

3 Court transformation in focus

This chapter explores the role of courts in the justice system transformation. It presents the scope, measures and principles, functioning and delivery models of the Tribunal + programme in Portugal.

Courts as frontliners for justice system transformation

A modern and people-centred justice ecosystem encompasses a growing spectrum of integrated and interlinked formal and non-judicial services. Ensuring equal access to justice means providing the right mix of legal and justice services, which varies from country to country and evolves based on the necessities to respond to legal needs. In all countries, judiciaries and courts are key players and service providers in this ecosystem and, as such, co-leaders in justice service transformation.

Until recently court performance focused on supply aspects that are easily quantifiable, namely those related to efficiency or productivity e.g. collected by internal case management system such as disposition rate (OECD, forthcoming). With the nature of the courts and other justice institutions changing to be more service-oriented and to deliver better justice services for all, judiciaries and courts are today exploring innovative approaches to adopting people-centred perspectives that are responsive to their legal needs and sustain their resolution. These demand-driven initiatives have impacts on their governance structure, monitoring frameworks (including legal needs survey) and better targeting resources to specific needs in the context of fiscal constraints.

Yet identifying indicators that reflect the impact of a justice intervention on how people's legal problems are resolved remains a global challenge (OECD, 2019). The OECD criteria are a starting point for a process of continual learning and evolution of evidence-based best practice to ensure high-quality judicial (and broader justice) service planning and delivery (OECD, 2019).

The Portuguese justice system is taking active steps towards user-centred orientation. More specifically, as part of the Tribunal + project, pilot courts are driving transformation and changing the nature of their operations, leveraging on technology and rationalisation at the front and back ends, with impacts on judges, prosecutors, clerks, lawyers, users and other stakeholders.

What is Tribunal +?

As part of the Justiça + Próxima programme, the Tribunal + project was designed to address the following gaps in the Portuguese justice system:

- High procedural pendency, causing direct and indirect costs to citizens and economic agents and negatively affecting the image of justice.
- Perception of the existence of human resources insufficient to cover needs.
- The need to simplify and improve efficiency, in particular in tasks inherent to the front offices and court registry.
- The large volume of paper in the procedural flow, making dematerialisation a priority.
- The need to adapt the form of relationship to different users (e.g. citizens, companies, agents) and their needs.

Tribunal + was designed on the basis of a needs assessment carried out in April 2016 and tested as a pilot project in the Court of Sintra in September 2016, with the ability and opportunity to iterate and improve. The rollout of the project is planned in phases, in order to develop manageable and enforceable steps, whilst continuing to benefit from direct and continual input from service users.

The project was implemented in the other courts of West Lisbon County in 2017 and is currently being extended to the rest of the country (Figure 3.1).

Figure 3.1. Tribunal + rollout milestones

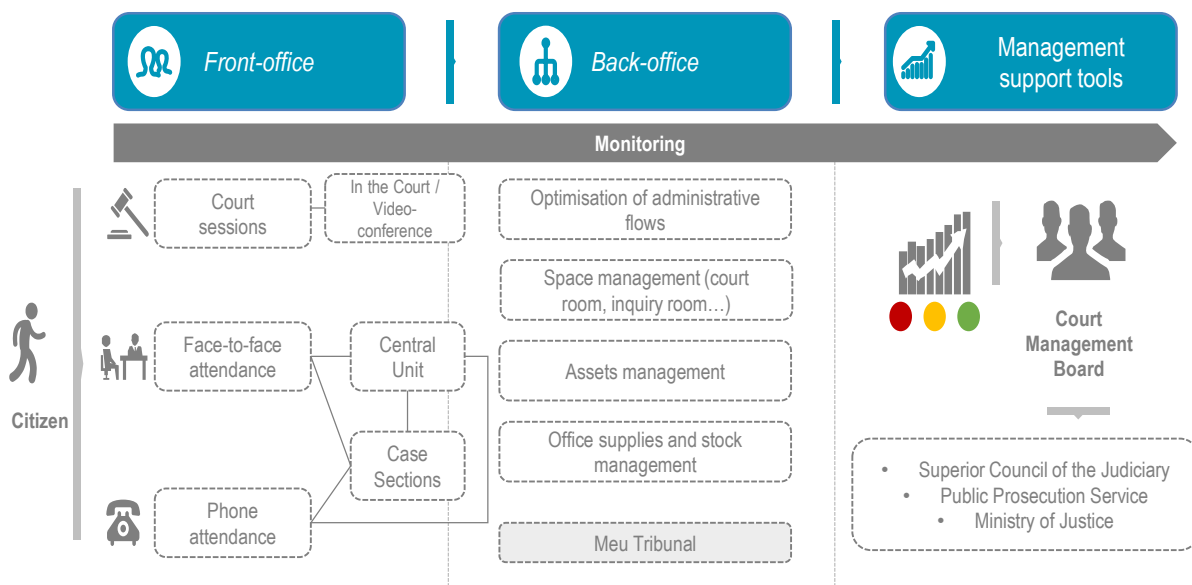


Source: Provided by the Ministry of Justice of Portugal, 2019.

The project introduced changes to the court’s operation in the following three areas (Figure 3.2 and Table 3.1):

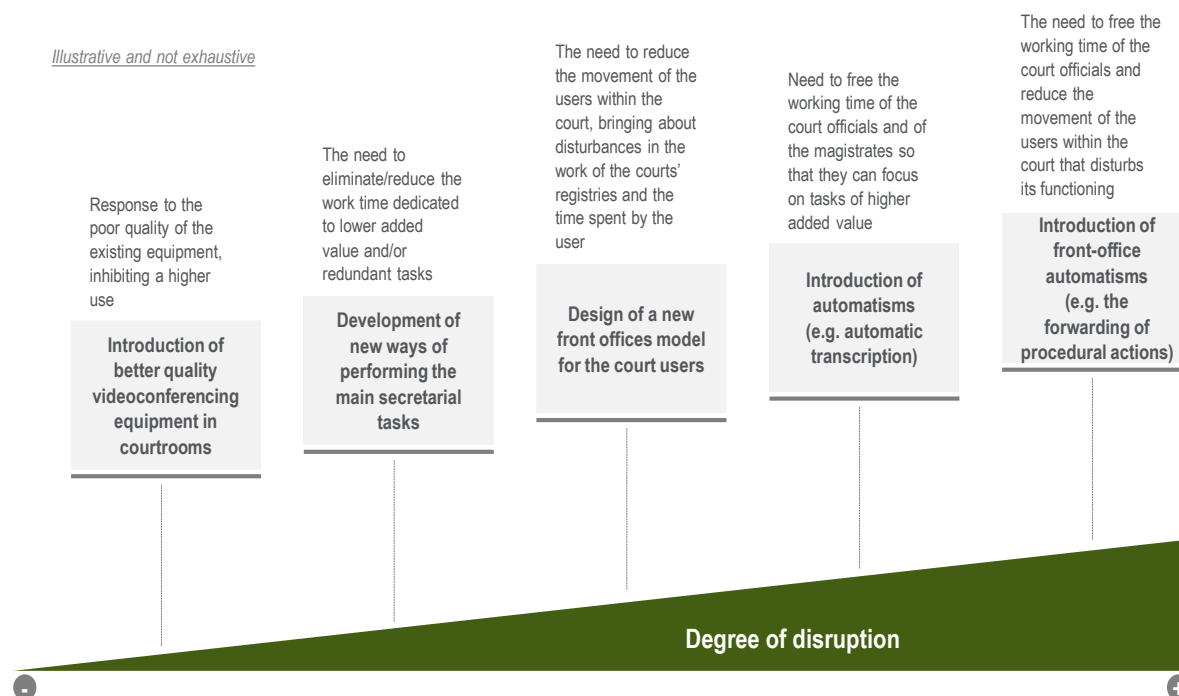
- Front office: a new attendance model (Balcão +) for receiving citizens in court and responding to their legal needs – including, when necessary, a face-to-face meeting with a prosecutor.
- Back office: the re-engineering of work processes for clerks and a new organisation based on team management and daily monitoring of workflows, and greater specialisation of clerks.¹
- Technology: the introduction of new information technology (IT) equipment and solutions, including the automation of notifications and outsourcing of delivery to individuals (“printing and finishing”), the digitalisation of all documents and dematerialisation of the process for opening a case in civil matters, additional computers and display screens providing information on the day’s trials in every court (as discussed above).

Figure 3.2. What is Tribunal +



Source: Provided by the Ministry of Justice of Portugal, 2019.

Figure 3.3. Elements of Tribunal +



Source: Provided by the Ministry of Justice of Portugal, 2019.

Table 3.1. Tribunal + measures and general principles

Front office	Back office	Technological solutions
More efficient assistance	Administrative and procedural simplification	Digitalisation of documents and development of user-friendly platforms
<p>Screen citizens during 1st contact</p> <p>Minimise the need for citizens to walk inside the building</p> <p>Promote alternative channels to in-person visits to the court (i.e. less need to go to the court if the citizen can solve his/her issues remotely and/or in another place/entity)</p>	<p>Scope -analysis:</p> <ul style="list-style-type: none"> • Flows • Volumes • Teams <p>Implementation of a process management indicators system allowing the Attorney General's Office and Superior Council (within their competencies) to monitor and evaluate the activity of courts, with updated data, for efficient performance</p> <p>Implementation of an information system to support planning, management and decision-making, for optimisation of human, material and financial resources</p>	<p><i>Non-exhaustive</i></p> <p>Automatic transcription at the judicial level</p> <ul style="list-style-type: none"> • Hearing of witnesses who are in another district and detained • Hearing experts' statement for future reference • Minimise repetition of traumatic events by victims • Alerts and notifications by SMS and emails • "Meu Tribunal" system solution to monitor and report intervention needs • Access to Citius web portal by judicial administrators • Electronic consultation of cases by citizens
<p>Balcão + (centralised assistance)</p> <ul style="list-style-type: none"> • General support: criminal record, requirements, documents, certificates, payments • Specialised assistance: Department for Investigation and Penal Action, Civil/Commerce/Enforcements Civil Law/Labour • Assistance to citizens with reduced mobility/ 	<p>Training in assistance</p> <p>Training for relevant support actions</p> <p>Training in technological solutions, applications and equipment</p>	<p>At management level</p> <ul style="list-style-type: none"> • Meetings of the management bodies • Share of information • Automatic transcription • Swift registration and review • More user-friendly search • PEPEX system for list of public debtors • Electronic communication by National

Front office	Back office	Technological solutions
More efficient assistance	Administrative and procedural simplification	Digitalisation of documents and development of user-friendly platforms
assisted support/self-service Decentralised consideration of cases <ul style="list-style-type: none"> • Family and minors • Criminal • Administrative and fiscal 		Industrial Property Institute and Intellectual Property Court <ul style="list-style-type: none"> • Electronic communication between registries and courts in relation to parental regulation • Expanding Citius to criminal procedures in view of promotion/protection of family and minors' procedures • Justice fees simulator • Electronic communication between courts and other public entities, such as social security and health ministry • Going digital – Digital proximity

Source: Based on the information provided by the Ministry of Justice of Portugal.

Court front office and attendance model (Balcão +)

As suggested in the Tribunal + project, a single point of entry ensures that court users are greeted and provided with assistance from the moment they walk into the court centre. As court users may be attending for a variety of reasons, including legal advice, court hearings, filings, ticket payments or general queries, having a system to triage these questions and provide timely answers is essential. Effectively triaging court users can resolve simple questions easily and prevent court users from walking further into the centre unnecessarily and can be assisted by signage, staff and welcoming procedures to guide users further. In addition to a physical first point of entry, court users may come into contact with the court centre via the Internet or by telephone. In line with good international practices (see Box 3.1), Tribunal + is increasingly putting in place a system to channel concerns and guide users to a resolution in order to save time and costs. It will also aim to put a phone directory in place, publish information on the court website and use social media to disseminate updates in order to facilitate a user-friendly court experience.

Box 3.1. Selected examples of court front-office modernisation efforts in OECD countries

United States – Wayfinding and signage

In Californian courts, wayfinding design strategies have been found to compensate for a lack of signage. Functions such as public service counters, information and self-help are located at the main entrances as they attract a high volume of court users. This information should be easy to locate and access without an individual needing to walk into and through the court centre. Throughout the building, signage should be located in high-traffic areas for self-represented litigants and translated into multiple languages if necessary. Iconography is also used for standard notices such as offices, services and regulations.

Best practice courts displayed a calendar of the docket in lobby areas as well as outside courtrooms. They also utilised an electronic queuing system in the form of a freestanding kiosk, where users can select a reason for their visit and wait in a comfortable sitting area until their number is displayed. Using a system such as this reduces long waiting lines and allows the centre to better allocate staff resources. Electronic systems also provide multi-language options for increased accessibility. It is recommended to involve court staff in the design and implementation of signage as they can advise on usability and functionality in order to develop a user-responsive approach. It is also important to conduct

assessments of signage and welcoming procedures with staff and local groups interacting with court users on a regular basis.

Canada – Seamless access to justice in French language pilot project

Launched in Ottawa in 2015, the pilot was an 18-month project run by the Ministry of the Attorney General and Ontario’s Chief Justices. “This is the first time a collaborative effort has been made in a specific location to enhance access to justice in French and to address potential challenges faced by francophones seeking to access services in French or to exercise their language rights under the Courts of Justice Act or the Criminal Code of Canada”. The primary objectives were to provide co-ordinated access to services in French, promote awareness of French-language rights, reduce challenges for these litigants, identify best practices, use technology to enhance French services and encourage other partners to participate. The pilot offered:

- Counter ticketing system – Q-Matic system that is bilingual and allows clients to choose a ticket in English or French, alerting staff when a user has taken a French-language ticket.
- Public-facing screens with English and French messages.
- Bilingual court list templates.
- Bilingual greetings to the public to initiate communication.
- Phonetic spelling to enable English-speaking staff to assist, monitored by phone and counter audits.
- Entry in an electronic database detailing whether a case is in French or English.
- French grammar software, lessons for bilingual staff and interactive training sessions.

It is necessary to consider all aspects of communication when providing multilingual access to justice; this includes counter service, telephone directories, emergency announcements and courtroom announcements. Visual aids such as signage, forms, stickers, screens and badges can all be used to guide court users or indicate multilingual assistance.

Source: Language Access Plan Implementation Task Force (2017), *Wayfinding and Signage Strategies for Language access in the California Courts: Reports and Recommendations*, www.courts.ca.gov/documents/LAP-Wayfinding-and-Signage-Strategies-Language-Access-in-the-CA-Courts.pdf; Ministry of the Attorney General (2017), *Seamless Access to Justice in French Pilot Project*, www.attorneygeneral.jus.gov.on.ca/english/about/pubs/access_to_justice_in_french/.

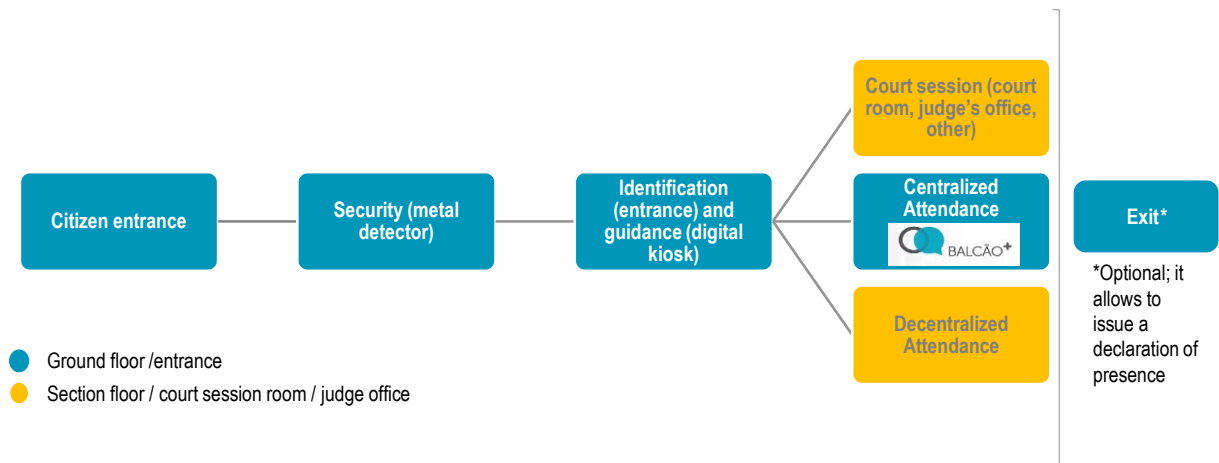
After initial entry, finding directions and signage are essential to guide users to the appropriate location in a timely manner. As also found in the Sintra project, docket information upon entry and outside each courtroom, floor information inside lifts or stairwells, maps and safety information, and easily-identifiable words as well as icons can be effective in facilitating access. To further strengthen the Tribunal + initiative offering, it could be useful to introduce multi-use spaces and flexible rooms for users to hold breakout sessions or resolution discussions in private (Department of Justice, 2017). Other services a court might consider are childcare facilities and service dogs, both of which can provide necessary assistance for vulnerable members of the public and lead to a more therapeutic environment whether they are seeking assistance or attending a hearing (Department of Justice, 2017).

As part of the Tribunal + project, a prototype of a court’s front desk was developed through a series of workshops attended by clerks by mapping business processes, with ergonomics and better citizen service in mind (Figure 3.4). As of mid-March 2019, 48 courts integrated the new attendance model and issued around 220 000 attendance tickets and over 27 000 automatic presence declarations.

Court back office

There is an increase in the use of new technologies to improve the performance of justice systems and make more efficient the services they provide to users (Box 3.2). The Tribunal + project also focuses on identifying efficiencies in back office processes and promoting automation of certain tasks, as developed below in the description of the Sintra pilot project. By shortening the time needed to file a case or to provide relevant documents for a decision, the project is expected to impact the workload of judges indirectly. Also, by releasing court clerks from unnecessary tasks, it will make it possible to allocate resources to more qualified tasks, provided that there is adequate training for those more demanding tasks. Currently, daily work organisation methodology implemented in 23 process units and 20 court clusters (comarcas) employ the new office set up approach in 74 buildings.

Figure 3.4. Attendance model in Tribunal +



Source: Provided by the Ministry of Justice of Portugal, 2019.

The Portuguese authorities recognised that new work methodologies and a new attendance model bring new challenges and additional training needs. To this end, training in attendance was developed and included:

- *Training in judicial techniques.* The training was designed to be delivered both in a classroom and on the job, in order to address the new methods to be used in assistance and welcome desk (Balcão +) and in the court registrar. It is intended to be provided by the General Directorate of Justice Administration (DGAJ) in close partnership with the consultant on change management. In order to spread knowledge provided by such training activities, training will be applied to the key elements of the rollout courts by court clerks (“ambassadors”) who have partaken in previous pilot projects (cascade model).
- *Technical training in solutions/technological applications and equipment,* such as the front-office kiosk, attendance management solutions and videoconferencing. These training activities will be provided by the suppliers of each of the technological solutions.

Box 3.2. Technology for court efficiency

Austria – Justice 3.0

Austria has led a series of justice innovations with information and communication technology (ICT). Phase 1 saw data processing innovations take place between 1980 and 2000, while Phase 2 implemented Internet technology, networking and service-oriented IT procedures between 2000 and 2015. Phase 3, or the Justice 3.0 project, is now underway and is moving towards complete digitisation of processes, high-quality user-experience applications and cognitive technologies. The pilot programme was launched in 2016 and upgrades and training measures are expected to be implemented in all judicial offices by 2020. Common principles of the project are to use modern technology to create:

- concurrent access to a digital file
- remote mobile access
- flexible allocation of tasks
- choice between paper and digital work
- possibilities for autonomous work
- automated proceedings
- joint management of parties' participation in the process
- task management with process patterns
- primarily electronic communication within the justice system
- primarily electronic delivery of documents
- full information on fees
- search and process functions for all file contents
- automated appointments and calendars.

The project will integrate all existing IT modules to deal with legal proceedings and file management and create a digital file. Judges will be equipped with multi-touch tablets as well as touchscreen monitors and a signature pad to allow for navigation of the system as well as studying files. PDF file creation will be possible as well as electronic delivery of paper documents, preventing file delays waiting for the receipt of documents.

An automated task list will also be created for each unit, to visualise appointments for case files that are in progress. This system will incorporate incoming mail from the clerk, accounts manager, cost auditor, assistant, and judge into an electronic file or create a new entry if a file does not yet exist. This will enable offices to work in a more comfortable manner, reduce the need to transport files between offices and allow for audits at any given time. Anticipated benefits of the programme are to reduce proceedings by 20% as well as generate savings of EUR 30 million in personnel costs, EUR 50 million in material costs and EUR 150 million for citizens and the economy. In total, the government forecasted total savings for the judiciary of EUR 230 million per year. In 2017, 14.7 million transactions were completed under the pilot, including 4.8 million e-filings and 7.6 million electronic deliveries. The cost per electronic delivery was EUR 0.07, amounting to savings on postage fees of EUR 12 million (Schneider, 2018). The project was awarded a Best Practice Certificate in 2015 by the European Public Service Awards (EIPA, 2015).

Canada – Court Administrative Technology Suite

British Columbia launched an e-court programme called the Court Administrative Technology Suite, as a joint initiative between the Ministry of Attorney General, the Court Services Brand and all three levels of the British Columbian judiciary. The project was launched to create an integrated system for the seamless co-ordination of electronic documents from law offices to registries, judicial desktops and the courtroom. It was designed to include electronic courtrooms, a complete electronic case file, an integrated system for real-time monitoring in the registry, electronic exhibit management and links to information systems. The goal was to support public access, remote access by court personnel and in-court functionalities.

The project was completed in incremental stages over a period of 15 years and showcases why a well-explained vision can enable widespread adoption and general success of the initiative. At first, two modules were designed and became the basis of the project. This included case management systems for criminal matters as well as civil, family and estate cases. Development of these systems evolved from case tracking to case management, an essential component of the e-search application launched at a later date. The initial focus for in-court functionality relied on consultative discussions before directions were issued to the public. Additions to facilitate in-court technology were later rolled out, including evidence presentation cards and revisions to court staff roles. Paper forms were then eliminated and electronic proceedings were made possible. Project discussions included a wide variety of stakeholders, in particular the judiciary, which was key in the planning, implementation and acceptance of the system. This also led to a better understanding of the diversity of court users and the relationship between court systems and workflow.

In 2011, the first electronic case proceeding took place at the Supreme Court and in 2012, the first electronic proceeding before the Court of Appeal. During the appeal, a working group made up of judges, court services branch employees, senior policy analysts, and technology and business consultants was established. Each of the five judges on the panel had been involved throughout the planning stage of the project and their workspaces were already organised to suit their technological needs and preferences.

The Netherlands – Quality and Innovation

The Netherlands sought to modernise its civil and administrative procedure through its Quality and Innovation project announced in 2012. The Ministry of Security and Justice and the High Council of the Judiciary were in close co-operation throughout the project. Prior to reform, the system was heavily paper-based and the project sought to include more standard, user-friendly digital procedures. Case management software was developed called MyCase, allowing for the uploading of initial documents and the creation of a court staff workspace. Discussions took place step by step between future users, modifying the programme as needed. This was linked with legislative reform, involving discussions with judges, court personnel and lawyers. The software will immediately react to litigation events, responding to court calendars and decreasing the amount of time a file takes to complete. The project is estimated to create a cost reduction of EUR 270 million annually.

Sources: Hackl, M. (2018), "e-Justice in Austria from CDO perspective", www.venjitoour.nl/sites/default/files/presentation%20e-justice%20in%20Austria%202018_CDO_v4.2_compressed_pub.pdf; Gesek, C. (2016), "Justiz 3.0", www.justiz.gv.at/web2013/home/e-justice/justiz-30-2c94848b5461ff6e01562be726d72d43.de.html; Schneider, M. (2018), "e-Justice in Austria from CIO perspective", https://www.venjitoour.nl/sites/default/files/presentation%20e-Justice%20in%20Austria%202018_CIO_v4.1_compressed.pdf; EIPA (2015), *List of EPSA 2015 Best Practice Certificate Recipients: European, National and Regional Level*, http://www.epsa2015.eu/files/EPSA2015_Best_Practices_EU_Nat_Reg.pdf; Lupo, G. and J. Bailey (2014), "Designing and implementing e-justice systems: Some lessons learned from EU and Canadian examples", www.mdpi.com/2075-471X/3/2/353; De Weers, T. (2016), "Case flow management net-project – The practical value for civil justice in the Netherlands", <https://www.iacajournal.org/issue/21/file/50/>.

Pilot project: Sintra

In order to test the effectiveness of the Tribunal + model, the Portuguese government has designed a series of pilot projects, first and foremost in the Court of Sintra. The pilot projects aim to assess costs and benefits and identify lessons learned before a national rollout. The Sintra pilot offers the public a new front office model, the simplification of information flows in the back office (court secretariats) and the introduction of management support and productivity tools.

The pilot aims to transform the court operations by changing the complex processes and labour-intensive, paper-based systems which were seen as creating errors, duplication and inefficiency. It is based on a three-level intervention, in line with the logic of Tribunal +. First, it aims to improve user experience, by: providing for a new customer service model – Balcão +; creating new functionalities (such as the possibility of automatically issuing an attendance slip at the front-office kiosk); developing automated tasks; improving assistance and waiting areas; promoting intuitive communication and a new image. Second, it aims to improve secretarial tasks, by speeding registry procedures based on the evaluation provided by the Kaizen Institute and promoting the automation of certain tasks, such as automatic transcription or online criminal record requests. Third, it looks to introduce tools to support court management, such as court hearing management software, asset management software, energy efficiency monitoring software, office supplies management software and a system for evaluating public and internal satisfaction. The change is underpinned by greater use of technology – including video-enabled hearings, improved scheduling and listing, more wi-fi and screens, and automatisations, including of the front office.

The logic behind the proposed design of the Tribunal + project is that the new attendance model is expected to modify the distribution of user demands between the four existing types of attendance – centralised, decentralised and remote (telephone, online) attendance, as well as court sessions, to increase the effectiveness and efficiency of frontline services for each of these types of attendance, and to generate implementation costs (investment in equipment, training, reorganisation of services). These outcomes are expected to increase user satisfaction, reduce the average time spent by users to complete a procedure – at least in the case of simple procedures – and modify the level of human resource required in front-office services for each type of attendance. The latter outcome is expected to lead to a reduction in front-office backlog and to open up the possibility of reallocating resources between services/types of attendance, which in turn – together with the effects of back-office reforms – would lead to better case flows, higher clearance rates and shorter proceedings, as well as increased specialisation of judges and courts. Finally, the various aspects of improved court performance would trigger positive socioeconomic outcomes such as enhancing the rule of law, increasing hours of work (by lowering absenteeism), etc. (see below).

Box 3.3. Streamlining court operations

The Sintra pilot project Tribunal + has benefitted from analysis on attendance and phone call flows, on the productivity of court clerks, the activities of registries, lead time of closed cases and on the dimension and dynamics of each court clerk team. Based on such assessment, the following actions have been recommended:

1. Centralise face-to-face and phone attendance. Each unit (that can comprise multiple judges) shall have a single point of attendance, guaranteed by a single court clerk assigned in turn on a weekly or daily basis.
2. Simplify six essential tasks of the registry: joining documents, notifications, accounting procedures, internal transportation of judicial proceedings, regular post receipt and archive

management. Solutions were presented either to change the ergonomics of the workplace, to resort to automation innovations or to reduce redundant activities.

It has also been recommended to implement daily improvement routines to each registry, by ensuring the organisation of the physical and digital workplace and by promoting regular team meetings to evaluate ongoing progress and assess the completion of target goals. Each registry's internal assessment is carried out via a physical dashboard that is continuously updated to keep track of teams' daily achievements, stimulating competition between them.

Source: Provided by the Ministry of Justice of Portugal, 2019.

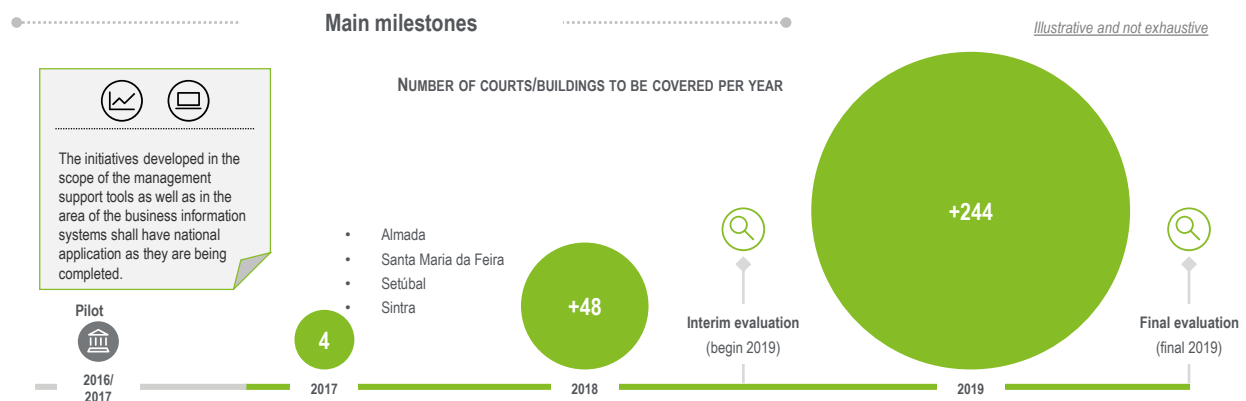
Rollout of the Tribunal + project

Tribunal + was extended to three other courts of the West Lisbon district in January 2017, started being implemented in the rest of the country in October 2017 and is expected to be completed in 2019 (Figure 3.5). The implementation schedule and conditions have been adapted to the specific requirements of each of the three components. The rollout of back-office measures, in particular, is placed under the responsibility of the district cluster management committees, with the technical assistance and under the supervision of the ministry. Emphasis is placed on selecting and training trainers within the clerical staff of each court cluster, thereby making them the agents of future change.

In particular, the Attendance + (Balcão +) model was extended to the West Lisbon district (Amadora, Cascais and Sintra). Each court experimented with the specialised services, including:

- Sintra – Civil/commercial/enforcement/labour cases.
- Cascais – Civil and labour cases.
- Oeiras – Civil and enforcement cases.
- Amadora – Family, minors and civil cases.

Figure 3.5. Chronogram of the Tribunal + Project



Source: Provided by the Ministry of Justice of Portugal, 2019.

The rollout was accompanied by a series of workshops to facilitate the implementation of the model, as well as efforts to simplify processes to deal with incoming and outgoing correspondence. Each pilot court will follow the implementation in courts from different clusters according to their size. Initial training will be

provided to judicial administrators, clerks at the top of the hierarchy and personnel from the DGAJ who will help with the implementation.

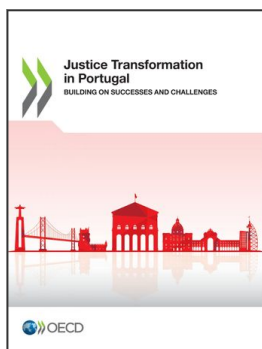
Looking ahead, it would be important to put in place an effective monitoring and evaluation framework, as well as a robust approach to sound scaling up of the project to ensure its sustainability and impact (see Chapter 4).

Notes

¹ An external consultancy has been hired to conduct the re-engineering of clerical work, following a template from the manufacturing industry. Workshops have been organised with clerks from every department of the court. Each workshop has mapped and broken down the workflows into individual tasks, analysed the time used on and the value-added of each task, and rationalised the workflow on this basis.

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