recording-slovenia/>

<sup>11</sup> <https://www.legislationline.org/documents/id/19077>

required to have the written protocol signed off as an accurate record of the proceedings. This was very time consuming.

- The judge is no longer required to prepare a summary of the hearing.
- The length of court hearings has been reduced leading to prompter trials and a reduction in backlogs. A pilot project in one District Court showed that, following the introduction of DAR, a reduction in the time required for a court hearing of more than 30% was delivered.
- Court hearings are more professional and disciplined since the implementation of the system.
- There is a general feeling of greater transparency and trust in court proceedings.
- The availability of the recording for playback and review purposes both in court and after court has introduced efficiencies and reduced backlogs.
- A reduction in the amount of paper and manual tasks.

### **3.4 A Note on Other EU Member States<sup>12</sup>**

#### **3.4.1 Greece**

Since October 2016 Digital Audio Recording has been introduced, via a Public Private Partnership, in all civil and administrative courts of the Greek Courts system. It is now the standard method of recording of Court proceedings in that system.<sup>13</sup> The solution, including transcription services, is in operation in the Courts of Appeal, County Courts and Courts of First Instance, covering over 230 courts, more than 600 court rooms and providing support and access to 4250 judges and staff.

Access to the system is given only to judges, court secretaries and transcribers. Transcripts are provided in the County Courts and Courts of First Instance by transcribers based in the court locations. Real-time access to audio files produced during each trial is available to the transcribers in order to prepare transcripts within predefined time frames. Audio and transcripts are forwarded to a central data centre installed in the Ministry of Justice. In the Courts of Appeal transcription services are available from local transcribers, as required and by an agreed date. Access to transcripts by lawyers, staff, lawyers and citizen is via a public portal. Integration with other ICT systems facilitates the search for the correct transcript required and validation of the identity of the user. Any potential problems relating to the use of different dialects or languages during a hearing were minimised by the use of local transcribers at each court.

Availability of transcribers is an issue; at some remote courts (i.e. in small islands) availability is limited. The ability to store the audio files centrally and to access them from any other court is a solution to this problem, however, as other free transcribers from alternate courts can perform the transcription in case of absence of the primary court transcriber(s) for any reason.

The operational benefits include the following:

- Reliable and precise production of transcripts not subject to dispute or question.
- 24/7, fast and easy access to a particular trial transcript by all platform users without historic access restrictions.

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<sup>12</sup> [inventory of caseflow management practices in european civil ... - LUT](https://www.lut.fi/documents/...ICT.../25ef61ca-e13c-4424-8222-7eddae9ad1b5)  
<https://www.lut.fi/documents/...ICT.../25ef61ca-e13c-4424-8222-7eddae9ad1b5>

<sup>13</sup> <https://profileds.com/>

- Paperless storage and access to transcripts, compared to the old paper-based and human-dependent transcript creation.
- Speeding up of the trial outcome, as the raw text-based trial proceedings are provided by transcribers within 48 hours to secretaries for approval.
- Reduction of appeals filed by lawyers due to mis-recording of information by the Court secretaries.
- Huge cost savings resulting from significant reduction of transcripts printouts, from human resources for printing, as well as from filing space and office equipment. Transcripts are now only produced for criminal trials.
- Due to lack of computer skills among staff a significant amount of training was required both in basic computer training and on the DAR system.

### **3.4.2 Spain**

In Spain the audio-visual recording of hearings is enshrined in law. All hearings in civil and criminal cases at each jurisdictional level are video-recorded. There are no written transcripts. The facility to review what took place during the hearing in a Court of First instance has proved of particular benefit to the Court of Appeal.

### **3.4.3 Portugal**

An audio recording is made of all civil and criminal cases in Portugal. There is no written transcription of the record required.

### **3.4.4 Estonia**

An audio recording is made of cases in Estonian courts. The audio file is supplemented with notes of specific times or evidence in the course of the hearing. A written summary of the hearing is then produced. Participants to a hearing can access the recording hearings through a public E-File web portal, which is linked to the case management system.

### **3.4.5 Romania**

By 2017, as part of a major reform of the Romanian courts system and supported by the World Bank, DAR was introduced in all 243 national courts and almost 700 courtrooms.<sup>14</sup> The DAR system replaced one based on hand-written notes, which was cumbersome and time consuming.

This development has contributed to improved transparency and quality of judicial decisions and reduced inaccuracies in the judicial process. The project resulted in a fully integrated and operational audio recording system that is widely used by both judges and staff. Access to the audio file of proceedings has also increased the efficiency, speed and accuracy of handling sensitive court information.

### **3.4.6 Hungary**

The National Office for the Judiciary (NOJ) in Hungary are planning to install audio recording systems in all courtrooms.<sup>15</sup> In 2016 and 2017, as a pilot project, the courts trialled the use of two different types of speech and transcription software in a number of courtrooms. During the pilot the courts

<sup>14</sup> <http://documents.worldbank.org/curated/en/354161525884916423/pdf/Romania-JUDICIAL-REFORM.pdf>

<sup>15</sup> [www.birosag.hu](http://www.birosag.hu)

compared the quality and accuracy of the software in the recognition of speech, the ease of use of the system and the time saved by this method of recording.

During 2017 the Regional Court in Zalaegerszeg continued to test the software and monitor both the accuracy rates and the resulting time saved. Their observations and recommendations were provided to the developers. At the conclusion of the pilots the NOJ decided to purchase the software. In 2018 over 700 courts were provided with the system.

### **3.5 Study Visit to the Criminal Courts of Justice Complex (CCJ) in Dublin**

During the course of this project the Review Team visited the Irish Criminal Courts of Justice (CCJ) in the company of a Cypriot delegation representing the judiciary, courts management, the Department of Finance and the Department of Transport Communications and Works. The CCJ is in operation since 2010 and manages almost all of the criminal courts in Dublin (Circuit Court and District Court) together with the Central Criminal Court. The trials and hearings from these courts also take place within the CCJ.

The Review Team and the Cypriot delegation met with a senior judge of the Central Criminal Court (CCC), the manager of the CCJ, the court official known as the registrar attached to the CCC (note: the role of registrar in Ireland is different from that role of the same name in the Cypriot courts), and the Courts Service Manager of its DAR operation. The feedback from all concerned was particularly positive in relation to DAR.

#### **3.5.1 Perspective of the Judge**

The judge had been a member of the initial DAR project board. He felt that a significant factor in the success of the project was the participation of all stakeholders in its development. Early concerns around issues such as data security and the integrity of the system had been addressed and managed by:

- The creation of management protocols around the operation of DAR.
- The creation and management of security protocols with the service providers.

These protocols relate to such matters as the establishment of categories of access to recordings in areas such as family law cases.

The judge noted the capacity of DAR to allow him to listen to audio from the courtroom, something he finds particularly helpful when preparing a sentence. He reported very little in the way of technical problems or issues with the system. The quality of the audio, even in the Category 3 courtrooms, was described as perfect.

In discussing how the DAR system compares to the previous one, which involved written transcripts only, the judge indicated that he and his colleagues had moved with the culture that evolved with the DAR system. Critical to the successful change was how easy DAR is to use, how easy it is to access the audio files, and the quality of the audio. The extent of note taking required by the judge during court hearings has reduced significantly. Instead, increased use is made of the playback facility to listen to key sections of evidence. These sections are easily recalled by making a note of the time of the evidence in question. This practice has also, he noted, proved to be less stressful than taking extensive notes.



### **3.5.2 Perspective of the Court Official**

The court official attached to the CCC outlined her own role in making log notes and noting the terms of orders of the court. She reported positively on the capacity to use the audio recording for clarification on such aspects of her work. The court official role also involves the production of warrants, orders and other post-court documentation. DAR is a support in guaranteeing the accuracy of that documentation.

It is the view that DAR has brought an added value to the recording of court proceedings. It allows:

- Instant access to audio recordings.
- Improved accuracy of transcripts.
- The ability to log times and events within the system.
- Accuracy for court officials in the production of court orders.
- Control over access to recordings.
- Integration with existing case management system.

### **3.5.3 Other Points From the Study Visit to Ireland**

In concluding any assessment of DAR in Ireland, there are a number of matters worth noting. The introduction and rollout over several years of DAR took place during a time of severe economic recession. In the period 2009 to 2015 Irish Courts Service staff numbers reduced by approximately 15%. Budgets were also significantly reduced, necessitating imaginative and less costly management of the courts system. DAR has been important in driving down costs in the recording of court proceedings and in the production of transcripts.

Together with other operational and ICT initiatives developed over the years, DAR has facilitated a more modern and efficient courts system. Only two serious system outages have been recorded since the system began.

Day-to-day court operations in Ireland are actively supported by the ICT unit. This is the case not only in relation to DAR but also in relation to:

- Management of the courts ICT network and ancillary support contracts.
- Design and management of phone, e-mail and other ICT systems.
- Case management system support.
- Phone help desk support for all judges and staff in ICT related issues.
- Delivery of ICT related training to judges and staff.
- Security and acceptable usage of ICT systems.

It is fair to say that the development, rollout and subsequent successful operation of DAR would not have occurred in the absence of the expertise and support of the ICT unit.

## **3.6 Study Visit to the European Court of Justice (ECJ) in Luxembourg**

To ensure a pan-European view of the implementation of DAR, the Review Team considered both Spain and, at the suggestion of the SRSS, the European Court of Justice (ECJ) in Luxembourg as suitable locations for the second visit. Due to the linguistic and translation difficulties in facilitating a visit to the Spanish courts it was decided to visit the ECJ. This visit took place immediately after the

visit to Ireland, offering the delegation the opportunity to compare two systems and modes of operation.

The group attended a hearing of the Court of Justice and had meetings with the Heads of the Multimedia Unit, the Interpretation Directorate, the Directorate for Buildings and Security and the Registries of both the General Court and the Court of Justice. The delegation also met with the Cypriot judges assigned to the ECJ and discussed their experience with DAR at the ECJ.

### **3.6.1 European Court of Justice – Brief Overview** <sup>16</sup>

The Court of Justice of the European Union (EU) was established in 1952. The Court constitutes the judicial authority of the European Union and, in cooperation with the courts and tribunals of the Member States, it ensures the uniform application and interpretation of EU law. The Court:

- Reviews the legality of the acts of the institutions of the European Union.
- Ensures that the Member States comply with obligations under the Treaties.
- Interprets European Union law at the request of the national courts and tribunals.

The Court has its seat in Luxembourg in the Palais de Justice and consists of two courts: the Court of Justice and the General Court. The annual budget of the Court for 2019 is €429.5m. There are 46 Judges attached to the General Court and 28 to the European court of Justice. They are supported by a staff of 2,200. The Judges in the ECJ are organized into Chambers of 3-5 judges.

The Directorate of Information is responsible for the Courts IT service, which plays a central role in the proper functioning and development of its information system. It contributes to the modernisation of the Court by the implementation of a modern and dynamic vision and strategy for the future of IT. That includes, in particular, the conception and development of the e-Curia application used to receive and notify procedural documents. In addition, the Directorate manages the videoconferencing and multimedia service.

### **3.6.2 Language**

While the main business language of the Court is French, proceedings and documents are translated by a team of 600 lawyer-linguists and translators into the 24 official languages of the EU. The language used in the application to the court is generally the language in which the proceedings are conducted. Oral proceedings are simultaneously translated into the various official languages of the EU. The Judges carry out their deliberations, without interpreters, in French.

### **3.6.3 DAR at the ECJ: Background and Deployment**

Until 2004 recording of court proceedings in the ECJ was by cassette recorder. The record was then transcribed. From 2004 dictaphone typing and transcribing was used. In 2012 a multi-media digital solution was introduced; it was fully rolled out in 2014. The DAR system was specially designed for the business needs of the Court by a Dutch company, ARBO Media, and has since been implemented in both the European Parliament and the European Commission.

The DAR solution is deployed to all 11 courtrooms, conference rooms and meeting rooms – 19 in total. The system is integrated with the PA systems of the Palais. While the Registry supporting the

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<sup>16</sup> <https://curia.europa.eu>

Court has no electronic case tracking system, procedural documents may be lodged and returned electronically via the e- Curia system. All information relating to a case is held on a database. Each morning data from the database relating to that days hearing is automatically pushed to the DAR server. The DAR interface then has visibility of the judges assigned to the case and the parties to the action, together with courtroom allocation and hearing times. Video streaming of the proceedings is possible.

#### **3.6.4 Technical Support**

Day-to-day technical support is provided in house by a multi-media support team. The team ensures the system is running properly and that all microphones are functioning prior to the start of the hearing. There is a central control room receiving the live video and audio feeds from all locations. Maintenance and urgent technical support is provided under a Service Level Agreement with the system provider. The Directorate also manages strategic development of the system, particularly in the area of Voice Recognition Technology and Artificial Intelligence (AI )software.

#### **3.6.5 Access**

Access to the audio file is strictly controlled and regulated by Rules of Procedure. Access is ordered by group, i.e. administration, judges assigned to the case, lawyers assigned to the case, translators, transcribers and the multi-media team. The normal network password is used. Access to cases involving families or infants is also further restricted.

Access to the parties is also restricted. The parties can request permission from the presiding judge to listen to the audio file, but such access is only allowed in the Palais de Justice itself, and then only in the language actually used in the courtroom during the hearing. There are very few applications to access the audio file, circa 4-5 a year. They are generally granted, but they are not always availed of. No internet access is allowed during the playback.

Remote access is available to the judiciary. The file can also be exported as an xml file using Windows if required.

#### **3.6.6 Logging**

Proceedings before the court are formal and are regulated by Procedural Rules. Written pleadings are lodged in advance and oral addresses by parties are limited to 15 minutes each. While there is no obvious sign to the public that the proceedings are being recorded, the presence of a court official in the courtroom responsible for the DAR is considered essential to the efficient use of the system.

Marking or tagging of events during the hearing supplements the audio recording. This is carried out on a laptop linked to the DAR system by an usher assigned to each hearing. It is also linked to the audio file. The audio and tagged records are easily accessed on the user interface and are identified by Case Number. The judges or registrar may also add a tag or marker, which is only visible to the other members on the bench. A marker may be added to the file after the hearing. Following the hearing, the registrar transmits the result of the hearing back to the Registry in a standard handwritten format.

### **3.6.7 Post-Hearing Review**

The audio file is available for access and playback five minutes after the close of the hearing. The file can be accessed by case number, hearing date or judge/chamber. Where clarification of a word or point is needed, the simultaneous translation recordings are also available for playback.

### **3.6.8 Management of Transcripts**

The Directorate for Buildings and Security is responsible for both the court ushers and transcription services. An in-house Transcription Unit, with five transcribers, produces transcripts when required and at the request of a judge. Transcribers are required to have a high level of concentration, a fast typing speed and good drafting skills.

As the written pleadings in a case are lodged in advance of a hearing, transcripts are not always required. In the General Court the level of transcription is low. In the ECJ transcripts may often be requested for the part of the hearing where questions are asked by the Chamber and responded to by the parties. Transcripts are not available to the parties, as they are not considered to be a procedural document.

### **3.6.9 Cost**

The ECJ pays a licence fee for the main system and additional cost for each channel totalling approximately €200,000 for 180 channels and four servers. Maintenance costs are 15% of the licence fee approximately €30,000 per annum.

### **3.6.10 Future Development**

The ECJ are currently examining the feasibility of using Voice Recognition Technology to produce transcripts. In this regard they have taken the strategic decision to limit recruitment to the Transcription Unit.

## **3.7 Feedback from the Study Visits**

The main observations that the Cypriot delegation made were as follows:

- The decision to implement the DAR system in Ireland had a similar basis to that in Cyprus; it too was initially driven by a reduction in the availability of stenographers.
- While both the Irish courts and the ECJ record the audio of a hearing, the ECJ has the additional technology to video record proceedings.
- Operation of, and access to, the system and the audio files in both locations is highly regulated by Rules of Procedure, Rules of Court and /or protocols.
- Transcripts are not automatically produced.
- Security of the record is of paramount importance. There have been no difficulties in this area in Ireland or Luxembourg.
- The benefits from DAR included: cost savings, a significant reduction in judicial note taking, uninterrupted testimony in court, accurate and secure recordings of proceedings, easy access the audio file and to the relevant part of the audio record, a reduction in the transcripts required.
- Each courtroom that was visited was managed by a court official who had various duties.

- The development of the system is ongoing in both locations. It is the view of management in both Ireland and the ECJ that emerging voice recognition technology will reduce or eliminate the need for transcription services in the future.

With specific regard to the use of DAR in Cyprus, the delegation had the following observations:

- The DAR system in Ireland is more suitable to the Cypriot Courts. The criminal District and Circuit Courts in Ireland resemble the Cypriot Courts of First Instance in their operation. The ECJ is, in many ways, similar to the operation of the Supreme Court in Cyprus, where evidence is given in the form of written addresses.
- DAR must be harmonious with E-Justice; there must be an integrated operation of these systems.
- A court official with responsibility for both systems would be essential.
- The introduction of a court official would require recruitment. There must be sufficient resources to cover absences and extra courts.
- Technical support and maintenance would be of vital importance.
- Due consideration needs to be given to the critical requirement for the Registry, in certain cases, to immediately implement the order of the court.
- The success of the system in Cyprus will be dependent on an accurate and detailed analysis of the business needs of the courts and the documentation of operational procedures.
- The Cypriot dialect may present problems.
- The court buildings in Cyprus would require modernisation and the installation of sound systems.
- The requirement for the courts to prepare a transcript would need to be regulated. The options for lawyers to acquire a transcript from another provider should be explored.
- The E-justice system should be implemented first, with DAR then integrated to it.
- In the Assize Court and Criminal Court, the current system could be used in parallel with DAR.

## 4. Feasibility of Introducing DAR in Cyprus

### 4.1 Introduction

The previous chapters have dealt with the current arrangements within the Cypriot courts for the recording and transcribing of court proceedings. An analysis of those arrangements is now fundamental to assessing and developing the business case for the introduction of DAR as an alternative solution. An understanding of the broader strategic and business context into which DAR might be introduced in Cyprus is critical to assessing the feasibility of DAR itself. The Review Team has been particularly mindful of the challenges introducing DAR might present, including the management constraints.

The comparisons and findings of the Review Team have been based on the current and most widely used technologies for the recording of court proceedings worldwide. The Review Team is aware of the difficulties of implementing a new system in a low ICT-enabled environment. We have already referred to pending technology developments in Cyprus. E-Justice, when implemented, is expected to transform the customer experience by modernising the courts system through the use of ICT. This is a very significant project for a system primarily based on paper records and files.

Service delivery in courts worldwide is the subject of ongoing change. Technology is advancing at a rapid pace. While no two countries operate identical systems, there is clear evidence in the European Union and in the United States of the use of ICT to improve court facilities and to provide access to, and information on, the courts. Strategic developments in this area include:

- Increased digitisation of services provided to the end user such as online payment of court fines and fees and case tracking online.
- Electronic document filing, data and case management.
- Development of ICT-sourced statistical information.
- Use of social media.
- Use of video recording and video conferencing.
- Development of voice recognition technology as a tool in the recording of courtroom proceedings.
- Online training delivery to the judiciary, courts staff and court users.

### 4.2 The Business and Administrative Needs of Key Stakeholders

It is clear from the experience in Ireland and that of other member states that detailed and accurate analysis of the business needs of the Cypriot courts system will be critical to the success of DAR. This view is reflected in both the interim report of the technical provider, Telmaco, and the feedback given by the Cypriot delegation following the study visits. In assessing the business needs of a new ICT system it is important not just to reflect on the current system, with its identified flaws, but to add value and maximise the scope for improvement.

It is the view of the Review Team that any person, group or representative group that can have an effect on, or be affected by, positively or otherwise, the policies, objectives and actions of the courts are stakeholders in the system. Many categories of individuals and of representative groupings have a significant interest in the system of recording and transcribing evidence in the courts. The Review Team has identified the following as key stakeholders in and/or users of the current system:

- The judiciary (noting that the Supreme Court also has responsibility for management of the courts system).
- Management and staff within the courts system.
- Staff representative bodies or associations.
- The Government of Cyprus and its Ministries.
- Members of the legal profession (the Pan-Cyprian Bar Association).
- The general public transacting business in the courts and the wider public.
- The Attorney General and the staff attached to his Office.
- The Police, Probation Service, and similar entities within the justice system.
- The media.
- Victim Support groups.

In relation to the recording of court proceedings, there are a number business and administrative needs common to all stakeholders and court users, namely:

- Continuity of the long-term viability and sustainability of the system of recording and transcribing of evidence in court proceedings in the context of such future developments as increases in the numbers of judges and courts.
- Availability of the record during the course of a hearing for consultation purposes and within a short period thereafter so as to facilitate the preparation of written judgments by judges and the management of essential post-court documentation by the Registries.
- Prompt availability of transcripts of proceedings for any Appeal Court, preparation of a judgement, order or similar purpose.
- Assurance regarding the integrity and transparency of the system that records and transcribes court proceedings, including the quality and accuracy of transcripts and the secure storage of stenography/stenotyping notes, records and transcripts.
- The capacity to support hearings in the Cypriot dialect and other languages.
- To adapt to the particular requirements of the Cypriot courtroom.
- A consistent customer service experience.

There are broader business and administrative needs that are more specific to individual stakeholders and court users and which apply equally to DAR and other ICT systems.

- The effective reform of court rules and procedures.
- The delivery, via E-Justice, of ICT-driven modernised court systems and processes, with easier access to services for all stakeholders and court users.
- Confidence in the robustness of procurement procedures within the courts system.
- Assurance of value for money used within and by the courts system, including the recording and transcribing of court proceedings.

#### **4.2.1 Stenography as a Declining Resource**

The courts system at present has an accepted deficit in the number of stenographers employed. There is no institution in Cyprus providing training of stenographers. The retirement profile of the courts employed stenographers shows that 25 of their existing complement will have retired by the end of 2030, with no capacity in the country to source well-qualified replacements.

The current approved strategy for the future is to introduce an integrated stenotype system, gradually training the stenographers as stenotypists. This is time-consuming (18 months to train, with further time needed to pick up speed in the skill). There is no information on the number of additional stenotypists that would be produced as a result of retraining.

#### **4.2.2 Issues with the Stenotyping Contract**

The stenotyping contract is being used to its maximum capacity (25 stenotypists), and the contract has no provision for further expansion. It is insufficient in its scope to manage (together with the available number of stenographers) the current business needs of the courts.

The contract is with the only such company in Cyprus. This leaves the system of recording court proceedings in Cyprus critically vulnerable in that there is a single point of potential failure. Should anything interfere with the capacity of the contractor to fulfil its obligations there is, at best, a service interruption and, at worst, a complete loss of service, with no alternative provider available to step in.

The Government is not guaranteed value for money in procuring the stenotyping service. There is no competition in the market.

In planning and providing for the future court recording requirements of the courts, a number of options are available to the Government under the contract:

- Allow the contract to run for its full 10-year lifespan.
- Renew the contract.
- Terminate the contract, within the terms and conditions of the contract, at a specified time and giving the requisite notice to the contractor.
- Purchase the contract outright.

A decision will be required in the near future whether or not to avail of the option to purchase the contract outright. If it does so, the State will assume future responsibility for:

- Recruitment and training of stenotypists.
- Systems maintenance and development.
- Ongoing strategic management of the process of recording of proceedings in a challenging, non-digital environment.

The options outlined above, together with the variables which must be considered in making any decision on the future arrangements, are further addressed at 4.6.4

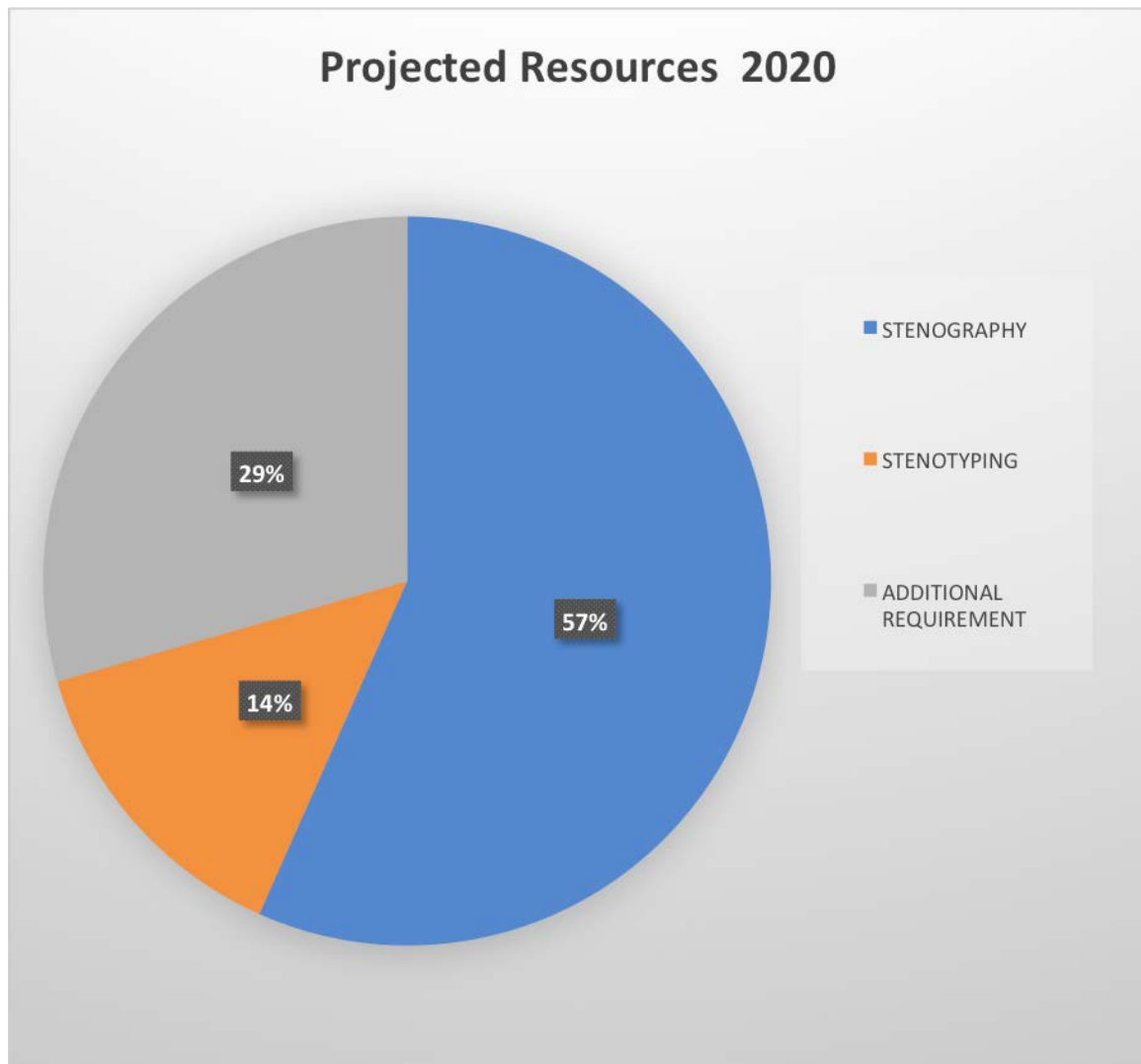
#### **4.2.3 Appointment of New Judges**

The appointment of new judges will, at recent estimates, bring 53 new judges into the system. This increase will result in over 40 additional courts sitting daily. There is no capacity, either through stenography or stenotyping, to service these sittings. Without urgent action a significant proportion of all court hearings will be held without proceedings being recorded.

To give necessary support to judges, the approach is likely to be to provide increased administrative support to the registries, to recruit stenographers if they are available and, if they are not, to prioritize support to the higher courts. This plan is unlikely to ameliorate the situation regardless of how the existing stenography or stenotyping resources are deployed.



**Fig. 4.1: Projected Increase in Resources Required by May 2020**



#### **4.2.4 Current and Future costs of the Existing System**

The annual cost of stenography is in excess of €3m. per annum. The stenotyping contract costs €26.65m., including VAT at 19%, over its 10-year duration. This figure includes the sum of €3.06m. for the option to purchase the contract outright. The average annual budgeted cost is €2.67m. over the 10-year period.

Despite this level of expenditure, the courts are not guaranteed a recording presence in every sitting court nor a formal record of the proceedings. Over the decade 2015 to 2025 the total spend on both services is projected to be in excess of €56m.

It is estimated that 50 additional stenographers *or* stenotypists will be required by May 2020 to support the additional judicial appointments already referred to. The annual cost of this quantity of *additional* stenography, based on the average salary provided to us, would be approximately €2m.

The figures provided to us in relation to the cost of the stenotyping contract show that it will cost €12.69m., including VAT, for its final 5 years from 2020 to 2025. This is in respect of a service of 25

stenotypists. On this basis we estimate equivalent (50) *additional* stenotyping resources to cost €25.38m or approximately €5.08m. annually for those 5 years 2020 to 2025. This would increase the total cost of stenography and stenotyping respectively to either €37.7m. (based on 50 additional stenographers) or €53.05m. (based on 50 additional stenotypists) for the years 2020 to 2025.

#### 4.2.5 Recording of Proceedings and Court Operations

- There is no overall strategic oversight or risk management of this critical process. This affects budgeting and cost, quality control, quality assurance and future capacity.
- There is no centralised management of the recording and transcription system from end to end. Management of the resources from the stenotyping contract is assigned to the registrar of the Nicosia District Court. Responsibility for the management of the stenographers lies with the Supreme Court.
- Management of the current system is challenging for the registries. There are insufficient numbers of stenographers and stenotypists to support current levels of court sittings. Sittings will increase exponentially with the appointment of 53 new judges and no availability of resources to support the additional court sittings.
- There is no consistency in the manner in which court outcomes are communicated to the registries. This is done in various ways – via the transcript (where available), a note signed by the stenographer and, in certain instances, by a note signed by the sitting judge.
- Transcripts are not available as quickly as required, leading to potentially critical delays in managing post-court documentation. Such a delay might result in the non-issue of a Committal Warrant in respect of a person to be taken into custody. The outcome therefrom might have serious consequences.
- There is no standardised methodology of recording proceedings in court. Methods of so doing vary and include notes taken in different formats by judges, stenographers, or stenotypists depending on the circumstances.
- Some courts sit without any stenographer or stenotypist, meaning that a judge must take additional notes. When the presiding judge is taking additional notes cases take longer to hear and can lose momentum and continuity as a result.
- No formal security protocols exist around the management of notes taken in court or around the security of such notes or transcripts.
- There are risks around the long-term storage, retention and security of the recordings of court proceedings. The notes and transcripts produced by stenography are in paper format, leaving them vulnerable to partial or complete damage or destruction.
- There is a burden on judges to check transcripts for accuracy. This is additional work for a judge and relies on the accuracy of the recall of events in court by the presiding judge.
- The courts are not making best use of judicial time. There are significant backlogs of cases throughout the system, and valuable judicial resources are spent in judges taking additional notes during hearings, recording court outcomes and checking transcript accuracy.
- Judges cannot access the record of proceedings until the transcript is provided.
- There is less protection for the judge within the current system if what he/she said in court is misquoted or misrepresented.
- Stakeholders have expressed misgivings in relation to the accuracy of transcripts produced by both stenography and stenotyping.
- The paper-based system is at odds with the goal of the introduction of E-Justice and with modern developments in the area of recording of court proceedings.

### **4.3 The Reform Programme, E-Justice, and Court Buildings**

#### **4.3.1 The Reform Programme**

As already set out in Chapter 1, the Reform Programme currently underway will introduce significant changes to the courts system. There is a clear and defined plan to modernise the delivery of services by the courts in Cyprus. It is hoped that all stakeholders and users of the courts will benefit from the various strategic initiatives. These include plans for modern court buildings, increased ICT investment and additional numbers of judges and court sittings. These are intended to lead to improved and speedier access to the courts and to a more modern and efficient customer experience for all those using the system and working within it. In particular, there are strenuous efforts being made to reduce the delays in hearing cases.

The current system of the combined use of stenography and stenotyping is at full capacity and without scope to expand. Regardless of how the existing stenography and stenotyping resources are assigned, a far greater proportion of the courts will have no service at all. It is expected that the new appointments will be in place by January 2020. Figure 4.1 above illustrates the projected increase in resources necessary to service the new courts. These courts will immediately be hindered in achieving their strategic goal of reducing waiting times by clearing backlogs of cases. Increasing numbers of judges will be taking their own notes in court. They will be spending more time checking transcripts for accuracy where such are available. Cases being appealed to higher courts will in many instances have no transcript. The appeal court will be dependent on the notes of the judge of the first instance court.

Of particular note is the proposed establishment of a Court of Appeal. It is our understanding that there will be five benches of three judges, with an additional judge to cover absences. The Court will deal with new cases, allowing the Supreme Court to address the backlog of cases for hearing. In a large number of appeals awaiting hearing there is already a significant delay in the provision of a transcript. Due to the backlog of cases awaiting a hearing date, this fact is not in itself contributing to delay in the Supreme Court. However, as the transcript forms part of the Appeal file, the new Court of Appeal would, if transcript delays continued, find it difficult to identify sufficient cases as ready for hearing, leading to a backlog just as the new court begins to operate.

#### **4.3.2 The E-Justice Project**

During the course of both Missions, the Review Team met with members of the E-Justice project team and received briefings on the scope of the project and the likely timeframe for its delivery. It is envisaged that E-Justice will transform the administration of the courts system and enhance the delivery of services to other agencies in the justice system, to lawyers and to the citizen. In common with all ICT projects, it is likely to require a significant element of business process re-engineering as part of the implementation phase. It is not possible at this stage to identify the impact the implementation of E-Justice will have on the role of the stenographer or stenotypist.

If a decision is made to implement DAR, it will likely have to be carried out, in part at least, with the E-Justice project. While we are advised that there will be no technical prohibition on linking E-Justice with a DAR solution, it would be important that there be liaison between the teams working on each project, thereby deriving maximum efficiency and business benefit from the significant investment required.

### 4.3.3 Court Buildings

We are advised that court venues are not cabled to operate in an networked ICT environment. Any significant ICT development such as DAR or E-Justice will demand a comprehensive assessment of the courts building estate.

## 4.4 The Feasibility of Introducing DAR to the Cypriot Courts

As per the Terms of Reference, the purpose of this study is to assess the *feasibility* of introducing DAR as the standard method for the recording of courts proceedings in the Cypriot courts. To make that assessment, the Review Team have asked whether DAR can:

- Deliver fully on the business and administrative needs of stakeholders while satisfactorily addressing their reservations.
- Integrate with current administrative practices and procedural requirements.
- Provide an improvement in customer service.
- Deliver added value to the courts system.
- Provide for other opportunities or scope for improvement in the courts.
- Be delivered by the Supreme Court, with the support of the relevant ministries and departments, from technical and business perspectives.

Below we provide answers to these questions.

### 4.4.1 Can DAR Deliver Fully on the Business and Administrative Needs of Stakeholders while Satisfactorily Addressing their Reservations?

A critical measure of the success of any ICT system is that it delivers on the business and administrative needs of all stakeholders. This applies similarly to DAR. Our meetings and other communications with various stakeholders have offered us a clear picture of what a system for the recording of court proceedings should deliver. At 4.2 we formally identified stakeholder needs, and in the following pages we assess whether DAR has the capacity to deliver fully on those needs.

- A. *The long-term viability and sustainability of the system of recording and transcribing of evidence in court proceedings in the context of such future developments as increases in the numbers of judges and courts.*

All the evidence available to us from the analysis of DAR in other jurisdictions — notably in Ireland, the European Court of Justice (ECJ) and Slovenia — is that DAR is a relatively simple to use, continually evolving technology that provides a reliable long-term and sustainable solution for the recording and transcribing of court proceedings. In every jurisdiction studied by the Review Team, DAR works as a critical tool within court operations and has done so for many years.

DAR was introduced to the Irish courts from 2008 and is in use in the ECJ since 2012. Slovenia installed DAR in all courtrooms commencing from 2010. It is accepted in these court systems as being very successful. Further afield both within the EU and in other jurisdictions including the U.S.A. it is the accepted best practice methodology for recording court proceedings.

Unlike the mix of stenography and stenotyping currently in use in Cyprus, DAR provides a long-term solution. As it is scalable, it can be deployed to new court buildings. It can also be upgraded as technology develops, as witnessed by the complete refresh (renewal of all hardware and software) of the Irish system in 2018, thereby enhancing its longevity and functionality.

- B. Availability of the record during the course of a hearing for consultation purposes and within a short period thereafter so as to facilitate the preparation of written judgments by judges and the management of essential post-court documentation by the Registries.*

DAR provides an audio recording of proceedings that is capable of being accessed immediately in a courtroom setting during a trial. The audio may also be listened to following the hearing from a personal computer or mobile device connected to the courts network. Judges in Ireland regularly make use of this facility in recalling evidence. This is invaluable in the preparation of written judgments or jury charges. A court official with proper authorisation can listen to any recording or portion thereof similarly.

Critically important to any courts system is the immediate management and processing of certain post-court documentation. In this regard the court registries in Cyprus carry a high level of exposure to risk. Experience in other jurisdictions shows that this need not be the case. In Ireland, for example, the court official working within a criminal court prepares the written court outcome (the order) and other related documents such as warrants.

Cyprus does not yet have an ICT case management database. It operates within a manual, paper-based system. Nonetheless, it would be quite straightforward to design an operational structure—either paper- or computer-based—whereby an official working within a DAR enabled courtroom could note the court outcome and relay it to the Registry. The Registry would have DAR on its computers, allowing it a double-check facility if necessary for quality assurance purposes.

Modern courtroom environments utilise ICT to a significant extent. E-mail, case management systems, DAR and video conferencing are typical examples. These various ICT developments have enhanced courtroom efficiency and information transfer to registries and by extension from the registries on to other appropriate authorities such as police and prisons. Common to and critical to the success of such systems is the presence of an official in the courtroom from beginning to end of the court day.

It would be difficult, if not impossible, to manage DAR or any such system in the absence of human intervention in the courtroom. Such systems have various functionalities that require ongoing monitoring and attention at various, albeit infrequent, occasions. Someone must turn DAR on and off, log or notate notable times during a hearing and recall and playback evidence when required.

For DAR to integrate successfully with the management of post-court documentation by the registries it will require a human link between the courtroom and the Registry. In addition to the overall responsibility for such matters in the courtroom, the official is the one who conveys or relays urgent court results to the Registry to enable the critical management of documents such as warrants, bail bonds and urgent domestic violence related paperwork. The Review Team is not aware of any jurisdiction where a DAR system (or ICT case management system) can be operated effectively in a courtroom without a supervising official present.

The absence of such an official from the Cypriot courtroom and the nature and scope of such a role in other court jurisdictions were discussed during Missions 1 and 2. The principle of creating such a role was met with approval in discussions with the President of the Supreme Court and other key stakeholders.

C. *Prompt availability of transcripts of proceedings for any Appeal Court or similar purpose.*

The level of transcripts required after a hearing varies from country to country and is a product of both procedural rules and local culture. In all court systems using DAR, the audio file is the source used by a typist preparing a transcript of evidence of proceedings. A time-stamped log note containing a minimal amount of key information noted by a court official generally supports the audio file. The Irish courts experience shows that overnight transcripts in major trials can be prepared from DAR without difficulty. They can also be prepared at a later stage from the recording as required. While both in Ireland and other member states transcripts are not created *automatically*, they can be provided at very short notice. For example, in the Irish Central Criminal Court (exclusively for murder and rape cases) the sitting judge is provided with an overnight transcript of the previous day's proceedings. The audio is provided to the typist via a live feed, and the transcript is prepared literally as the court is sitting.

D. *Assurance regarding the integrity and transparency of the system that records and transcribes court proceedings including the quality and accuracy of transcripts and the secure storage of stenography/stenotyping notes, records and transcripts.*

One of the drivers in Ireland for the introduction of DAR was transcript accuracy and reliability. Judges, registrars and lawyers also raised this issue during the Missions in Cyprus. Prior to the introduction of DAR in Ireland there was dissatisfaction with those prepared from stenography, the previous principal methodology of recording evidence and preparation of transcripts. The experience of the Irish courts is that transcript accuracy has improved considerably since the introduction of DAR.

It is impossible to overstate the importance of integrity and transparency within a courts system. Management of DAR within proper governance and management policies can ensure that the system will record everything said in court and produce an accurate record thereof for as long as required. It can quickly become evident to all stakeholders that the system works properly, is transparent and is secure. In Ireland all courtroom audio recordings from DAR are stored on secure servers and can be accessed relatively quickly when required. Formal security firewalls exist within the system to protect the security of the courtroom recordings. Recordings of all cases heard since the implementation of DAR are available.

In a DAR environment the written transcript is readily comparable with the audio recording from the courtroom. DAR provides certainty of transcript accuracy and as to what was said. It offers assurance to judges, lawyers and other participants in the courtroom process that they cannot be misquoted, thereby guaranteeing the integrity of the process.

Security is an important concern. It has particular resonance in family law matters or cases involving sensitive business or contract information. It is an accepted risk in the management of any courts ICT system. Countries that have developed courts ICT systems such as DAR have implemented security measures to mitigate such risks. What is usual is the

preparation and operation of strict security, storage and procedural protocols surrounding the management, storage of and access to the audio recordings from DAR.

*E. The capacity to support hearings in the Cypriot dialect and other languages*

DAR can provide assurance on accuracy in the recording of different spoken dialects. Slovenian courts deal with hearings in Slovene, Hungarian and Italian together with several other dialects. In Ireland, while English is the common language, accents can vary dramatically from various parts of the country. The Irish language is sometimes used where the parties are from areas where Irish remains the spoken language. We have been offered no evidence of issues with transcript preparation or accuracy in such instances.

There is a limited available pool of stenotypists and transcribers in Cyprus. This constraint would not apply to DAR as, due to the fact that the audio file is received digitally, the transcriber is not required to be based in situ.

#### **4.4.2 Can DAR Integrate with Current Administrative Practices and Procedural Requirements in the Cypriot Courts?**

DAR is an internationally successful method of recording evidence in court proceedings. However, like any ICT based system, it must be managed and used in a strictly controlled environment. Current practices and procedures in Cyprus reflect a courts system heavily based on paper records, manual transactions and the absence of an ICT network of systems and supports. The development and embedding of operational and procedural protocols for the management of DAR in both the operational and strategic environment will be critical to its success or otherwise. These protocols should cover:

- Governance.
- Ownership.
- Levels of accountability.
- Change management.
- Strategic management.
- Budgeting.

Effective governance over DAR will require a formal structure for policy formulation and administration. This demands clear and unambiguous relationships between courts management and staff, the judiciary and other stakeholders. It will require clear lines of management and defined levels of authority and accountability.

For example, who will have overall responsibility and accountability for the operation of DAR? To whom does that individual formally report? Which area of the courts will plan and manage the budget for DAR? Where does the authority lie to make changes to the system itself or to practices and procedures?

Formal protocols must be developed around:

- Strategic planning in relation to DAR and its potential interaction and integration with future technologies and developments.
- Ownership of and management responsibility for DAR.
- Design and delivery of training for members of the judiciary, management and staff in DAR and in any revised procedures and protocols.

- Management of staff with responsibilities for DAR.
- Development of revised operational practices and procedures within the courtroom and the registries.
- Management of Service Level Agreements in place for system support, data security, storage, archival and retrieval of courtroom recordings.
- Ownership of and access to courtroom recordings and transcripts with ancillary administrative arrangements.

#### **4.4.3 Can DAR Provide an Improvement in Customer Service?**

Customer service should be consistent. Every user should know exactly what to expect in an interaction with the system in question and there should be certainty as to what service is being delivered and how. DAR has the capacity to enhance the customer experience. Every court user will have the same rights, obligations and customer experience. Protocols and procedures will be in place for the management of system infrastructure, courtroom procedures, data and audio management and security.

A judge will know that the court in which he/she presides will be supported by DAR as the method of recording the proceedings. The audio recording will be accessible during the hearing for review, if necessary. The transcript can reflect exactly what was said in court. The judge will have a consistent courtroom and post-court experience. Court registries can be assured of a consistent methodology for the delivery of court results.

Stakeholders can have confidence that there is in place a standard method of recording proceedings. Audio recordings and transcripts may be made available to the parties within a regulated framework.

#### **4.4.4 Can DAR Deliver Added Value to the Courts System?**

DAR can deliver a highly effective method of recording and transcribing court proceedings. It can also, if properly regulated and managed, contribute added value and enhancements to the administration and operation of the courts. None of the following benefits are available within the mix of the stenography and stenotyping processes currently in place.

They include:

- Courts ownership of all court recordings and records.
- A more professional and modern courts system incorporating a more stable working environment for all users.
- More efficient use of judicial time leading to reduced waiting times for hearings and appeals and a more supportive working environment for the judiciary.
- The beginning of the technological and operational modernisation of the courts.
- The creation of formally designed operational protocols driving consistency of practice.
- Enhanced local and international reputation of the courts leading to a sense of professional achievement in services delivered by the judiciary and staff.

#### **4.4.5 Can DAR Provide Other Opportunities for Improvement in the Courts?**

The introduction of DAR can provide opportunities in areas hitherto unavailable. This has been the experience in Ireland and other jurisdictions that we have studied. Examples include the following:



*A. Reduction in the numbers of transcripts created with consequential cost savings*

The experience in court systems where DAR is operational is that it has led, over time, to a significant reduction in the level of transcripts required. The general policy in such jurisdictions is that the default method of checking the record is via the audio rather than the written transcript. Production of a written transcript is generally the exception rather than the norm. Where the production of a transcript has been identified as essential, however, it is prepared. It is also possible to prepare a transcript in any other case, and at any stage after the hearing, if one is required. As noted before, the reduction in the level of transcripts in Ireland has also led to a considerable reduction in transcription costs since the implementation of DAR.

*B. Cultural change*

Virtually every process in the courts system in Cyprus is outdated, being paper based, cumbersome, and heavily reliant on manual input. The implementation of DAR can provide the courts with the opportunity to move from a traditional paper-based system to one that is clean, efficient and modern. The successful implementation of DAR can be a significant driver of stakeholder engagement in a transition to positive cultural change.

*C. Capacity to integrate with ICT initiatives*

DAR provides an opportunity to embrace positive change that can lead to the development and design of further ICT systems. The courts must operate in the most effective and efficient way possible, and use of digital services contributes greatly to this end. DAR can be the icebreaker in introducing all participants in the courts system to the possibilities offered by ICT to drive service delivery modernisation. DAR can have the capacity for integration with case management systems such as E-Justice and other initiatives such as video-conferencing. The latter can facilitate the hearing of witnesses from remote locations such as prisons and hospitals.

*D. Enhanced role for stenographers*

There are currently 101 stenographers employed in the courts. Their duties are a mix of stenography and the provision of secretarial support to the judiciary. Upon final rollout of DAR, the courts would no longer require the use of stenography for the recording and transcribing of court proceedings. This can present an opportunity to enhance the current role of the stenographers and to redevelop it as deemed appropriate.

The following “before and after DAR” graphics illustrate the critical benefits that DAR can deliver. The “before” column notes the key deficits within the current system. The “after” notes how DAR can transform the situation. Each graphic is from a different perspective, showing respectively the potential impacts of DAR on the organisation, the judiciary and the registries.

**Fig 4.2: DAR and the Organisation**

| Before DAR                                                                                                                                                                                                                                                                                      | After DAR                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Service delivery inconsistent</li> <li>2. Uncertainty about record accuracy</li> <li>3. Record of proceedings not guaranteed</li> <li>4. Paper-based records</li> <li>5. Questionable system transparency</li> <li>6. No formal governance</li> </ol> | <ol style="list-style-type: none"> <li>1. Consistent service for all users</li> <li>2. Verifiable record of hearings</li> <li>3. Audio available in every case</li> <li>4. Recordings digitized</li> <li>5. An open and transparent system</li> <li>6. Governance structure in place</li> </ol> |

**Fig 4.3: DAR and the Judiciary**

| Before DAR                                                                                                                                                                                                                                                                                                        | After DAR                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Stenography/stenotyping supports not guaranteed</li> <li>2. Judicial note taking required</li> <li>3. Delivery of transcript not guaranteed</li> <li>4. Unnecessary time checking accuracy of transcripts</li> <li>5. Judge can be misquoted/accused of bias</li> </ol> | <ol style="list-style-type: none"> <li>1. All court proceedings recorded</li> <li>2. Significant reduction in note taking</li> <li>3. A permanent record in every case</li> <li>4. Better use of judicial time</li> <li>5. All proceedings verifiable from audio</li> </ol> |

**Figure 4.4: DAR and the Registries**

| Before DAR                                                                                                                                                                                                                                                   | After DAR                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Lack of resources to record all hearings</li> <li>2. A significant risk to court operations due to delays in receiving court outcomes</li> <li>3. A paper-based system is exposed to damage/destruction</li> </ol> | <ol style="list-style-type: none"> <li>1. DAR operating in every courtroom</li> <li>2. Court official can convey court outcomes to the Registry immediately</li> <li>3. Digitised records are stored securely</li> </ol> |

**4.4.6. Can the Supreme Court (with the support of the relevant ministries and departments) Deliver and Implement DAR?**

*A. Management of the courts*

The Functional Review (FR) of the Courts System in Cyprus in 2018<sup>17</sup> concluded that “the capacity and resources do not currently exist within the system to provide sufficiently strong leadership and management, or to implement the fundamental changes now required”. It went on to stress the importance of management systems and structures that are fit for purpose. It recommended that those systems and structures be put in place.

These recommendations have not been given effect. In our view it will be hugely challenging to embark upon and manage to successful conclusion a project such as DAR in the absence of the management structures and systems recommended. There are no dedicated management support functions such as HR, financial management, or ICT. This situation may not be unique, but it is certainly uncommon in court jurisdictions within the EU.

*B. Paper-based systems and processes*

The courts system in Cyprus is largely paper based. Court and registry processes are in the main carried out manually. Records are in paper format almost without exception. As a result there is little or no experience available within the courts in utilising ICT in an integrated fashion with court operations. For DAR to be successful it will be of critical importance that it is integrated seamlessly with the practices and procedures in operation. Many of these will need to be re-designed. This process is normally defined as *business process re-engineering*. Designing how DAR will integrate seamlessly with court operations is possible, but it will be challenging.

<sup>17</sup>At p132 4.2.3

### C. Lack of experience in managing ICT-based projects

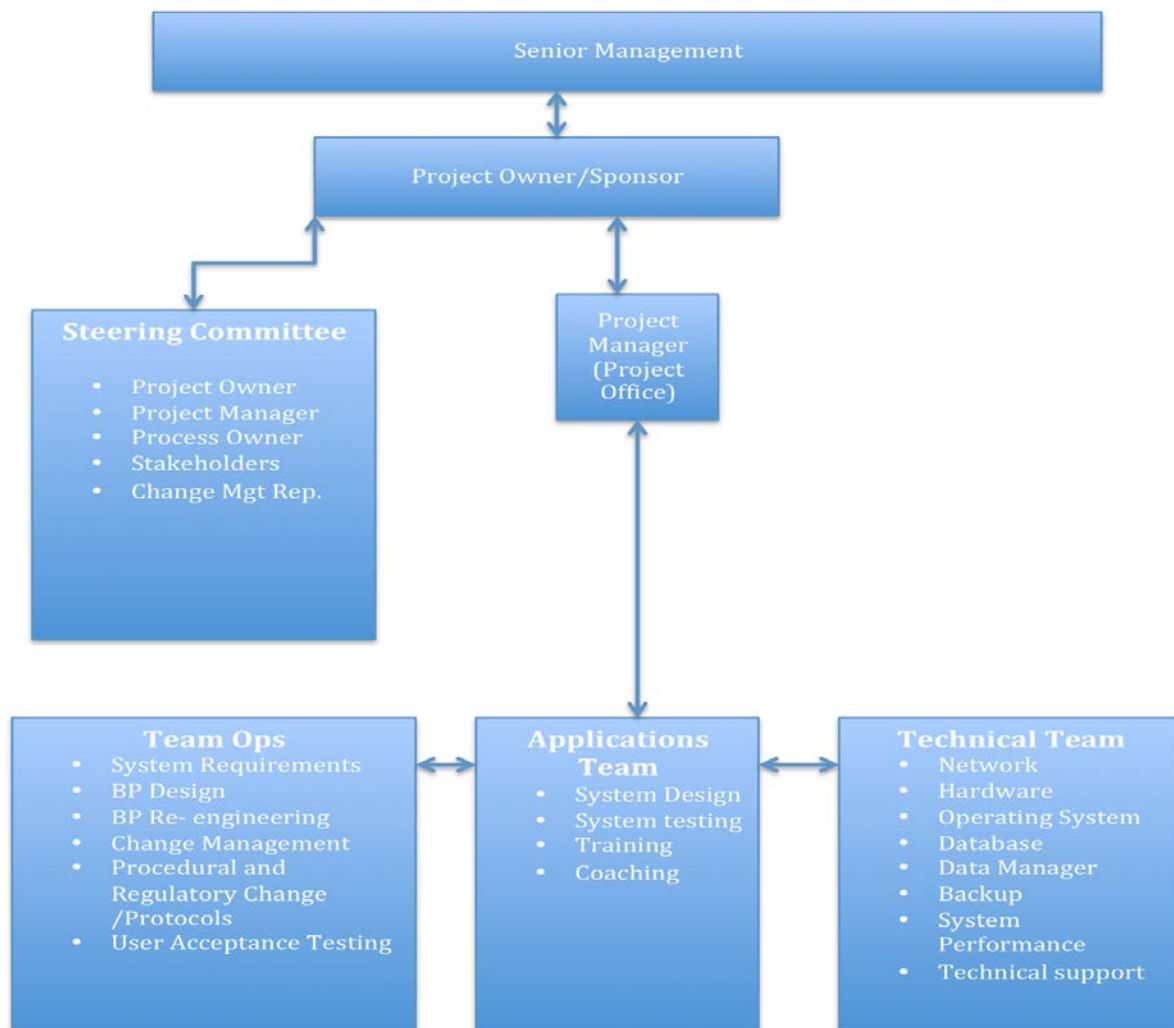
The courts do not have any structured ICT systems in place to manage cases, court lists or provide management information. There is no ICT management unit within the courts and at no time has a formal ICT project been designed and implemented. Consequently, there is an absence of the ICT skills necessary to plan and support a project such as DAR. The other related competencies needed in a project of this complexity include:

- Project management\*.
- Change management.
- Financial planning and budgeting.
- Business process re-engineering.

\*In relation to Project Management we are advised that formal project management expertise is available in other ministries and can be provided to support the Supreme Court, and that it is planned to buy project management services from the private sector to deliver the E-Justice project.

ICT projects operate at a number of critical levels that are inextricably interlinked and interdependent. The following graphic illustrates a typical ICT project delivery structure.

**Fig. 4.5: Project Management Structure**



The current management structure within the courts does not allow for the establishment of a business model as illustrated. While the model is for descriptive purposes and is not prescriptive in how a DAR project might operate, it is indicative of how such a project is managed.

The introduction of DAR will be significant for the Cypriot courts system. It will possibly be the first substantive ICT-based solution to legacy problems within the courts. It will introduce stakeholders, management and staff to the potential of ICT in the delivery of improved, more efficient and streamlined services to users. It will start the process of bringing the delivery of court services in Cyprus into the modern digital era.

However, its planning, implementation, rollout and ongoing management carry significant risks and it also presents challenges for the judiciary, management, staff and court users and faces a number of operational management constraints in its introduction.

Further challenges will emerge as the system is gradually rolled out and becomes embedded within court operations. There are challenges generic to any major ICT project and challenges unique to the courts in Cyprus.

## **4.5 Generic ICT Project Challenges**

The following are the key generic challenges likely to be encountered in the planning, implementation and rollout of DAR.

### **4.5.1 Project Planning**

The first major challenge that project managers and team members face is not knowing what exactly to expect from the project. If the goals and objectives are not clearly defined, the project may fail. Lack of clarity as to the specific deliverables and project timescales will likely result in confusion and uncertainty. It is vital to set goals which conform to the SMART acronym: goals that are Specific, Measurable, Attainable, Realistic and Timely. It is at this stage that the scope of the project is defined and a project management plan developed. Failure to set realistic timelines and deadlines will lead to unrealistic expectations from stakeholders, leading to a loss of confidence in the project.

The project plan will identify the cost, quality, available resources, and a realistic timetable. It will also establish baselines or performance measures. These are generated using the scope, schedule and cost of a project. A baseline is essential to determine if a project is on track.

To the best of our knowledge, expertise in project planning of this sort is not currently available in the courts system. Courts management will need to be able to source the requisite experience and/or to train team members to the necessary standards.

### **4.5.2 Scope Changes**

The scope of a project is part of project planning. It includes deciding and documenting a list of specific project goals, deliverables, features, functions, tasks, deadlines and costs. It is basically the documentation of the work to be done so that the project is delivered. Designing the scope gives clarity to all involved and sets a clear pathway to the end result. Accordingly, changes to the scope during the project can threaten its chances of success and can increase the costs. The key challenge is to forensically design the scope at the beginning so that there is no deviation from it at any later stage.

### **4.5.3 Inadequate Skills for the Project**

Delivery of an ICT project such as DAR demands knowledge and expertise. The success of the project will hinge substantially on the skills of the personnel assigned to its delivery. It is often the case that staff are assigned to a project because of their availability rather than their expertise and knowledge. All members of the project team, including the project manager, must be skilled and trained sufficiently to meet the challenges and perform assigned tasks.

### **4.5.4 Lack of Accountability**

Project management is structured and formal. It requires the application of particular skills and competencies in carrying out a myriad of specific varied tasks all designed to lead to a defined and unambiguous goal. The structure may be described as a pyramid-like. At the apex is the senior management team. Reporting to it is the project owner/sponsor. He/she has formal individual responsibility for the project delivery. It is to him/her that the project manager reports. The latter manages the project office, which is composed of the staff specifically assigned to the project.

Within the project structure there must exist clearly defined roles and responsibilities for all of the above mentioned. Tasks within a project are critically interdependent and carry strict time deadlines. Any person carrying responsibility must be accountable formally for his/her role. Lack of such accountability can create indiscipline and foster anxiety among others involved. This can easily result in project delay or even failure.

### **4.5.5 Risk Management**

A risk is defined as anything uncertain that might happen to negatively impact on a project. It is impossible to deliver any ICT project to a successful conclusion without a formal risk management process, and courts management should ensure that this is in place. This process robustly identifies, evaluates and prioritises risks. It should be accompanied by a planned deployment of resources so as to eliminate entirely or reduce the likely impacts of such risks on the project.

### **4.5.6 Poor Communication**

Poor communication will inhibit and restrict the successful delivery of a project. The development of a Communication Plan is of particular importance in a project involving external stakeholders. It is vital that all stakeholders are aware from the beginning as to what is happening. The challenge is to manage the delivery of communications in a proactive and positive manner by the provision of open and clear communication. No person involved in or affected by the project should hear news second hand. No one should be left wondering what is happening at any stage in the process. Communication with everyone involved must be clear, timely and unambiguous.

## **4.6 Challenges Specific to DAR in Cyprus**

### **4.6.1 Building a Consensus for Change**

It will be necessary for management to build a coherent and persuasive case for change among all stakeholders. Gaining the support of stakeholders is critical to the success of the project. This is of great significance as, if implemented successfully, DAR it will be the first ever such project initiated within the courts in Cyprus.

All stakeholders need to be persuaded of the absolute necessity for the change and of the benefits that the new system will bring. Some will be more readily convinced earlier than others. The former category should be used in a positive way to sell the benefits of the project to colleagues and other stakeholders. It is important to recognise and build on the momentum among stakeholders for positive change, some of which is already ongoing within the Reform Programme.

#### **4.6.2 Acquisition and Procurement of a DAR system**

It is critical that the design and functionality of the system to be procured for the courts in Cyprus is fit for purpose. The operational needs of the courts and key stakeholders must determine the design of the system. There must be a comprehensive consultation process between representative stakeholders and the technical experts who will design and ultimately procure the DAR system from the marketplace.

#### **4.6.3 Assessment of Depth and Breadth of Service Level Agreement(s)**

The installation and rollout of DAR will take a considerable period of time. It is essential that during this period, and for an appropriate period thereafter, the provider is properly contracted to furnish the levels of support necessary in areas such as:

- Technical support.
- Training.
- Data storage and security.
- Transcript production.
- Monitoring of pilot site(s).
- Ongoing project review.

It will be critical to have a formal service level agreement in place to cover these matters.

#### **4.6.4 Management of Any Period of Transition and the Stenotyping Contract**

The current system for the recording and transcribing of evidence involves a mix of stenography, stenotyping and note taking by individual judges when necessary. This is a situation which is highly unusual and is likely to make management of any period of transition quite challenging. The transition to having DAR in place across all the courts will likely take some years. Courts management must introduce DAR on a systematic and phased basis while simultaneously managing non-DAR courts in the traditional way. There will necessarily be an overlap between use of the traditional methodologies of recording court proceedings and use of DAR. This will require the creation of a long-term plan that has as its ultimate goal DAR as the standard method for recording all court proceedings.

In the event that it decides to implement DAR, the Supreme Court will need to decide on the future of the stenotyping contract. Management would appear to have a number of options to consider, as follows:

- Allow the contract to run for its full 10-year lifespan.
- Renew the contract.
- Terminate the contract, within the terms and conditions of the contract, at a specified time and giving the requisite notice to the contractor.
- Purchase the contract outright.

Any decision will require careful evaluation and consideration of all the options. Matters to be taken into account in making this decision include the following:

- Whether the recommendations made in this report have been approved with the necessary funding, staffing and resources.
- The state of preparedness of the Supreme Court to implement DAR within the strictures set out in this report.
- The timeline for the delivery of DAR and the necessary period of transition from stenography and stenotyping to DAR.
- The cost benefits for the courts and the Government of Cyprus of the various options. This would merit a comprehensive cost-benefit analysis carried out by the appropriate bodies, with full access to all necessary data.
- The operational and management impacts on the courts of the various options.
- The future of stenotyping as a methodology for recording proceedings in the context of technological developments.
- The future role of stenographers within the courts.
- The numbers of stenographers willing or with the capacity to be trained to the required standard in stenotyping.
- The capacity of the Supreme Court to manage (in the event of a decision to purchase the contract outright) stenotyping from the perspectives of court operations, staff recruitment and training, budgeting and risk.
- The Human Resource (HR) and Industrial Relations (IR) impacts of any decision.
- A risk analysis of the various options, including an assessment of how the course of action ultimately chosen will be integrated with the implementation of DAR.

The Review Team has prepared an **Action Plan** (at Chapter 6 ) with an estimated timeline of the DAR project, over a two year period, from beginning to completion. This offers more detail on the sequencing of the timelines within the project and the overlap of particular timelines during implementation.

In implementing this plan, careful consideration should be given to the cadre of stenographers and their future role in the courts system.

#### **4.6.5 E-Justice**

It is not clear which project, DAR or E-Justice, will commence before the other. While each can play a pivotal role in the modernisation of the courts, it will be a challenge to integrate them. The most significant issue will be to maximise the benefits of each system without compromising the efficacy of either system. To this end, project management structures for each project must engage with each other from the very beginning.

#### **4.6.6 Change Management**

Change management is the creation of a formal structure to oversee and manage the changes arising from the implementation and rollout of DAR. It is an accepted fact in business, whether in the public or private sectors, that organisational change presents various challenges. Change of this nature must be carefully managed so as to gain the maximum benefit from the project and to enhance the performance of the organisation and its staff. The project team will need to have the skills and experience necessary to manage the consequences of the change.

Some of the known challenges arising from organisational change are:



- Resistance to change – it is part of the human condition to want to remain in a comfort zone. If something appears to be working well then why change it?
- There can be a generalised apathy that neither supports nor opposes change.
- Fear of change – this is common and reasonable response to the perceived threats from major organisational change. The rollout of a significant change project affects everybody working in the courts and significant numbers of external stakeholders.

It is of added significance that this project will be the first ever ICT project in the Cypriot courts. Elsewhere such a project would be an ICT “add-on” to a range of existing systems. In Cyprus DAR will herald the dawn of an ongoing era of change. It is perfectly understandable that staff will have fears. These must be managed in an appropriate and structured manner. Staff will need to know that they are being provided with support throughout the period of change.

#### **4.6.7 Business Process Reengineering**

The introduction of DAR will have an effect on day-to-day court operations. It will involve change to long-standing working practices for the judiciary, courts management and staff and for the registries. It is important that the formal nature of these changes be documented and recorded. The changing of a legacy working methodology to a newer one is commonly described as *business process reengineering*. New standard operational procedures will need to be designed and implemented so as to ensure maximum effectiveness of DAR and its successful integration with the operations of the courts and the registries.

#### **4.6.8 Risks Particular to DAR in Cyprus**

The Review Team has already addressed the management of risks that are generic to major projects. Set out below are those risks likely to be encountered in DAR itself and which can be described as unique to this project. These include:

- The project does not receive sufficient funding or staff resources, particularly the adequate funding for the appointment of the necessary numbers of the new grade of courtroom official. A summary of the resource implications arising from the introduction of DAR is at Appendix H.
- Inadequate stakeholder consultation with the Office of the Attorney General, Pan-Cyprian Bar Association, Police and Prison Services and other court users results in the design of a system that fails to adequately deliver on stakeholder needs.
- The system purchased is not fit for purpose for the courts in Cyprus.
- DAR system/ancillary support contracts are inadequate for the needs of the Cypriot courts or do not provide value for money.
- A failure by the Supreme Court to put in place clearly defined project management structures with appropriate expertise or clearly defined levels of accountability and responsibility leads to potential project failure, significant delays, budget overruns and loss of confidence among stakeholders.
- Lack of project definition by the Supreme Court leads to project creep, thereby causing delays and cost increases.
- Failure to manage the project budget properly leads to cost overruns.
- Failure to adhere to timelines and milestones within the project leads to delay(s), with financial, operational and other consequences.
- Appropriate legislative, court rules and other related changes to facilitate DAR introduction are not made in time, or at all, causing delays to project timescales.

- Failure to communicate properly with stakeholders leads to the loss of stakeholder engagement and confidence in the project.
- Failure to deal with commercial service providers on a technical level leads to inadequate support and ancillary services delivery.
- Failure to manage change properly disrupts court operations and organisational stability.
- Protocols in place for the management of DAR, data security, storage, etc., are inadequate.
- DAR is not properly integrated into day-to-day court operations, thereby potentially destabilising court and registry operations.
- Failure to develop formal protocols around the preparation of written transcripts in a DAR environment result in the Cypriot courts not obtaining maximum value for money from the project.
- Failure to ensure that DAR integrates seamlessly with E-Justice results in a failure to get maximum benefits from either or both systems.

#### **4.7 Operational Management Constraints**

A constraint can be described as anything that might negatively impact on the success of a project or prevent the attainment of any goal within the project. There are a number of management constraints that could prevent or hinder the introduction, implementation and success of DAR. These include:

- The absence of an organisational management structure as already identified.
- The absence among courts management of any experience or expertise in specialist areas such as ICT, project management, systems development, change management or business process re-engineering.
- Lack of experience within the courts of use of ICT systems.
- Insufficient staff numbers available for assignment to project.
- Lack of adequately trained staff for assignment to the project.
- Inadequate financial resources available for project.
- The existing stenotyping contract.
- The current roles and responsibilities of the existing complement of stenographers.
- Current proliferation of written transcripts and future expectations in relation thereto.
- Inadequacy of ICT cabling in courthouse building stock.

## 5. Conclusions and Recommendations

### 5.1 Introduction

The recording of court proceedings, the accuracy of the record, and the secure retention of that record are critically important to any court jurisdiction. The absence of a reliable methodology and system for so doing can negatively impact on:

- Local and international perception of the courts in the context of transparency and accountability.
- The efficiency and effectiveness of court operations.
- Value for money.
- The proper use of judicial time.
- Customer service delivery.
- Stakeholder satisfaction and confidence in the system.

In the meeting with the President of the Supreme Court, part of Mission 2, support was expressed for the introduction of DAR to the courts. The President confirmed that the Supreme Court are positively disposed to the project and are of the view it would increase efficiency and speed up hearings. It was suggested that while the study and recommendations must reflect the realities of the Cypriot system, the proposal that a court official would manage the court list and ICT systems, including DAR and E-Justice, would be favourably received. It was indicated that any proposals that would lead to a reduction in the number of transcripts would also be seen as beneficial.

### 5.2 Conclusion One: The Current System is Not Fit for Purpose

The Review Team has examined the current system for the recording and transcribing of court proceedings in Cyprus. It has studied similar areas of court operations across the EU, particularly in Ireland and in the European Courts of Justice. Note has been taken of existing and potential ICT initiatives and developments in court administration and of the Cypriot courts current reform programme, including E-Justice. There has been extensive engagement with all stakeholders. The Review Team has familiarised itself with their various business needs and requirements. Significant regard has been paid to the study visit made by the Cypriot courts delegation to the courts in Ireland and to the ECJ in Luxembourg.

Conclusion one—that the current system is not fit for purpose—is based on the following findings.

#### 5.2.1 Strategic

- It is important that citizens and stakeholders in the courts system see that it is open, transparent and accountable. The current arrangements for recording proceedings do not satisfy this demand. Transcripts of proceedings are unavailable in most cases. When transcripts are available, quality assurance and accuracy issues exist around them.
- The integrity of the judiciary and the judicial system can be undermined within the current system. A judge may be misquoted, accused of bias or misbehaviour, with the likelihood that he/she will have no definitive record of proceedings to gainsay any such allegation.
- A modern court system should have access to recordings of all court proceedings. The record in every case should be available for review immediately. This is not the case in Cyprus.

- No formal management policy or structure exists to oversee this vital component of the courts system. There is no oversight from budgetary, operational, risk, security or long-term planning perspectives. No formal protocols exist to support matters such as transcript quality assurance and storage of records.
- Day-to-day operational management of the recording process is uncoordinated and fragmented. The stenographers are courts staff and are under the responsibility of the Chief Registrar. Day-to-day deployment of the resources from the stenotyping contract is managed by the registrar of Nicosia District Court.
- A critical element of the Cypriot courts reform programme is the appointment of 53 new judges, which is expected in early 2020. The new appointments are designed to service courts clearing backlogs in cases and to support new courts. Considerable planning and financial resources have been invested in this initiative, which seeks to bring to an end the delays within the courts system. There is no capacity within the current system of court recording to service this initiative. The new courts will begin their work at a significant disadvantage. The absence of recording facilities will slow down hearings, leave a void in the context of transcripts for appeals or other use, and cause frustration among the parties, other stakeholders and in the higher courts.
- E-Justice, if successfully implemented, can transform the courts from an outdated paper-based system to a forward-looking electronic and digitally supported one. The continued use of stenography, stenotyping and notes taken by judges to record court proceedings is at odds with this initiative.
- Any risk assessment of the overall recording and transcribing system would point to a single critical point of failure in relation to the stenotyping contract. It is provided by the only service provider in Cyprus. Failure of this provider would leave the courts with a gap in service that is impossible to fill.

### 5.2.2 Operational

- A system for recording and transcribing court proceedings should have the resource capacity to support all the courts. The current system cannot guarantee this. It is at maximum capacity and without the capability to expand. Capacity is reducing gradually with the ongoing decline in the numbers of stenographers. The current system has no scope to provide a service to all the existing court sittings let alone the approximately 40 additional ones due to commence early in 2020.
- Of the approximately 80 courts sitting daily, only 25 (those supported with stenotyping) are certain to have a record of the proceedings. Of the others, some will have a record, many will have none at all, and the remainder will have signed judges' notes as the record.
- Reliability of the court record is essential in the context of its subsequent examination, whether by the judge, the parties or by a higher court. Stakeholders have reservations about the complete accuracy of the transcripts produced by stenography and stenotyping.
- Judges spend valuable time during hearings diligently taking notes when the court is unsupported by stenography or stenotyping. Regardless of how much effort is expended by the judge in this regard, the notes cannot accurately show everything that has been said in any particular case.
- The current system provides no added value to the courts. It lacks any staff or stakeholder support capacity or security guarantees and is not scaleable (cannot be expanded) to new courts or court venues.

### 5.2.3 Stenography

- Stenography is no longer accepted as best practice for recording court proceedings in the jurisdictions the Review Team has examined.
- The number of stenographers available to the courts in Cyprus is no longer adequate to cover all court sittings.
- Those stenography resources that are available are not devoted full time to court hearings.
- Stenography can no longer form part of the strategic solution to the recording of proceedings.

### 5.2.4 The Stenotyping Contract

The stenotyping contract has, since 2015, supported the courts in the context of a reducing number of stenographers. The future options relating to this contract are addressed at 4.2.2 and 4.6.4.

The Review Team is of the view that, for the following reasons, stenotyping does not offer a potential long-term solution to the recording of proceedings in the courts.

- Stenotyping is not proven to be cost effective. There is no evidence that it offers value for money. There is not a choice of contractors available in Cyprus, so there is no market competition.
- It is limited in its functionality and is not a networked solution, providing no more than a stand-alone service to a courtroom on a given day.
- The output from the court recording is limited, consisting of a written transcript and a soft/digital copy thereof.
- There is no guarantee as to transcript accuracy.
- It is very labour intensive, demanding a highly trained human presence in every courtroom.
- Other than the creation of the recording and transcript, the stenotypists provide no other services to the courts.

It is important to emphasise the important items of added value available from digital recording, which stenotyping cannot provide, including:

- The system itself (DAR) underpinning and guaranteeing the integrity of the court recording process.
- The storage and management of all courtroom recordings centrally and securely.
- The capacity to reduce significantly the number of written transcripts produced, thereby reducing costs and needless use of paper with the knock-on benefits of reduced demand for storage and filing space.
- The ability of judges, lawyers and staff to actually listen back in the courtroom to audio already recorded.
- Remote access, by authorised officials and judges, to courtroom recordings.
- A single effective and efficient methodology for the recording of all court proceedings from end to end within a formal framework of procurement, budgeting, management, administrative and governance protocols.
- The capacity for further development and integration with similar areas such as Voice Recognition Technology (VRT) and video-conferencing.

### 5.2.5 Customer Service

No individual stakeholder group within the system has certainty as to the consistency of the service provided. The service delivered to all users and the customer experience differ as resources dictate. We have already assessed and identified stakeholder business needs. None of them are satisfied within the current system. The following examples are illustrative:

- A judge does not know whether the court will be supported by a stenographer, a stenotypist or at all. Only the presence of a stenotypist can guarantee a transcript of the recording of court proceedings. This has created a dependency on written transcripts, one which did not exist prior to the commencement of the stenotyping contract in 2015. This causes difficulties for judges, legal practitioners, registries, courts management and the appeals courts.
- Court results, the accuracy of which are the bedrock of a courts system, are notified to the registries in a variety of different ways. The registries, in the absence of a person monitoring courtroom events, are critically dependent on receiving the outcome or result accurately and promptly. The mix of methodologies used to do so is unsatisfactory and risky. Sooner or later there is likely to be a systems failure in the management of post-court documentation such as a warrant issue or bail.
- Parties to court proceedings should be able to access, with relative ease, the record of what has been said in court, either in whole or in part. This is not the situation in Cyprus.
- The third method of recording court proceedings, the taking of additional notes by sitting judges, is totally unsatisfactory. It is a needless waste of invaluable judicial time. Note taking of its nature is cumbersome and inevitably delays the length of court hearings, further exacerbating the backlogs of cases awaiting hearing throughout Cyprus.

### 5.2.6 Value for Money

The stenotyping contract is with the only provider in Cyprus. The contractor has no potential rival bidder for the business of the courts. This is unsatisfactory. Competitive procurement is a cornerstone of prudent financial governance for any public service organisation.

The stenotyping contract will end, at the latest, in 2025. Based on figures provided to us, the courts will spend €34.8m in the 6-year period 2019-2025 on stenography and stenotyping. This averages annually at €5.8m. It is worth bearing in mind that this is for a service that is inconsistent, fragmented and incapable of servicing all the courts. It is a significantly excessive amount for the return it delivers.

Direct comparison can be made with Ireland, which uses DAR across the entire network of 240 courts.

- The Irish Courts Service in 2018 refreshed (upgraded) its entire nationwide DAR system, including all hardware and software, at a cost of €1m. This was the first such upgrade since the rollout of DAR took place.
- The Irish Courts Service will spend €400,000 in 2019 on system support for the entire system across 240 courtrooms – this includes help desk support, data hosting, security, system maintenance, etc.
- The cost in 2018 of the use of a commercial logging service and of overnight transcripts in the Criminal Courts of Justice (CCJ), referred to in Chapter 3, was €700,000, with an approximate 50-50 cost ratio between the respective services.

One especially crucial difference exists between the court operational systems in Ireland and Cyprus: the presence in an Irish court of an official to manage DAR. However, such a role existed in Ireland prior to DAR, and the in-court management of DAR is just a small part of the role. The cost of such a role therefore cannot be factored into any cost comparison between the two jurisdictions.

### 5.3 Conclusion Two: It is Feasible to Introduce DAR to the Cypriot Courts

The Review Team has analysed, using the criteria set out in Chapter 4, the *feasibility* of introducing DAR as a method of recording court proceedings in Cyprus. The Team has noted that:

- DAR is now the most commonly used methodology of recording court proceedings within the EU and, increasingly, worldwide. This is because DAR has proven itself easy to use, customer friendly and with the capacity to provide assurance as to the integrity and transparency of court hearings.
- It can integrate with electronic case management systems and other ICT-based courtroom developments such as video conferencing and voice recognition technology.
- It is secure and, when properly managed with ancillary support contracts, is reliable and can be trusted by stakeholders.
- DAR can satisfy all the business needs of Cypriot courts stakeholders.

### 5.4 Recommendations

It is recommended:

1. That the Cypriot courts introduce DAR as the standard methodology for the recording and transcribing of court proceedings.
2. That the planning for DAR commences immediately. The Review Team is **not** of the view that DAR should await the completion of the E-Justice project. While the projected delivery date for E-Justice is 2021, it has already been subject to delays, more of which may occur. Waiting for E-Justice might delay DAR by several years, by which time technology solutions for recording proceedings may have moved on. New courts will commence sittings early in 2020 without the proceedings being recorded. This situation should not continue for any longer than is absolutely necessary.
3. That the implementation of DAR commences on a pilot basis in two different types of court setting.
  - A court such as the Supreme Court or Administrative Court where the hearings are based on written addresses, arguments, or evidence.
  - A first instance court with higher turnover of cases, oral evidence and the requirement to implement the ruling or order of the court immediately or in a short time period after the hearing.

The establishment of the Court of Appeal, the Commercial Court and the relocation of the Administrative Court to a new court building will provide opportunities to pilot DAR in a modern courtroom setting with the appropriate supporting infrastructure, a fact that could be taken into consideration when identifying sites for the pilot phase.

4. That the courts introduce a new role of court official within the courts system. This will be critically important to the success of DAR. Any courtroom using DAR **must** have a person in court to manage the system. In most jurisdictions such a role carries many more responsibilities. This new role, with a multi-functional set of responsibilities, can add value to courtroom and registry operations in addition to ensuring the effectiveness of the ICT systems within the courtroom. We have set out a template that is typical of this role in Appendix G.
5. That the courts examine the regulation of the production of written transcripts. The introduction of DAR in most jurisdictions has led to a reduction in the level of written transcripts produced. This has led to significant cost savings.
6. That the courts give serious consideration to whether or not to purchase outright the stenotyping contract. It is unlikely that the system has the capacity to integrate with E-Justice or related ICT initiatives in courts administration. It offers limited functionality and does not represent value for money in comparison with DAR.
7. That renewed consideration be given to the recommendation in the 2018 Functional Review regarding the management structure for the courts in Cyprus.

## **5.5 The Management, Administrative, and Legal/Procedural Arrangements to Introduce DAR**

### **5.5.1 Management and Administrative Arrangements**

The challenges that can emerge in the DAR project have already been identified in Chapter 4. It is now appropriate to detail the management and administrative arrangements that need to be put in place to facilitate the development and implementation of DAR.

- The appointment of a project sponsor by the Supreme Court, to represent its interest as the senior management team, for the duration of the project. The sponsor is the person with ownership of and final responsibility for successful delivery of the project. The sponsor will report to the Supreme Court. He/she will be the public face of the project. It is important that the appointee be someone of seniority and knowledge who commands respect within the courts. This role is different from that of project manager.
- The appointment by the project sponsor of a project manager. This person will have overall responsibility for the planning, procurement and execution of the DAR project. This role has been referred to in Chapter 4.
- The creation of a project board. It is worth noting that a DAR Facilitating Committee was established in February 2019 during Mission 1. It should be represented on the project board. Membership should also include the project sponsor and project manager, together with representatives of relevant internal and external stakeholders. Its role should involve official oversight of the project and guidance to the project manager and project team. The board may contain (this list is not exhaustive) representatives from the judiciary, registry managers, staff and the Pan-Cyprian Bar Association. It will have responsibility for a number of areas, primarily:
  - Governance – ensuring that project delivery is managed within all relevant and appropriate regulatory guidelines and ethics.



- Direction – to perform a guidance role for the project manager in making decisions perhaps outside or above his/her area of responsibility. The board will be clear on, and encourage delivery of, the vision of the project.
- Decision making – making important decisions regarding budget overspend, delays, risks and challenges, resourcing issues, etc.
- Spending approval – management at a macro level of the project budget, addressing under-funding or overruns.
- The creation of a project team. This team will function solely for the duration of this project. It will be made up of staff from various units within the courts and, if necessary, from elsewhere. It may consist of full- or part-time members or a mix of both. It is important that this group is placed front and centre of the implementation and rollout of DAR and be seen as such. The team will work as a unit, but each member will have specific areas of responsibility, and will report directly to the project manager. All team members should be already in possession of the following:
  - Knowledge of day-to-day court operations.
  - Good communication skills.
  - Change management skills.
  - Project management skills.
  - Budget management skills or be adequately trained to the appropriate level.
- DAR is a business tool for the Cypriot courts. It is advised that the Supreme Court assign formal ownership of and responsibility for DAR to a member of the senior management of the courts. It is important to draw the distinction between this role and that of the project manager. The project manager carries responsibility for the delivery of project DAR. The business owner of DAR will be responsible for DAR as a functioning ICT system in the courts from its inception and beyond its rollout. DAR should be an integral part of mainstream court operations with appropriate resources, staff gradings and levels of support. The DAR business owner will have responsibilities including governance, day-to-day management of DAR within approved protocols, audio and transcript management, staff assignments, training and management of service level agreements with service providers.
- The DAR business owner should have significant input into the design, rollout, and implementation of DAR.
- The establishment of a formal communications and reporting structure between the DAR and E-Justice projects. It has already been identified that neither project will be fully effective without this structure.
- The creation of a formal link and interaction with facilities management. Preparation of the courts building stock, existing and new, is a critical part of the project.
- The establishment of a Change Management Unit within the courts. Management of change has already been identified as a challenge to be dealt with. Modern court administrative systems possess a unit with formal responsibility for this area. This is especially important in Cyprus with the pending advent of E-Justice, DAR and the expansion of the courts.

### 5.5.2 Legal and Procedural

DAR will drive procedural change within the courts. The nature and scope of new procedures will be a matter for courts management to decide and develop to ensure the integration of DAR with the work of the registries and the courtroom. The Review Team have been advised by the Director of Reform and Training that if the recommendations of the report are implemented the following existing legislative or procedural provisions may require revision to enable the effectiveness of the new operational regime.

- Court of Justice Law 14/1960, article 65.

- Criminal Procedure Law, Cap 155 Articles 81 and 173 (regarding judges notes, written records of the proceedings and the notes of evidence which are signed by him/her and kept as records of the Court).
- Civil Procedure Rules – Order 63 r. 10 (regarding access to the transcript by third parties). Order 63 in general (Title of Proceedings, File of Proceedings and Record of the Appeal) and Order 35 (Appeals).
- Justice Law Procedural Rules 27/2002 and 2009 as well as the relevant forms signed by the stenographers or stenotypists.
- Procedural Rules issued by the Supreme Court (Composition of the Secretariat, powers and duties of the personnel of the Judiciary) 2002, 2009.
- Several Practice Directions issued by the Supreme Court will have to be modified.
- Legislative changes may also be required to permit the use of recording equipment within the courtroom setting and to ensure compliance with GDPR regulations.

These potential changes were identified to us on missions by both the Director of Reform and Training, the judiciary attending the workshop on DAR and the representatives of the Office of the Attorney General. There are no specific legislative provisions relating to recording of proceedings in force at present.

Access to DAR recordings will require regulation.

- Access to the written transcript of a hearing by lawyers and third parties in civil proceedings is currently regulated through the Rules of Civil Procedure, O.63 R.9 R.10. Similar provisions may exist for criminal and administrative cases.
- Based on our discussions during the missions, the information provided from the Cypriot courts and the experience in other jurisdictions, the most likely approach to regulation of access to the DAR audio file will be through rules of court.

In addition, the following procedural arrangements will require consideration:

- Preparation of procedural guidelines for the courtroom operation of DAR by members of the judiciary, registry management, staff, lawyers and other stakeholders.
- Design of SOPS – standard operational procedures for the integration of DAR with the work of the registries.
- Protocols around applications for access to DAR recordings and transcripts and the fees to be charged.

## **6. Action Plan for the Introduction of DAR to the Cypriot Courts**

The pages that follow present an Action Plan for the introduction of DAR to the courts in Cyprus.

## ACTION PLAN

| Action description                                                                      | Responsibility | Commencement date | Due end date | Resources necessary                                                                                                                                                                                                     | Desired outcome                                                                                                                                                    | Comments                                                                                                                       |
|-----------------------------------------------------------------------------------------|----------------|-------------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Consideration of IPA DAR feasibility study and TELMACO report</b>                 | Supreme Court  | Start month 1     | End month 1  | IPA DAR feasibility study<br><br>TELMACO report                                                                                                                                                                         | Approval to proceed with recommendations in DAR feasibility study                                                                                                  | Approval of Supreme Court required for project to proceed                                                                      |
| <b>2. Application for DAR project budget approval from the Ministry of Finance</b>      | Supreme Court  | Start month 2     | End month 3  | IPA DAR feasibility study<br><br>TELMACO report<br><br>Technical input from Ministry of Transport, Communications and Works<br><br>Comprehensive business case, including project cost estimates to support application | Approval to implement DAR in all Cypriot courts<br><br>Approval for necessary financial support to implement DAR, including appropriate additional staff resources | Failure to secure necessary financial resources will prevent project from proceeding                                           |
| <b>3. Assign formal ownership of DAR to a senior member of management of the courts</b> | Supreme Court  | Start month 4     | Indefinitely | IPA DAR feasibility study<br><br>TELMACO report<br><br>Project and budget approval from Ministry of Finance                                                                                                             | Operational area appropriately resourced and managed to have ongoing formal ownership of DAR as a business tool within the courts                                  | DAR will be in operation in the courts for long after project conclusion and requires management and oversight into the future |

## ACTION PLAN

| Action description                                 | Responsibility                      | Commencement date | Due end date                            | Resources necessary                                                                                     | Desired outcome                                                                                                                                                                                                      | Comments                                                                                                                                             |
|----------------------------------------------------|-------------------------------------|-------------------|-----------------------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>4. Appointment of DAR project owner/sponsor</b> | Supreme Court                       | Start month 4     | To continue for duration of DAR project | IPA DAR feasibility study<br><br>TELMACO report<br>Project and budget approval from Ministry of Finance | The project owner/sponsor will have full responsibility for ownership of the project until rollout is completed. He/she will report to and be fully accountable to the Supreme Court for all aspects of the project. | Success dependent on clear lines of responsibility and accountability<br><br>Project owner/sponsor to be a member of senior management in the courts |
| <b>5. Appoint project board</b>                    | Supreme Court/Project owner/sponsor | Start month 4     | For duration of project                 | IPA DAR feasibility study<br><br>TELMACO report<br>Project and budget approval from Ministry of Finance | Project board in place which is representative of all stakeholders with official oversight of project and providing guidance to project manager and to project office                                                | DAR Facilitating Committee should have at least one representative on the board                                                                      |

## ACTION PLAN

| Action description                                                                         | Responsibility        | Commencement date | Due end date         | Resources necessary                                                                                                                                                              | Desired outcome                                                                                                                                                      | Comments                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------|-----------------------|-------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>6. Appointment of project manager (PM) for DAR</b>                                      | Project owner/sponsor | Start month 4     | For project duration | IPA DAR feasibility study<br><br>TELMACO report<br>Project and budget approval from Ministry of Finance                                                                          | Appointment of an experienced project manager with the necessary skills and competencies to deliver DAR                                                              | PM not sufficiently experienced –can result in project failure<br><br>Failure to set levels of accountability and responsibility as between PM and project owner/sponsor can cause confusion and undermine project |
| <b>7. Set up a project office with necessary and appropriately sourced staff resources</b> | Project manager       | Start month 4     | For project duration | Sufficient numbers of staff with experience in court operations<br><br>Staff to possess or be trained appropriately in the competencies referred to in IPA DAR feasibility study | Project office adequately resourced to deliver DAR<br><br>Clear and unambiguous levels of responsibility among project office staff with formal accountability to PM | Inadequate level of appropriately skilled resources can hinder and delay project delivery timescales                                                                                                               |

## ACTION PLAN

| Action description            | Responsibility  | Commencement date | Due end date | Resources necessary                                                                                                                                                                       | Desired outcome                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Comments                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------|-----------------|-------------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>8. Create project plan</b> | Project manager | Start month 4     | End month 4  | <p>IPA feasibility study</p> <p>TELMACO report</p> <p>Technical input from Ministry of Transport, Communications and Works</p> <p>Appropriate levels of financial and staff resources</p> | <p>Project plan covering:</p> <ul style="list-style-type: none"> <li>• Project scope including deliverables and timescales</li> <li>• Risk register</li> <li>• System design and support</li> <li>• Identification of pilot sites</li> <li>• Change management including business process re-engineering</li> <li>• Budget management</li> <li>• Communications plan</li> <li>• Training plan</li> <li>• Formal liaison strategy with E-Justice project manager and with Ministry of Works</li> </ul> | <p>Failure to consult with stakeholders meaningfully <b>or</b> failure to create a plan with goals which are SMART:</p> <p><b>Specific</b><br/><b>Measurable</b><br/><b>Attainable</b><br/><b>Realistic</b><br/><b>Timely</b></p> <p>can lead to loss of stakeholder confidence in and potential delays to or failure of the project</p> |

## ACTION PLAN

| Action description                                                                                                                 | Responsibility                      | Commencement date | Due end date | Resources necessary                                                                                                                                                                                               | Desired outcome                                                                                                                                                                                                     | Comments                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>9. Redeploy/recruit necessary additional staff</b>                                                                              | Supreme Court/Project sponsor/owner | Start month 4     | End month 9  | <p>IPA feasibility study</p> <p>Appropriate budget approval from Ministry of Finance and support of PAPD</p> <p>“Courtroom official” job specification with necessary skills and competencies clearly defined</p> | Sufficient numbers of staff in place to take on new courtroom official role                                                                                                                                         | <p>These staff are critical to the success of DAR</p> <p>Courts will need to engage with appropriate Ministries as to appropriate recruitment or redeployment arrangements</p>                                               |
| <b>10.Design DAR system and functionality incorporating scope and duration of support services required of successful tenderer</b> | Project manager                     | Start month 4     | End month 5  | <p>IPA feasibility study</p> <p>TELMACO report</p> <p>Technical input from Ministry of Transport, Communications and Works</p>                                                                                    | <p>DAR system designed and signed off after comprehensive consultation process with stakeholders</p> <p>Agreement on levels of and scope of various support services required of ultimately successful tenderer</p> | <p>System design must incorporate stakeholders &amp; business needs – failure to do so can result in DAR system being unfit for purpose</p> <p>Inadequate support from contractor can result in potential system failure</p> |



## ACTION PLAN

| Action description                                                                                                                                                                                                                                                                                                                                                                      | Responsibility        | Commencement date | Due end date | Resources necessary                                                                                                                                                                                     | Desired outcome                                                                                                                                                                      | Comments                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>11. Carry out infrastructural including ICT works to all courts estate to enable installation of networked DAR system</b>                                                                                                                                                                                                                                                            | Project manager       | Start month 4     | End month 9  | IPA feasibility study<br><br>TELMACO report<br><br>Technical input from Ministry of Transport, Communications and Works                                                                                 | All parts of courts buildings estate are appropriately cabled from electronic, audio and ICT perspectives to successfully integrate DAR into courtroom and registry operations       | A full audit of all elements of court buildings should be carried out in advance of these works                                                             |
| <b>12. Prepare and issue tender documentation containing comprehensive DAR system specification and clarity on scope of support to be provided by contractor including:</b> <ul style="list-style-type: none"> <li>• Nationwide onsite support services.</li> <li>• Provision of Helpdesk Service.</li> <li>• Remote Management.</li> <li>• Software &amp; Hardware Support.</li> </ul> | Project owner/sponsor | Start month 6     | Month 9      | IPA feasibility study<br><br>TELMACO report<br><br>Technical input from Ministry of Transport, Communications and Works<br><br>EU procurement guidelines<br><br>Cypriot Ministry of Finance regulations | Compliance with internal courts financial policies, Cypriot Ministry of Finance regulations and EU procurement guidelines<br>Tenders issued and subsequently received for evaluation | Breach of procurement guidelines can lead to legal proceedings, loss of reputation for courts, potential financial penalties and delay to project delivery. |

## ACTION PLAN

| Action description                                                                                                                                                                                                                                                                                                           | Responsibility                            | Commencement date | Due end date | Resources necessary                                                                                                                   | Desired outcome                                                                                                                                                                                                                                                                                            | Comments                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-------------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Data Hosting Service &amp; Disaster Recovery site.</li> <li>• Service Delivery Management.</li> <li>• Technical Support.</li> <li>• Transcripts delivery.</li> <li>• Training.</li> <li>• User Licensing.</li> <li>• Other services as deemed necessary and appropriate.</li> </ul> |                                           |                   |              | Courts procurement procedures and policies                                                                                            |                                                                                                                                                                                                                                                                                                            |                                                                                                                |
| <b>13. Plan and design legal and procedural, management and administrative arrangements critical to the rollout and operation of DAR</b>                                                                                                                                                                                     | Project sponsor/owner and project manager | Start month 4     | End month 9  | IPA DAR feasibility study<br><br>TELMACO report<br><br>Office of the Director of Reform and Training<br><br>Reform Steering Committee | That the necessary administrative changes are in place to integrate DAR<br><br>That the essential legal and procedural changes have been made to permit DAR in the courts<br><br>That the business process re-engineering has been completed to integrate DAR with courtroom and court registry operations | Management of these arrangements and the consequential changes therefrom are a fundamental part of the project |

## ACTION PLAN

| Action description                   | Responsibility                            | Commencement date | Due end date | Resources necessary                                                                                                                                                                                            | Desired outcome                                                                                                   | Comments                                                                                                                                                                                                                     |
|--------------------------------------|-------------------------------------------|-------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                      |                                           |                   |              | Experienced courts personnel<br><br>Stakeholder consultation                                                                                                                                                   | That the necessary technical support is in place                                                                  |                                                                                                                                                                                                                              |
| <b>14. Tender evaluation process</b> | Project owner/sponsor and project manager | Start month 9     | End month 9  | Evaluation team sufficiently experienced in or sufficiently trained in: EU procurement procedures, Ministry of Finance procurement procedures, and internal Cypriot courts procurement procedures and policies | Supreme Court in position to award contract for a DAR system fit for purpose with ancillary support services.     | Breach of EU procurement guidelines during evaluation can invalidate the process. Failure to evaluate tenders rigorously may result in selection of DAR system which is unfit for purpose or inappropriate support services. |
| <b>15. Award of DAR contract</b>     | Supreme Court                             | Month 10          | Month 10     | Tender evaluation report signed off by tender evaluation committee                                                                                                                                             | Contract formally in place for DAR system and for appropriate service level agreement(s) with successful tenderer | Draft contract to be thoroughly reviewed by project board before signing                                                                                                                                                     |

## ACTION PLAN

| Action description                                                | Responsibility  | Commencement date | Due end date | Resources necessary                                                                                                                                                                                                                             | Desired outcome                                                                                                                                                                                                                                                          | Comments                                                                                 |
|-------------------------------------------------------------------|-----------------|-------------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| <b>16. DAR system testing</b>                                     | Project manager | Month 10          | Month 10     | Test system in suitable environment ensuring appropriate quality assurance in relation to audio, functionality, playback, remote access, mobile device compatibility, storage, security, technical support and other aspects deemed appropriate | DAR comprehensive testing completed and system ready for rollout                                                                                                                                                                                                         | Experienced courts personnel input critical to testing process                           |
| <b>17. Develop local implementation plan(s) for pilot site(s)</b> | Project manager | Start month 10    | End month 11 | IPA DAR feasibility study<br><br>TELMACO report<br><br>Contract and Service Level Agreements in place with contractor                                                                                                                           | Comprehensive plan in place for: <ul style="list-style-type: none"> <li>Stakeholder communications</li> <li>Training both in relation to DAR system operation and to new and revised operational procedures for registry staff, staff in “courtroom official”</li> </ul> | Local communications and consultation are critical elements of the implementation of DAR |

## ACTION PLAN

| Action description                         | Responsibility                    | Commencement date | Due end date | Resources necessary                                                                                                  | Desired outcome                                                                                                                                                                                          | Comments                                                                                                                             |
|--------------------------------------------|-----------------------------------|-------------------|--------------|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
|                                            |                                   |                   |              |                                                                                                                      | role, judiciary and appropriate stakeholders <ul style="list-style-type: none"> <li>Contingencies, notably the continuance for pilot duration of stenography or stenotyping as backup for DAR</li> </ul> |                                                                                                                                      |
| <b>18. Selection of pilot sites</b>        | Select agreed pilot sites for DAR | Start month 10    | End month 11 | IPA DAR feasibility study<br>TELMACO report<br>Contract and Service Level Agreements in place with contractor        | Pilot site(s) selection approved and signed off by the Project Board                                                                                                                                     | IPA DAR report suggests Supreme Court <b>or</b> Administrative Court <b>and</b> a District Court as potentially suitable pilot sites |
| <b>19. Rollout of DAR to pilot site(s)</b> | Project manager                   | Start month 12    | End month 14 | IPA DAR feasibility study<br><br>TELMACO report<br>Contract<br><br>Service Level Agreements in place with contractor | DAR in place and operating effectively in pilot site(s)                                                                                                                                                  | Rollout and operation of DAR to be continually monitored<br><br>Formal log of issues to be maintained                                |

## ACTION PLAN

| Action description                        | Responsibility  | Commencement date | Due end date | Resources necessary                                                                                                                                                                                               | Desired outcome                                                                                                                                                                                                                                                                                                                                                                                                                                       | Comments                                                                                         |
|-------------------------------------------|-----------------|-------------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
|                                           |                 |                   |              | Local implementation plan                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                       | All remedial works or actions to be taken as deemed necessary and appropriate                    |
| <b>20. Formal review of pilot project</b> | Project manager | Start month 15    | End month 15 | IPA DAR feasibility study<br><br>TELMACO report<br><br>Contract and Service Level Agreements in place with contractor<br><br>Local implementation plan<br><br>Formal analysis of pilot using pre-defined criteria | Project plan reviewed and revised as appropriate to reflect any necessary changes to consultation processes, local communications, training requirements or to service level agreements in place with contractor<br><br>Local implementation plan reviewed and revised as appropriate to reflect any necessary changes to consultation processes, local communications, training requirements or to service level agreements in place with contractor | It is essential that stakeholder feedback on the pilot project be integral to this formal review |

## ACTION PLAN

| Action description                                                                     | Responsibility  | Commencement date | Due end date   | Resources necessary                                                                                                                                    | Desired outcome                                       | Comments                                                          |
|----------------------------------------------------------------------------------------|-----------------|-------------------|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|-------------------------------------------------------------------|
| <b>21. Complete rollout of DAR to remaining venues in accordance with project plan</b> | Project manager | Start month 16    | End of project | IPA DAR feasibility study<br><br>TELMACO report<br><br>Contract and Service Level Agreements in place with contractor<br><br>Local implementation plan | Project completed within planned timescale and budget | Handover operational management to business owner (Supreme Court) |

# Appendix A: Terms of Reference

## 1. Context and Objectives of the Action

### 1.1 Context

The Supreme Court of the Republic of Cyprus with the support of the Structural Reform Support Service (SRSS) of the European Commission (EC) is undertaking an ambitious program of reforms to improve the Courts System, focusing in particular on four areas: court operations, judicial training, E-Justice and the reform of the Civil Procedure Rules (CPR).

A high-level commitment to reforms was endorsed in 2016, with a particular focus on reviewing the operations of the courts. The Supreme Court appointed a committee headed by Mr George Erotocritou, at the time himself a Judge of the Supreme Court, to carry out a report on the operational needs of the courts and other related reform issues. This report led to a series of reform initiatives.

Most pertinent to this proposal was the Functional Review of the Courts System carried out by the Irish Institute of Public Administration (IPA) with funding from the SRSS. The Supreme Court of the Republic of Cyprus adopted the recommendations of this review in March 2018 and Retired Supreme Court Judge Mr George Erotocritou, as Director of Court Reform and Judicial Training, was given responsibility for progressing the reform process.

In the aforementioned report of IPA on the Functional Review of the Courts System, namely under recommendation no. 14, it is provided that a system of Digital Audio Recording System of Court Proceedings should be introduced. The background, leading to the said recommendation by IPA experts could be summarised as follows:

In Cyprus the courts do not currently use digital audio recording, but instead they employ stenographers and hire stenotypists to record all court proceedings. However, the use of both stenography and stenotyping as a method for recording court proceedings raises important operational difficulties and limitations, which inevitably lead to delays in the hearing of cases, including those related to non-performing loans. According to the IPA experts, Digital recording may allow for a more effective and efficient system of recording court proceedings, as happens in a number of advanced jurisdictions, thereby improving the handling of court cases.

Furthermore, in June 2018, during the process of restructuring of the Cooperative Banks, the Cypriot authorities took a commitment towards the Commission (DG COMP) to carry out various reforms, within 18 months, so as to increase the efficiency of the justice system. In particular, the Cypriot authorities committed, inter alia, to examine through a study the merits for the introduction of digital audio recording of Court proceedings and whether such system could in fact enhance the efficiency of courts, reduce delays in the hearing of cases and thus the length of court proceedings, including those related to non-performing loans.

The mission of the Structural Reform Support Service (SRSS) of the European Commission is to provide support for the preparation and implementation of growth-enhancing administrative and structural reforms by mobilising EU funds and technical expertise. Cyprus has submitted a request to the European Commission for special measures under Article 13(6) of Regulation (EU) 2017/825 on the establishment of the Structural Reform Support Programme ("SRSP Regulation"). The request has been analysed by the Commission in accordance with the criteria and principles referred to in



Article 7(2) of the SRSP Regulation, following which the European Commission has agreed to provide technical support to Cyprus in the area of justice, namely to the Supreme Court of Cyprus with the purpose of introducing digital audio recording in court proceedings. The SRSS has invited the Irish Institute of Public Administration (IPA) to submit a proposal for a grant in order to assist Cyprus with such work.

## **1.2 Objectives of the Action**

The general objective of this Action is to contribute to institutional, administrative and growth-sustaining structure reforms in Cyprus, in line with Article 4 of the SRSP Regulation.

The specific objective of this Action is:

- to support the initiatives of national authorities to design their reforms according to their priorities, taking into account initial conditions and expected socioeconomic impacts; and
- to support the efforts of national authorities to define and implement appropriate processes and methodologies by taking into account good practices of and lessons learned by other countries in addressing similar situations

in line with Article 5 of the SRSP Regulation.

The achievement of the objectives are not solely the responsibility of IPA and will depend partly but not only on Cyprus' action.

## **1.3 Relevance of the Action**

As already mentioned in section 1.1, the present action is part of the major reform that Cyprus is carrying out in the court system on the basis of the recommendation included in the final report on the functional review of the courts operations delivered by IPA.

In addition, the action is linked to the commitment that the Cypriot authorities undertook towards the Commission (DG COMP), during the process of restructuring of the Cooperative Banks, namely to examine through a study the introduction of digital audio recording of Court proceedings with the aim to enhance the efficiency of courts, reducing delays in the hearing of cases and thus the length of court proceedings, including those related to non-performing loans.

Given that the request for special measures under urgency within the meaning of Article 13(6) of the Regulation (EU) 2017/825 that was submitted by the Cypriot authorities arises out of the recommendation of the IPA's 2018 functional review and its current role in the review of the Rules of Civil Procedure the IPA is considered to be a suitable provider for the legal, administrative and operational dimensions of the project.

As regards the ICT and the technical dimensions of the project, they will be covered through a separate technical study, which will be carried out in parallel to the present action and shall be delivered by a separate provider, already selected by SRSS. In particular, the technical study will look at the functional requirements and, following a product market research, the contractor will provide the Cypriot authorities with an analysis of the available technical solutions for digital audio recording, giving also rough budget estimation for each proposed system.

Regular coordination between the implementing bodies will maximise the impact of the outcomes under the two actions.

#### **1.4 Beneficiary Member State institution(s), target groups and other Stakeholders**

The beneficiary Member State of the Action is Cyprus, namely the Supreme Court of Cyprus.

Target groups include:

- Representatives from the District and Specialised Courts in Cyprus
- Representatives of the Cyprus' Bar Association
- Representatives of the Department of Electrical and Mechanical Services

Other stakeholders in the Action could also include the Ministry of Finance of Cyprus and the Ministry of Justice and Public Order.

## **2. Description and Implementation of the Action**

### **2.1 Impact, Outcomes, Outputs and Activities**

#### **2.1.1 Impact and Outcomes**

It is expected that the Supreme Court of Cyprus, having been closely involved in implementation of the Action and consulted on all draft outputs, endorses the outputs through its internal mechanisms and implements the work contained in the final outputs.

Provided that such work will be incorporated as part of Cyprus' regulatory framework, the outputs are expected to result in the following outcomes:

#### **Outcome 1:**

- Establish and gain further detail on the current systems for documenting, recording and transcribing in Greek of court proceedings, including relevant legislative, procedural and administrative features unique to the Cypriot system
- Establish the business and administrative needs of key stakeholders and users of the current system of record keeping in courts (stenography and stenotyping) and analyse the scope for improvement

#### **Outcome 2:**

An analysis of the potential future role of Digital Audio Recoding (DAR) in the context of existing legislative, procedural and administrative mandates and international best practice based on a desk review of systems in three comparable member states

#### **Outcome 3:**

Study visits to two member states deemed relevant

#### **Outcome 4:**

An assessment of the risks, opportunities, challenges and operational management constraints facing the Courts service in the delivery of DAR

**Outcome 5:**

Consideration of the management and administrative arrangements that would need to be put in place to facilitate the development and implementation of DAR (including the identification of the main areas where it is possible that legislative changes may be required).

**Outcome 6:**

Preparation of Final Feasibility Study Report

Although subject to other contributing factors, the activities and outputs of the contract, and the associated outcomes, should over the longer-term contribute towards the enhancement of the efficiency of courts, reduction of delays in the hearing of cases and thus the length of court proceedings, including those related to non-performing loans.

Achievement of the outcomes and contributing to a longer term impact of this contract, depends to a large extent on the degree of adoption and implementation of the output by the Supreme Court of Cyprus and subsequent enforcement, as well as wider policy conditions, which remain outside the responsibility of the European Commission and IPA. Such approval and implementation remains the exclusive responsibility of Cyprus.

**2.1.2 Outputs and Activities**

In order to achieve **outcome 1**, as described in section 2.1.1 above, IPA shall deliver the following outputs by implementing the activities listed below:

**Output 1.1: Data gathering**Activities:1.1.1 Team Formation and Preparation of Relevant Information

The aforementioned activity will entail:

**(a)** The establishment of a Cypriot DAR Committee, approved by the Supreme Court, will be constituted in Cyprus comprising senior Representative of Supreme Court, Representative of District Court, Specialised Courts, Director of Reform and Training, Representative of Cyprus Bar Association, Chief Registrar (or nominee), Representative of E-Justice project/Courts ICT, Ministry of Finance, Ministry of Justice and Public Order and other stakeholders as appropriate.

This Committee will receive reports and drafts and will provide observations on issues of fact. It will also be charged with the responsibility for making decisions on issues arising from the completed Feasibility Study report.

**(b)** The Project Director of the Court Reform and Judicial Training, Mr George Erotocritou, should be asked to participate as a key member of the DAR Committee and to act as a liaison on any further matters of information required by IPA Study Team as part of the Feasibility Study.

### 1.1.2 Mission 1 – Fact Finding Mission

The aforementioned activity will entail:

- (a) Meeting with the Cypriot DAR Committee to discuss the benefits and constraints of the current system and consider implications for the rules of court and legislation. Further discussion on the requirements and expectation of the Cypriot Courts, the logistical practicalities of introducing DAR, as well as training requirements could take place then.
- (b) Site visits to the Supreme Court, District Courts and Specialised Courts and examination in detail of the current system of court recording.
- (c) Meeting with individual stakeholders including Judges of Supreme Court, Judges of District Court and Specialised Courts, Cyprus Bar Association, Attorney General, Stenographers and Registrars.

In order to achieve **outcome 2**, as described in section 2.1.1 above IPA shall deliver the following outputs by implementing the activities listed below:

#### **Output 2.1: Short interim paper. Plan of approach on study visits and plan for the two systems to be viewed under the outcome 3**

##### Activity:

2.1.1 Remote/desk based review and analysis of DAR in 3 Member States /Producing a short interim paper based on mission findings and initial elements of the desk-based review of DAR in other MS.

The aforementioned activity will entail:

- (a) The preparation of a short interim paper describing the current system of court recording in Cyprus, the requirements of the Courts and the steps necessary to identify and implement an appropriate DAR solution.
- (b) An analysis of the risks and key challenges based on the particularities of the Cypriot system and especially the issue of transcribing.
- (c) The identification of 3 appropriate Member States with DAR already implemented. The 3 Member States will be chosen based on similar scale, resources and legal system.
- (d) Remote desk based review of the DAR system in place in the 3 chosen Member States. Complete findings of remote review to be outlined in draft final/final feasibility Study Report.

In order to achieve **outcome 3**, as described in section 2.1.1 above, IPA shall deliver the following outputs by implementing the activities listed below:

#### **Output 3.1: Data gathering – Study visit(s)**

##### Activities:

3.1.1 Tailored site visits to two appropriate Member States. The experts' observations from the study visits shall be included in the draft final/final Feasibility Study Report.

This will entail: The visit of some of the representatives from the Cypriot DAR Committee and IPA Study Team to the two recommended Member States arising out of output 2.

In order to achieve **outcome 4**, as described in section 2.1.1 above, IPA shall deliver the following outputs by implementing the activities listed below:

## **Output 4.1: Preparation for Mission 2**

### Activity:

#### 4.1.1 – Analysis and preliminary drafting

The aforementioned activity will entail:

- (a) Analysis and preliminary drafting based on the short interim paper drafted earlier , study visits and remote reviews and subsequent discussions arising therefrom.
- (b) Preparation for Mission 2 .

In order to achieve **outcome 5**, as described in section 2.1.1 above, IPA shall deliver the following outputs by implementing the activities listed below:

## **Output 5.1: Mission 2**

### Activity:

#### 5.1.1 - Gathering information, checking facts and exploring relevant issues

The aforementioned activity will entail:

A second mission carried out by IPA Study Team to Cyprus to gather further information and hold discussions with the Cypriot DAR Committee representatives and other stakeholders as considered appropriate. The mission will involve consideration of the management and administrative arrangements that may need to be put in place to facilitate the development and implementation of DAR. This to include, where possible, broad identification of types of costs associated with alternatives outlined. The above to be done with a view to the submission of the draft final Feasibility Study Report.

In order to achieve **outcome 6**, as described in section 2.1.1 above, IPA shall deliver the following outputs by implementing the activities listed below:

## **Output 6.1: Final Feasibility Study Report**

### Activity:

#### 6.1.1 - Drafting and submission of final Feasibility Study Report (in accordance with the terms of reference)

The aforementioned activity will entail:

- (a) Analysing and integrating information into the evolving draft
- (b) Preparing and submitting a draft Final Feasibility Study Report
- (c) Receipt, analysis and consideration of comments received
- (d) Submission of the Final Feasibility Study Report

| Outcomes                                                                                                                                                                                                                                                                                                                                                                                    | Outputs                                                                  | Activities                                                                                                                                                                                                       | Dates                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>1.(a)</b> Establish and gain further detail on the current systems for documenting and recording court proceedings, including relevant legislative, procedural and administrative features unique to the Cypriot system</p> <p><b>1.(b)</b> Establish the business and administrative needs of key stakeholders and users of the DAR system and analyse the scope for improvement</p> | <p><b>1.1</b> Data gathering</p>                                         | <p><b>1.1.1</b>-Team Formation and Preparation of Relevant Information</p> <p><b>1.1.2</b>-Mission 1 – Fact Finding Mission</p>                                                                                  | <p>January to Early February 2019</p> <p>Mission 1 February 11<sup>th</sup> to 14<sup>th</sup> February (travel on 10<sup>th</sup> February 2019 )</p> |
| <p><b>2.</b> An analysis of the potential future role of Digital Audio Recoding (DAR) in the context of existing legislative and administrative mandates and international best practice based on a desk review of systems in three comparable member states</p>                                                                                                                            | <p><b>2.1</b> Short interim paper. Plan of approach for study visits</p> | <p><b>2.1.1</b>-Remote/desk based review and analysis of DAR in 3 Member States /Producing a short interim paper based on mission findings and initial elements of the desk-based review of DAR in other MS.</p> | <p>11<sup>th</sup> to 15<sup>th</sup> of March 2019</p>                                                                                                |

| Outcomes                                                                                                                                                                                                                                                                                  | Outputs                                                             | Activities                                                                                                                                                 | Dates                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| 3. Study visits to two member states deemed relevant                                                                                                                                                                                                                                      | 3.1 Data gathering                                                  | 3.1.1-Tailored site visits to Ireland and Luxemburg. Observations to be discussed on mission 2 and also included in draft final Feasibility Study Report 3 | 1 <sup>st</sup> -10 <sup>th</sup> April 2019                                             |
| 4. An assessment of the risks, opportunities, challenges and operational management constraints facing the Courts service in the delivery of DAR                                                                                                                                          | 4.1 Areas for consideration and matters for discussion on Mission 2 | 4.1.1- Analysis and preliminary drafting-preparation for mission 2                                                                                         | 8th May 2019                                                                             |
| 5. Consideration of the management, procedural and administrative arrangements that would need to be put in place to facilitate the development and implementation of DAR. This to include, where possible, broad identification of types of costs associated with alternatives outlined. | 5.1 Mission 2<br>Checking facts and exploring relevant issues       | 5.1.1-Mission 2 – Gathering information, discussion and further development of ideas.                                                                      | Mission 2 13 <sup>th</sup> to 17 <sup>th</sup> May 2019 (with travel on Sunday May 12th) |

| Outcomes                                         | Outputs                                                                                                                                                                                                                                                                      | Activities                                                                                                                                                                                                                                                                                                                                                                  | Dates                                                                                                                                                                |
|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6. Preparation of Final Feasibility Study Report | <p data-bbox="869 248 1359 718"><b>6.1 Submission of Draft Final Feasibility Study Report</b> for comments</p> <p data-bbox="869 718 1359 1069">6.2 Comments received from Cyprus</p> <p data-bbox="869 1069 1359 1200">6.3 Submission of Final Feasibility Study Report</p> | <p data-bbox="1359 248 1850 526">6.1.1-Analysing and integrating information in the evolving draft. Submission of the Draft Final Feasibility Study Report for comment</p> <p data-bbox="1359 526 1850 718">6.2.1 Receipt of comments</p> <p data-bbox="1359 718 1850 1069">6.2.2 Analysis of comments and preparation and submission of Final Feasibility study report</p> | <p data-bbox="1850 248 2056 798">10/12 June 2019</p> <p data-bbox="1850 798 2056 1005">21 June 2019</p> <p data-bbox="1850 1005 2056 1200">30 June – 6 July 2019</p> |



## Appendix B: List of Participants

### B1. Mission 1, 11-14 February 2019

#### Members of Scoping Mission

- Mr James Connington, Lecturer of IPA, Ireland
- Olive Caulfield, Former Director/ Human Resources, Courts Service, Ireland
- Mr Gerry Nugent, Former member Irish Courts Service
- Mr David O'Mahony, IPA, Ireland
- Manta Adamantia, Policy Officer Justice, Justice Sector, SRSS

#### Director of Reform / Project Coordinator

- Mr George Erotocritou, Former Supreme Court Judge, Director of Reform and Training
- Mrs Alik Serghi, Planning Officer A', Project Coordinator

#### ICT Manager / E-Justice Project (Courts)

- Mrs Nota Toumazou, IT Officer A', DITS, Ministry of Finance
- Mr Artemis Hadjiloizou, IT Officer, DITS, Ministry of Finance
- Ms Constantina Hadjidemetriou, IT Officer, DITS, Min. of Finance
- Mr Evagoras Hadjidementri, Registrar A', Supreme Court

#### Pan-Cyprian Bar Association

- Mr Laris Vrachimis, Advocate, Member of the Comm. of Bar Association

#### Court Registrars (Representatives)

- Mrs Irene Christodoulou, Chief Registrar, Supreme Court
- Mrs Maria Tsiappa, Registrar A', Nicosia DC
- Mrs Andri Makri, Registrar (Criminal Registry), Nicosia DC
- Mrs Yioli Makridou, Registrar, Administrative Court
- Mrs Maria Orphanidou, Registrar, Nicosia DC

#### Office of the Attorney General (Representatives)

- Ms Elena Papageorgiou, Senior Counsel of the Republic, Member of the Legal Service Reform Committee
- Ms Elena Symeonidou, Counsel of the of the Republic A', Member of the Legal Service Reform Committee

#### First Instance Judges (Representatives)

- Mr Ioannis Ioannides, Administrative President, Nicosia DC (*unable to attend*)
- Mr Nicolas Santis, President, Nicosia DC, President, Judges' Association
- Mr Angelos David, President, Nicosia DC
- Mr Michalis Ambizas, Senior District Judge, Nicosia DC

- Mrs Nadia Mathikoloni, District Judge, Nicosia DC
- Mr Nicolas A. P. Georghiades, District Judge, Nicosia DC
- Lefkia Kammitisi, President, Rent Control Court, Nicosia

#### **Stenographers (Representatives)**

- Mrs Koulla Aspri, First Stenographer, Supreme Court
- Mrs Chryso Theodoulou, Sen. Stenographer, Nicosia DC
- Mrs Maria Kouli, Temporary Stenographer, Administrative Court

#### **DAR Facilitating Committee**

- Mr George Erotocritou, Director of Reform and Training
- Mrs Aliko Serghi, Project Co-ordinator
- Mr Michalis Ambizas, Senior District Judge
- Mr Evagoras Hadjidemetri, Registrar A', Supreme Court
- Mrs Maria Orphanidou, Registrar, District Court Nicosia
- Mr Andreas Tserkezos, Registrar, Supreme Court

## **B2. Study Visits to Ireland and Luxembourg , 1- 5 April 2019**

#### **IPA Review Team**

- Mr James Connington, Lecturer of IPA, Ireland
- Olive Caulfield, Former Director/ Human Resources, Courts Service, Ireland
- Mr Gerry Nugent, Former member Irish Courts Service
- Mr David O'Mahony, IPA, Ireland

#### **Cypriot Delegation**

- Mr Michael Ambizas, Senior District Judge
- Mr Elias Georgiou, Senior District Judge
- Ms Andriani Makri, Registrar A', CY Courts
- Mr Matheos Ataliotis, Registrar A', CY Courts
- Ms Aliko Serghi Project coordinator, Ministry of Finance
- Mr Constantinos Constaninou, Senior Mechanical Engineer/Electromechanical Services, Ministry of Transport, Communications and Works

#### **Irish Courts Service**

- Mr. Tom Ward, Manager and Chief Registrar Criminal Courts of Justice
- Mr. Rob Rogers DAR Manager ICT Unit

#### **European Courts of Justice**

- Mr C. Lycourgos, President of Chamber at the Court,
- Mr S. Papasavvas Judge at the General Court
- Ms A. Marcoulli, Judges at the General Court
- Ms M. Múgica Arzamendi, Director for Protocol and Visits
- Mr S. Servais, Assistant, Information Technology Directorate
- Ms R. Peica (tbc), Director, Information Technology Directorate

- Mr M. Aleksejev, Head of Unit, Registry of the Court,
- (tbd), Registry of the General Court
- Mr T. Kubben, Head of Unit, Interpretation Directorate,
- Mr L. Moitinho de Almeida, Head of Unit, General Services and Moveable Equipment Unit,

### **B3.Mission 2, 14-16 May 2019**

#### **1. MEMBERS OF COURT REFORM STEERING COMMITTEE**

1. Myron Nicolatos, President, Supreme Court
2. Mr George Erotocritou, Former Supreme Court Judge, Project Manager/Coordinator
3. Ms Irene Christodoulou, Chief Registrar

#### **2. SUPREME COURT (Representatives)**

1. Mr Myron Nicolatos, President, Supreme Court

#### **3. MEMBERS OF SCOPING MISSION**

1. Dr Michael Mulreany, Assistant Director, IPA and Head of Whitaker School of Governance
2. Mr James Connington, Lecturer of IPA, Ireland
3. Ms Olive Caulfield, Former Director/Principal Human Resources, Courts Service, Ireland
4. Mr Gerry Nugent, Former Member, Irish Courts Service
5. Mr David O'Mahony, IPA, Ireland

#### **4. PROJECT MANAGER / COORDINATOR**

1. Mr George Erotocritou, Former Supreme Court Judge, Director of Reform and Training
2. Ms Aliko Serghi, Planning Officer A', Project Coordinator

#### **5. REPRESENTATIVES OF JUDGES**

##### **(A) Administrative Presidents District Courts**

1. Mr Ioannis Ioannides, Adm. President, DC Nicosia
2. Mr Michael Ambizas, Senior DC Judge, Nicosia
3. Mr Stavros Stavrou, Senior DC Judge, Nicosia
4. Ms Lia Markou, Senior DC Judge, Limassol
5. Ms Lena Demetriadou, Adm. President, DC Larnaca
6. Mr Elias Georgiou, Senior DC Judge, Larnaca
7. Ms Dora Socratous, Adm. President, DC Paphos
8. Mr Demetris Kitsios, Senior DC Judge, Paphos

##### **(B) District Court Judges**

1. Ms Sophia Kleopa, DJ, Nicosia
2. Ms Nadia Mathikoloni, DJ, Nicosia
3. Mr Alexandros Phylahtou, DJ, Limassol
4. Mr Marios Ayiomamitis, DJ, Limassol
5. Ms Maria Papaioannou, DJ, Larnaca
6. Ms Angeliki Karnou, DJ, Larnaca
7. Mr Christos Christodoulou, DJ, Paphos

**(C) Administrative Presidents and other Judges of Courts of Special Jurisdiction**

**Family Court**

1. Mr Menelaos Tsangarides, President, Nicosia
2. Ms Miranda Toumazi, President, Limassol
3. Mr Yiannos Antoniadis, Judge, Limassol
4. Ms Demetra Kousiou, Judge, Nicosia
5. Ms Karolina Hadjiathanasiou, Judge, Limassol

**Rent Control Court**

6. Ms Lefkia Kammitsi, President, Nicosia/Larnaca
7. Ms Christiana Ragouzaïou, President, Limassol/Paphos

**Military Court**

8. Mr Philippos Patsalides, President

**6. REPRESENTATIVES OF SENIOR MANAGEMENT AND OTHERS**

**(A) Administrative and other Registrars of Supreme Court and District Courts and other Staff**

1. Ms Andri Makri, Registrar, Nicosia, DC
2. Ms Maria Tsiappa, Registrar, Nicosia, DC
3. Ms Maria Ioannides, Registrar, Limassol, DC
4. Mr Charalambos Skordis, Registrar, Larnaca, DC
5. Mr Matheos Ataliotis, Adm. Registrar, Paphos, DC
6. Ms Yioli Makridou, Registrar, SC
7. Mr Andreas Tserkezos, Registrar, SC
8. Ms Andri Shiakalli, Registrar, SC
9. Ms Poly Gregoriou, Registrar, Family Court

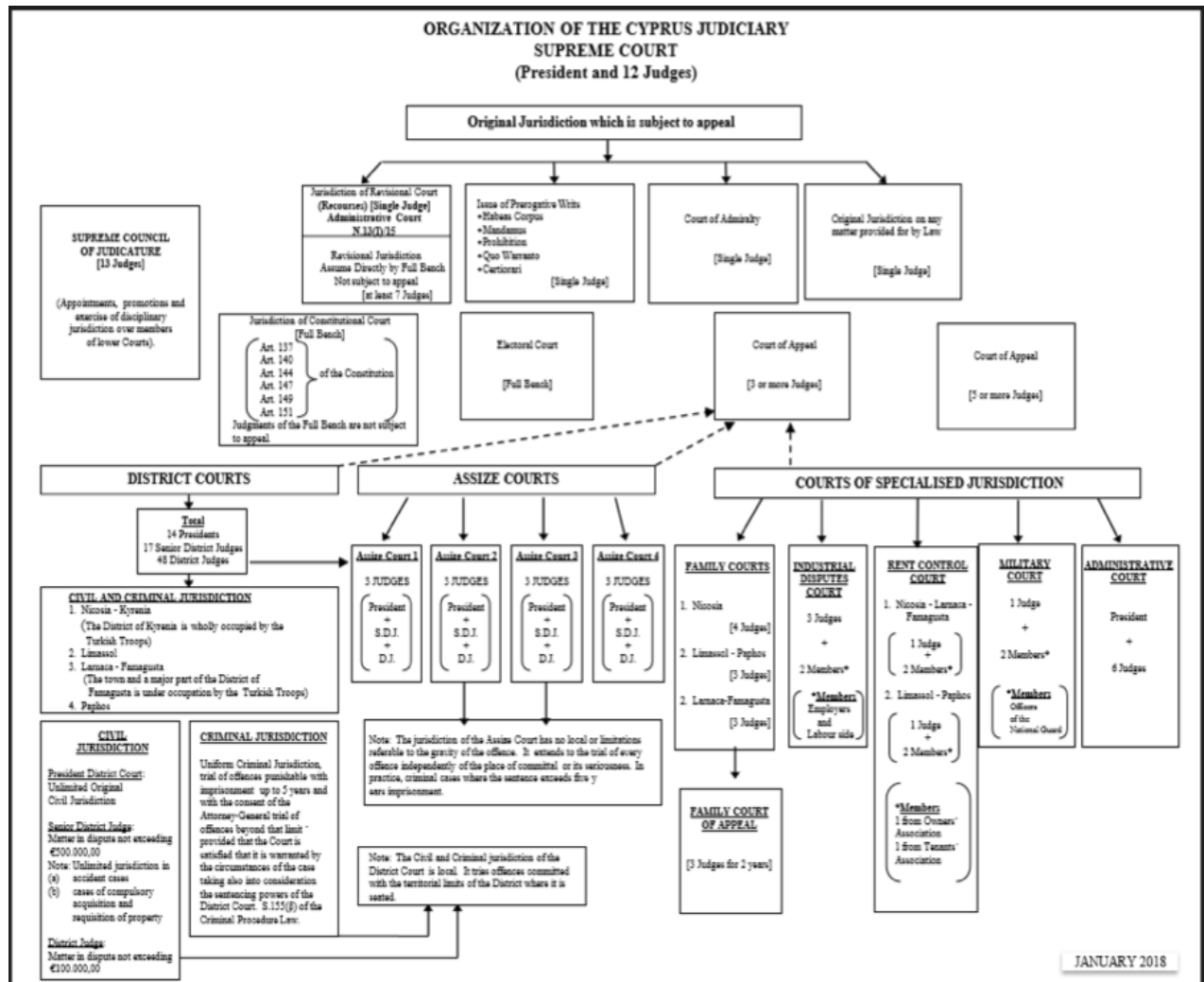
**(C) ICT Manager and E-Justice Project Manager**

Mr Evagoras Hadjidementri, Registrar A', SC

**(D) Stenographers (Representatives)**

1. Ms Koulla Aspri, First Stenographer, SC
2. Ms Chrystalla Theocharidou, Senior Stenographer, SC
3. Ms Photoulla Constantinou, Senior Stenographer, SC
4. Ms Elia Papasavva, Senior Stenographer, SC
5. Ms Yioula Agapiou, Senior Stenographer, DC
6. Ms Dora Dionysiou, Senior Stenographer, DC
7. Ms Maria Kouï, Stenographer, Administrative Court
8. Ms Stella Eliadou, Senior Stenographer, DC
9. Ms Chryso Theodoulou, Senior Stenographer, DC
10. Ms Elena Savva-Georgiou, Stenographer, DC
11. Ms Yianna Yiangou, Stenographer, DC

# Appendix C: Organisation of the Cyprus Judiciary – Supreme Court



## Appendix D: General Criteria on the Management of Policies and Criminal Cases, Specific Courts and Court

(MA/... = General Criteria — EK/... = Specific Criteria)

Where 'Permanent Conservation' = Transfer to the State Archive

—

### ΓK/1. Cases up to 1960

All files up to 1960 have already been transferred to the State Archive for permanent preservation. If cases of this period are found in the future, they will have to be sent for permanent preservation to the State Archive.

### ΓK/2. Cases since 1961

For the years 1961 onwards, the files will be managed according to the below criteria.

### ΓK/3. General rule (Destruction)

**3.1** all the files of all the courts (policies, criminal, special courts and district courts) are destroyed **after the expiry of the period referred to in the Special Criteria, except IF they** are covered by one of the exceptions.

### ΓK/4. Exceptions (Conservation)

Excluded from the destruction and kept for transfer to the State Archive for permanent preservation, the cases, including their documentation, which refer to: —

**4.1** Cases where the retention of the file of the case or of other documents or documents may have a bearing on the parties or other interested parties to prove or vest their rights.

**4.2** Cases with either public interest, court or historical significance, or relevant to relevant persons.

**4.2.1** This category includes cases relating to the history of the host country or large organisations or to officials of the State or other persons of standing or any other person likely to give rise to the interests of the public or the future researcher.

**4.2.2** With regard to Criteria ΓK/4.1 and ΓK/4.2, above, where there is doubt as to the meaning that a case may have, the doubt will be resolved in the first instance by the Registrar or Officer in charge of the management of the files. As a second step, the Registrar or Officer may consult the Registrar. In the event of a continuation of doubt, the Administrative President of the Court or the Chief Registrar or Officer of the State Archive will be consulted. In borderline cases, the question should be resolved in favour of preservation.

**4.2.3** It is understood that for old cases some doubts arose as to the criteria and final decision on destruction or not of a file. However, these doubts will be reduced when the new cases will be sorted, as the files will have the stamp on which they have already been determined by the judge or other appointed officials of the Registrar, the criteria for administering the file.

**4.3** Cases in which a prison sentence of more than five years has been imposed.

**4.4** Cases, presumptions or other documents which the Chief Executive Officer of the files considers necessary for another reason than those mentioned in ΓK/4.1, 4.2 and 4.3 above, e.g. whether the presumptions have a monetary or other value or for some reason, information that they will be used in future proceedings before the Court of Justice.

### ΓK/5. Table of Special Criteria

For ease of reference, please find attached a table of cases with "Special Criteria" for the disposal of case files, depending on the jurisdiction.

### ΓK/6. Public alerts

**6.1** Prior to the destruction of the relevant files and documentation, a sufficient and appropriate three-month notice should be given to the public who may be interested in maintaining a specific

case file. Destruction should take place after the above deadline. In the event of any request to keep the file at that time, the officer of the Registrar or Officer should decide on the management of the files, in accordance with the established criteria.

**6.2** quarterly notifications to the public will be published: (a) in the Official Gazette of the Republic (b) with a reference to the Court of Justice which will be sent to the Press and Information Office to be used as a communication in the press, (c) with posting in the Chamber of Justice of the Court of Justice and (d) in any other way it considers appropriate the Registrar or Officer is appropriate to manage the files.

**6.3** If there are items that are evidence in civil cases, efforts should be made to return them to their owners or in the case of evidence in criminal cases to the police, before the notification is given to the public.

#### **ΓΚ/7. Creation of records of decisions**

**7.1 paper records.** Case files that have been destroyed and which have been related since 1961, where there are finished/photocopied format, final decisions of all the jurisdictions (including findings in death interrogations), after a full hearing, these decisions will be held each year and under jurisdiction, for special archives, to be granted by the State Archive, and which at the end of the proceedings will be transferred to the State Archive for permanent preservation, in accordance with Law EK/32.

**7.2 Records in electronic form.** For files that are processed after 1.3.2011 and there are final decisions of all jurisdictions (including findings in death interrogations), after a full hearing, they will be held annually and in electronic form as an archive. For this purpose a special electronic file should be created immediately, both in PCs and CDs, in the form of back — up, in which all decisions to be held will be entered.

**7.3** It should be specified that this criterion for the creation of records will not apply to decisions of criminal or other courts which are not drawn up and which need not be held in excess of the time limit set in the Special Criteria.

**7.4** All registries classified every year should be permanently stored for transfer to the State Archive.

#### **ΓΚ/8. Management of new cases after 1.3.2011**

**8.1** From 1.3.2011, on completion of each case **after a full hearing, it** will be sealed with one of the two stamps (red for permanent preservation in the State Archive and blue for destruction). The judge who handled the last case and who knows it better than everyone should on the basis of the specified General and Specific Criteria, fill in the special stamp area with the necessary data to facilitate the future management of the case file.

**8.2** Cases carried out without a full hearing or with any evidence, the stamp shall be placed and completed by appointed officials of the competent Registrar, on the basis of General and Special Criteria.

**8.3** It is understood that the judge will always have the discretion to apply the General and Specific Criteria in any other case, except those referred to in paragraph 1. 8.1, above, e.g. in compatible cases, in cases where significant statements of parties are made, in cases where important documents or evidence have been presented, etc.

SPECIFIC CRITERIA ON THE MANAGEMENT OF POLICIES AND CRIMINAL CASES, SPECIFIC COURTS  
AND COURTS

| <b>Code</b> | <b>Description of Files/Documents</b>                                                        | <b>Provision Directive</b>                                                                                                                                    |
|-------------|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EK/1        | <b>Action Policies</b>                                                                       | Destruction 10 years after the end of the procedure unless action is pending                                                                                  |
| EK/2        | <b>Applications for the registration of arbitration decisions, Chapter 4 (Law 22/85)</b>     | Destruction 10 years after registration                                                                                                                       |
| EK/3        | <b>Applications for registration of aliens for judicial decisions, Chapter 10</b>            | Destruction 10 years after the end of the procedure                                                                                                           |
| EK/4        | <b>Alerts on bankruptcy, Cap. 5</b>                                                          | Destruction 5 years after registration                                                                                                                        |
| EK/5        | <b>Applications for bankruptcy, Chapter 5</b>                                                |                                                                                                                                                               |
| 5.1         | When a bankruptcy order or an order for the discharge of a bankrupt is issued (r. 27, Ch. 5) | Permanent preservation                                                                                                                                        |
| 5.2         | All other applications                                                                       | Destruction 10 years after the end of the procedure                                                                                                           |
| EK/6        | <b>Request of Companies, Cap. 113</b>                                                        |                                                                                                                                                               |
| 6.1         | For winding up a company when a decree is issued                                             | 15 years of destruction after expiry of the procedure or registration of the last document (note kept permanently in the files of the Registrar of Companies) |
| 6.2         | All other company applications                                                               | Destruction 10 years after the end of the procedure                                                                                                           |



| <b>Code</b> | <b>Description of Files/Documents</b>                                                                                                                                              | <b>Provision Directive</b>                         |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| EK/7        | <b>Applications relating to Trade Marks</b>                                                                                                                                        | Permanent preservation                             |
| EK/8        | <b>Management of Assets and Assets of Persons, Cap. 189</b>                                                                                                                        | Permanent preservation                             |
| EK/9        | <b>References in accordance with the Enforcement Order 1962</b>                                                                                                                    | Permanent preservation                             |
| K/10        | <b>General applications/appeals against the Land Registry Order, Cap. 224</b>                                                                                                      | Permanent preservation                             |
| EK/11       | <b>Pension applications, Law 1962-1998</b>                                                                                                                                         | Permanent preservation                             |
| EK/12       | <b>Applications for mental patients</b>                                                                                                                                            | Permanent preservation                             |
| EK/13       | <b>Applications for the management of intellectual property (Law 23 (I)/96)</b>                                                                                                    | Permanent preservation                             |
| EK/14       | <b>General applications in connection with the charitable institutions Act, Cap. 41 (Law 57/72)</b>                                                                                | Permanent preservation                             |
| EK/15       | <b>Claims for debtor's debtor, Temporary provisions 1979-1985</b>                                                                                                                  | Destruction 5 years after the end of the procedure |
| EK/16       | <b>Primary Applications ( Originating summaries) and General Requests, except for those concerning appeals against decisions of the Director of the Land Registry</b><br>1960-1966 | Permanent preservation                             |
| 16.1        | 1967 and hereinafter: —                                                                                                                                                            |                                                    |
| 16.2        | General applications of historical importance or                                                                                                                                   |                                                    |

| <b>Code</b>                     | <b>Description of Files/Documents</b>                                                                                                 | <b>Provision Directive</b>                                                                                                                                                                                                                   |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 16.2.1<br><br>16.2.2            | legal interest<br><br>All other general applications                                                                                  | Permanent preservation<br><br>Destruction 10 years after the end of the procedure                                                                                                                                                            |
| EK/17<br>17.1<br>17.2<br>17.2.1 | <b>In the Civil Court: —</b><br><br>1964-1987<br><br>1988 and beyond<br><br>Prohibition order for legal acts with respect to the ship | Permanent preservation<br><br>Permanent preservation<br><br>Permanent preservation                                                                                                                                                           |
| EK/18<br><br>18.1<br><br>18.2   | <b>Labour Court Cases</b><br><br>Dossiers on which a decision has been taken after a full hearing<br><br><br><br>All other case files | Permanent preservation. (in accordance with the above judgment) Judge. No 12.48, dated 16.10.97)<br><br><br><br>Destruction 5 years after the end of the procedure. (in accordance with the above decision. Judge. No 12.48, dated 16.10.97) |
| 19                              | <b>Applications for registration of Labour Disputes Court Decisions</b>                                                               | Destruction 5 years after the end of the procedure                                                                                                                                                                                           |
| EK/20                           | <b>Valuation of the Rent Control Court</b>                                                                                            | Destruction 20 years after the end of the procedure                                                                                                                                                                                          |
| EK/21<br>21.1                   | <b>Affairs of the Economic Courts: —</b><br><br>Divorce cases                                                                         |                                                                                                                                                                                                                                              |

| <b>Code</b> | <b>Description of Files/Documents</b>                                                                                        | <b>Provision Directive</b>                               |
|-------------|------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| 21.1.2      | Before 1990                                                                                                                  | Permanent preservation                                   |
| 21.1.3      | After 1990                                                                                                                   | Destruction after 30 years from the end of the procedure |
| 21.2        | Identification of applications Parental                                                                                      | Permanent preservation                                   |
| 21.3        | Requests for Adoption                                                                                                        | Destruction after 30 years from the end of the procedure |
| 21.4        | Y positions of assets. Disputes                                                                                              | Destruction 25 years after registration                  |
| 21.5        | Parental and wintering applications Minors' property                                                                         | Destruction 25 years after registration                  |
|             | Food applications                                                                                                            | Destruction 25 years after registration                  |
|             | All other applications                                                                                                       |                                                          |
| EK/22       | <b>Divorce of religious groups (Law 87 (I)/94)</b><br>1964-1983                                                              |                                                          |
| 22.1        | 1984 and beyond                                                                                                              | Permanent preservation                                   |
| 22.2        |                                                                                                                              | Destruction 30 years after the end of the procedure      |
| EK/23       | <b>Applications for centrifuges</b>                                                                                          | Destruction 10 years after the end of the procedure      |
| EK/24       | <b>Death of crime</b>                                                                                                        |                                                          |
| 24.1        | Death inquiries where the conduct of capital questioning was considered unnecessary in accordance with Article 4 of Ch. 153. | Destruction 10 years after the end of the procedure      |
| 24.2        | Death sentences after receiving evidence or after a full hearing.                                                            | Destruction 15 years after the end of                    |



| <b>Code</b> | <b>Description of Files/Documents</b>                                                                         | <b>Provision Directive</b>                                                   |
|-------------|---------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| EK/29       | <b>Requests for receipt of witnesses under either Chapter 12 or under Regulation 1206/01 or any other Act</b> | 5 years after receipt of the control                                         |
| EK/30       | <b>Cases relating to the European Payment Order (Regulation) EC 1896/06)</b>                                  | Destruction 10 years after the end of the procedure unless action is pending |
| EK/31       | <b>Disputes concerning the resolution of small claims (Regulation) EC 861/07)</b>                             | Destruction 10 years after the end of the procedure unless action is pending |

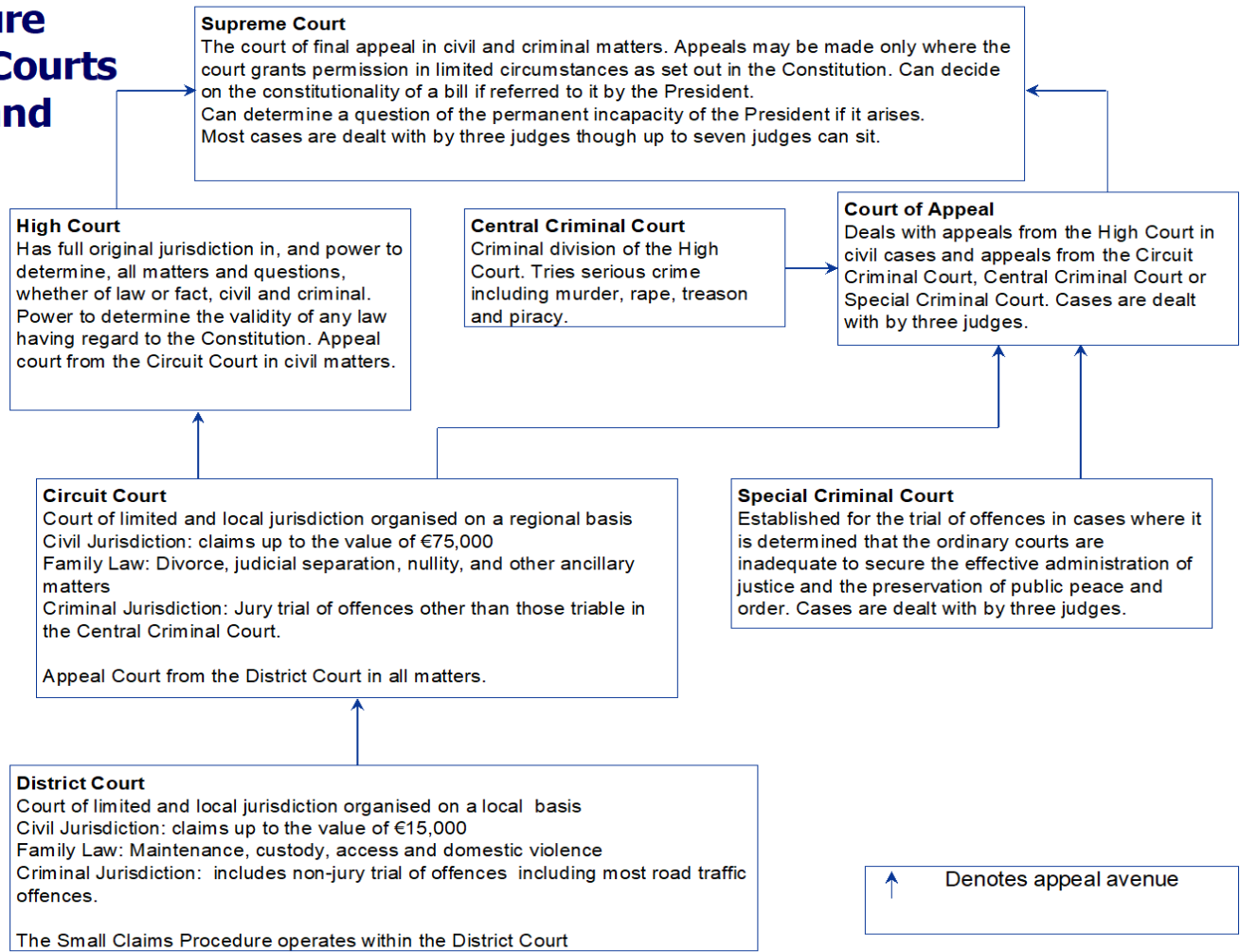
|       |                                                       |                        |
|-------|-------------------------------------------------------|------------------------|
| EK/32 | <b>Decision files in accordance with ΓΚ/7.1 and 2</b> | Permanent preservation |
| EK/33 | <b>Records for each Jurisdiction</b>                  | Permanent preservation |
| EK/34 | <b>Decisions and Decrees</b>                          | Permanent preservation |

**N.B.:** ' *Permanent Conservation* ' = Transfer to the State Archive

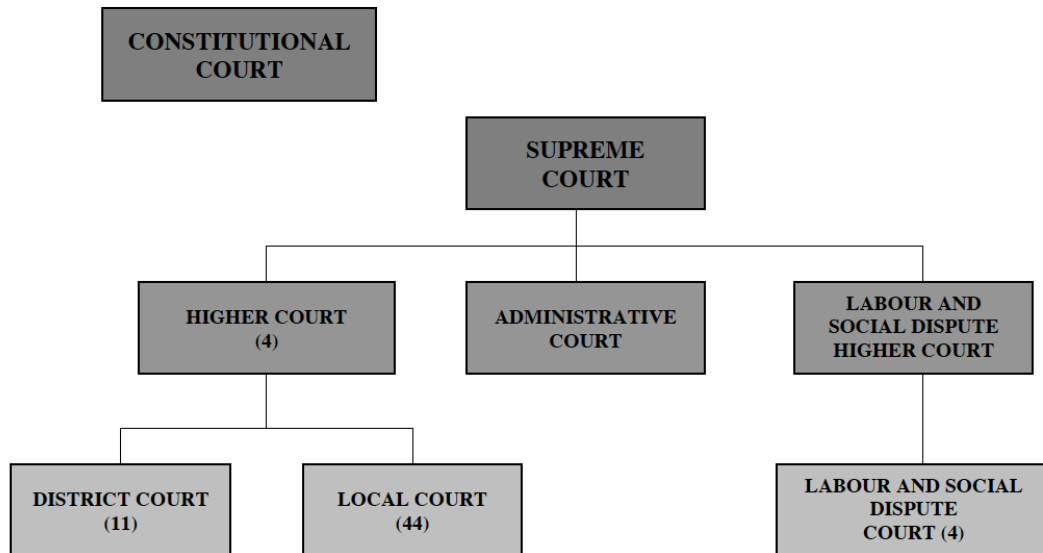
**Supreme Court**

**Nicosia 8.2.2011**

# Structure of the Courts in Ireland



## Appendix F: Slovenian Courts System Structure Chart



## **Appendix G: Courtroom Official: Job Specification**

The following description of the role and the skills and competencies necessary to perform the role to a high level of competency broadly illustrates similar roles in courts across the EU.

The holder of this position will manage the clerical functions related to the courts. The position demands attention to detail and self-motivation. The person will need sufficient knowledge of:

- Court rules and legislation.
- Court protocols, practices and procedures.
- DAR and any other ICT systems introduced into the courts system.

Other competencies essential to the role are:

- A high level of competency in the use of ICT systems and operating systems such as Microsoft, Apple etc.
- Good communication and interpersonal skills.
- A commitment to the values of the courts and to personal self-development.

The following schedule of duties is not prescriptive. It is rather intended to convey the broad range of responsibilities which attach to the role. The principal among these are:

- Oversight and preparation of court lists and documentation related to the court.
- Support for the judge before, during and following the court.
- Liaison with judge and relevant stakeholders.
- Making any appropriate announcements to the court.
- Pre and post-court checks on DAR, E-Justice and other ICT or manual systems in use
- Calling the court list and individual cases.
- Logging (annotating) in DAR.
- Recall and playback of DAR audio in the courtroom or in chambers.
- Administering the oath to witnesses.
- Receipt and recording of exhibits.
- Formally recording the result (outcome) of the court and noting it on the appropriate system.
- Formal notification of court result to the Registry.
- Preparation of court orders, warrants and ancillary post-court documentation.
- Such further and other duties as may be assigned from time to time.

It would be expected that such officer would undergo such training and mentoring from time to time as may be identified as necessary to carry out the role.

It should be noted that in most court systems such a role is not exclusively based in or performed in the courtroom. On non-court sitting days the officer will work within the Registry. The duties generally carried out are of such a broad nature that it is impossible to list all of them. In general, the responsibilities can incorporate:

- The issuing of notification of Court results and fines.
- The issuing of Warrants for non-payment.



- Receipting money and balancing accounts.
- Liaison with court users on all matters pertaining to the courts.
- Processing of court documents including checking for accuracy and compliance with procedures and rules of court.
- Preparing and issuing of court orders.
- Maintenance and updating of court files and ICT systems.
- Issuing of witness summonses and other court documentation.
- Preparation of court lists and diaries.
- Examine legal documents submitted to courts for adherence to laws or court procedures.
- Performing administrative tasks, such as answering telephone calls, filing court documents, or maintaining office supplies or equipment.
- Answering inquiries from the public regarding procedures, court appearances, trial dates and related matter.

## **Appendix H: Indicative Areas of Cost - Resource Implications Arising from DAR**

It is not within the Terms of Reference of this feasibility study to carry out a cost benefit analysis of the procurement and rollout of DAR. However, the Review Team has considered the various headings under which costs are likely to arise.

### **DAR Installation Costs**

A separate technical provider, TELMACO, has been contracted by the SRSS to provide a technical feasibility study on the introduction of DAR. The TELMACO study will include the provision of rough costings relating to expenditure for the project in the areas of:

- Available Technical solutions for DAR
- AV equipment costs.
- Installation costs.
- Programming costs.

### **Additional Areas of Costs**

#### *ICT support and maintenance contracts*

The contract for the installation of the network will generally include system maintenance, data storage, appropriate support including a designated help desk service and training for all users of the network. Maintenance, support and training contracts should be placed for a period of 4 years.

#### *Training*

Training will also be required in the following areas:

##### General ICT Training

It is not clear as to the level of ICT knowledge and skills among members of courts management, staff and members of the judiciary. A full training needs analysis should be carried out for all of the aforementioned. A training programme should be developed and tailored specifically to allow each user to fulfill his/her role both within the project rollout and the operation of DAR.

##### Project Management Training

The project team, working from the project office, must have experience in or be trained up to the requisite level in certain skills and competencies. If deemed necessary they should receive training as follows:

##### Project Manager

At a minimum a training programme, if necessary, should equip the project manager to a high standard in:

- Project management.
- Budget planning, management and control.
- Risk management.

- Communication strategy and planning.
- Change management.
- Business process re-engineering.

#### Project Team

It would be beneficial if the staff assigned to the Project Team were experienced and committed court personnel with excellent ICT skills. Assigned staff not in possession of adequate ICT skills should receive appropriate training. They should also be trained, if necessary, in:

- Oral and written communication skills.
- Change management.
- Budgeting and planning.
- Financial management.
- Risk management.
- Business process re-engineering.

#### Operational Training

The implementation of DAR will drive change to current procedures, court rules and protocols. For example, the new court operations regime will necessitate the presence of a staff member in the courtroom in a newly created role. **See Appendix G.**

Following on from the new “courtroom official” role and on completion of the procedural manuals/guidelines, it will be necessary to train staff in the role and in the knowledge and application of these procedures. Training will be required for managers and staff in the registries and for judges. This will continue for the duration of the rollout of DAR as each courthouse premises/Registry prepares for same.

#### Ongoing Training

After full rollout of DAR training needs arising from and related to DAR will continue. Existing staff will be transferred, promoted and retire. DAR may be extended to new courthouse locations. The capacity must be retained at all times to train staff in DAR and the operational consequences which DAR has driven.

#### Train the Trainer

It is prudent to have a local DAR superuser in each Registry. To enable such personnel to transfer with ease their own knowledge to existing and new colleagues each would benefit from a Train the Trainer course. This type of course normally enables persons not normally engaged in training to develop the skills to allow them to train and mentor others.

#### *Staff Costs*

#### Backfilling Vacancies

The planning and implementation of both DAR and E–Justice will place a demand on staff resources. Staff currently engaged in the day to day management of and operations of the courts will be required to:

- Participate in regular meetings of possibly multiple committees.
- Devote time to pre and post meeting work, e.g., research and analysis, etc.
- Develop practice and procedure manuals.
- Undergo various training courses.
- Deliver training and/or mentoring locally.
- Take up formal assignment in project office.

This list is intended to illustrate the level of staff input which the DAR rollout will demand. As this is likely to affect day-to-day operations courts management will need to act to offset this. Options may be explored for overtime, temporary staff or staff from other government ministries. This is generally described as backfilling of vacancies.

#### Staff for Courtroom Official Role

The rollout of DAR, either prior to or with E-Justice, will lead to the requirement for the full-time presence of an official in each sitting courtroom. Over 80 courtrooms sit daily throughout Cyprus. It will be necessary to recruit the requisite numbers, or alternatively, having appointed the courtroom officials from within the courts system, to fill the consequential vacancies. Either way, new staff may need to be sourced from elsewhere.

#### *Miscellaneous Expenditure*

##### Signage

Courtroom signage indicating in all courtrooms that DAR is operating within the courtroom..

##### Furniture

Courtrooms, judges' chambers, offices and registries should be subject to an assessment as to the suitability and capacity of the furniture in each location to hold all the necessary DAR related hardware and microphone systems.

#### **Cost Savings**

The implementation of DAR will be costly, both in terms of direct financial expenditure and the recruitment and/or application of staff or staff related resources, as set out above. However, we believe that on completion of a successful rollout of DAR significant financial savings will accrue annually. The courts will be in a position to terminate the stenotyping contract, leading to substantial annual savings

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