

Using videoconferencing to improve access to justice

Suggestions from the Gateways to Justice Project

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1. Video conferencing isn't a 'pipeline'
2. Technology 'fix' isn't always the only way to improve its use
3. 'One size doesn't fit all'

This session?

- *The project – objectives, team, methodology*
- *The nature of remote participation? (a bit of theory)*
- *How well are we using it?*
- *Improving remote participation*
 - *Technology*
 - *Design of the facilities*
 - *support*
 - *work practices*
 - *legal protocols/procedures*
- *Planning for the future*

Gateways to Justice:

improving mediated communications between justice participants

Lead Investigator:

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Chief Investigators:

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ICE Design
Integrated Communication Environments



Australian Government
Australian Research Council



The University of Sydney



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Aims & objectives:

- *How successful is videoconferencing in enabling remote participation in justice proceedings?*
- *From whose viewpoint – participant? Judicial Officer/Presiding Member? Party? Witnesses? Lawyers? Jury?*
- *How can it be improved?*

How do we decide when to use it?

COURTS - Discretions

- *‘fairness’, ‘convenience’, ‘interests of justice’*
 - *ability to impose conditions*
- (applies to tribunals also in some jurisdictions)*

TRIBUNALS

- *Powers to allow participation by telephone, CCTV, other means of communication*
- *Ability to impose conditions?*

- ***Literature Review***
- ***Previous studies***
- ***Surveys***
- ***Site Visits***
- ***Interviews***
- ***Experiment***

Nature of Remote Participation: how is the remote participant 'present'?

- *Immersion? Transportation?*

- **SOCIAL PRESENCE:**

*'the degree to which a medium is perceived as **conveying the presence of the communicating participants.**'* (Short, Williams and Christie: 1976)

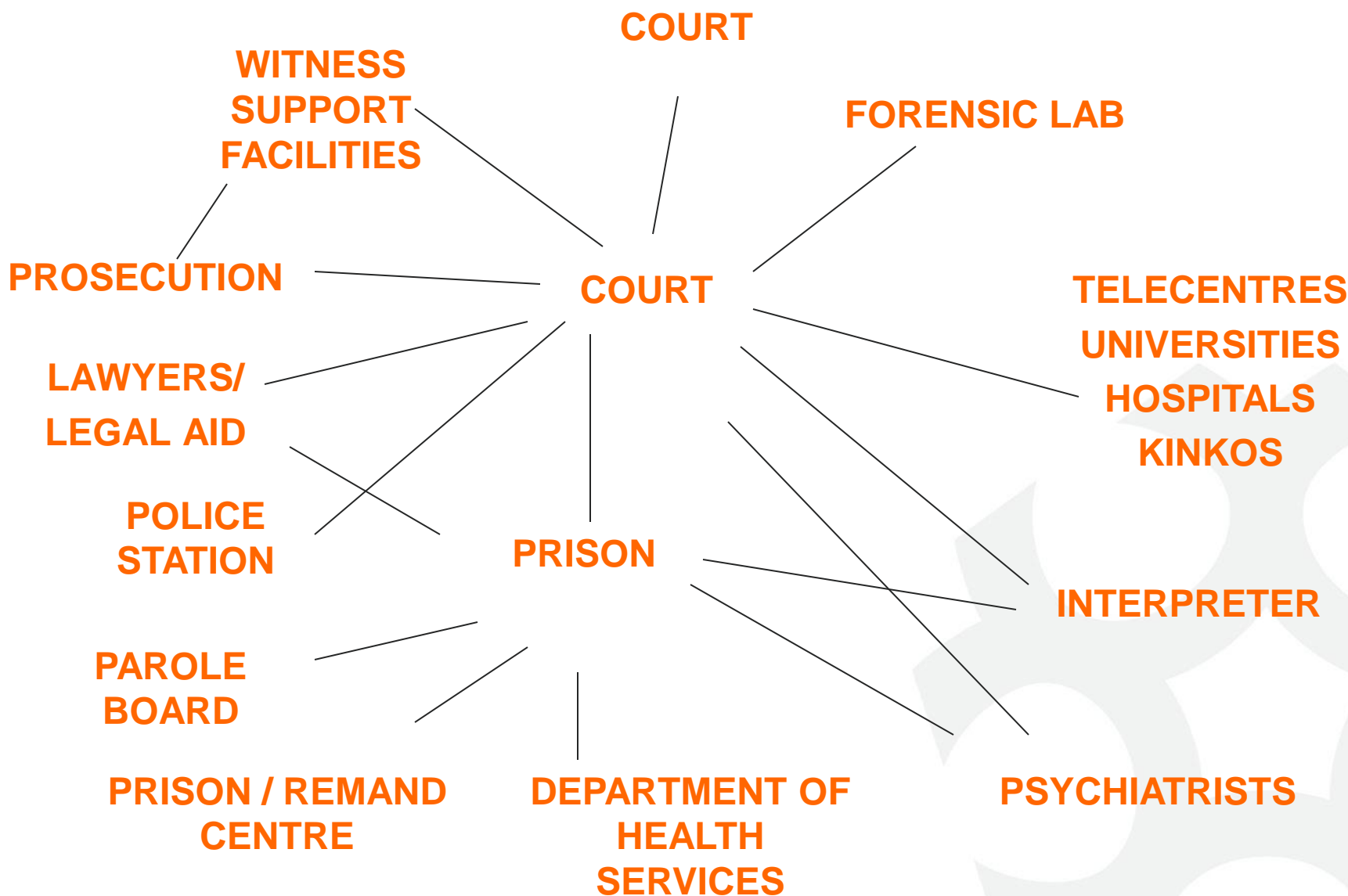
Encompasses the **words** conveyed, the **context** in which the communication takes place (including any **nonverbal and verbal cues**) and the extent to which a sense of 'community' is created during the interaction, (Rice: 1993) **so that participants can effectively collaborate or work together** (Gunawardena; 1995) .

*“the extent to which media are able to bridge different frames of reference, make issues less ambiguous, or provide opportunities for learning in a given time interval, based on the medium's **capacity for immediate feedback**, the number of **cues and senses involved**, **personalization**, and **language variety**.”*

- (Rice, 1993)

KEY FINDINGS

The 'connected' justice system

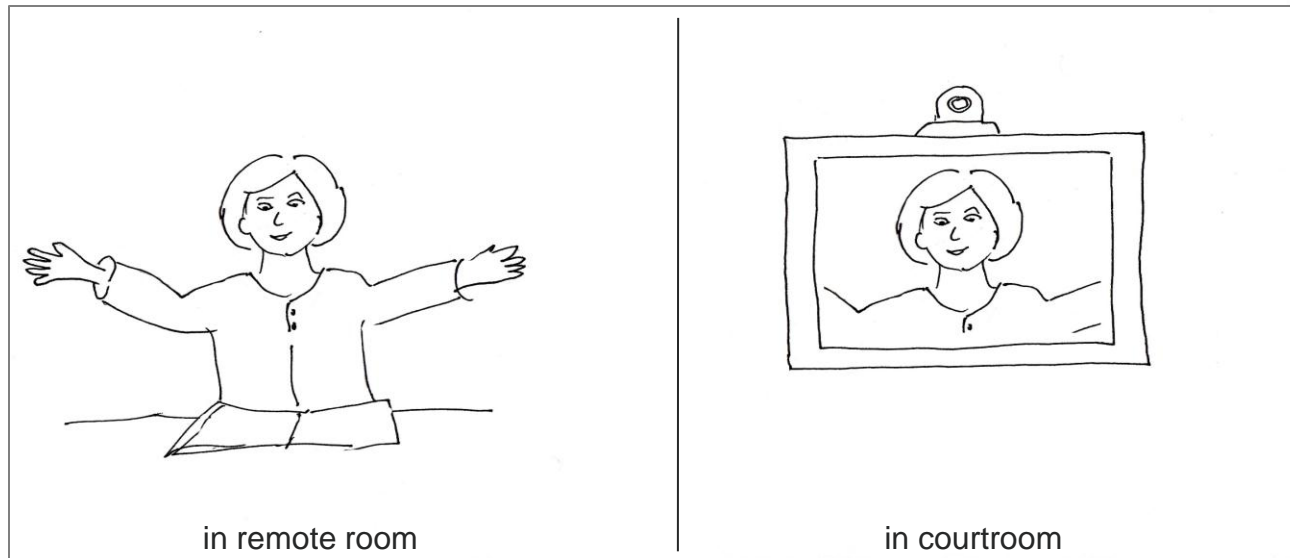


ISSUES FOR REMOTE PARTICIPATION

- *Poor audiovisual quality*
- *Restricted views*
- *Lack of behavioural cues*
- *Inability to use demonstrative tools*
- *Unsupportive environments*

- ***Low resolution screens***
- ***Poor sound reinforcement***
- ***Compromised speech intelligibility***
- ***Sound and vision not co-located***

- ***Inability to achieve eye contact***
- ***Missed body language & other non-verbal cues***
- ***Capacity to adjust (in practice)***
- ***Capacity to provide multiple views***



VISUAL AIDS

- ***Availability***
- ***Training***
- ***Technical support***
- ***Capacity***



UNSUPPORTIVE ENVIRONMENTS

- *Uncomfortable*
- *Incongruence*
- *Lack of information*



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CONFLICTING BEHAVIOURAL CUES

- *Inappropriate behaviour*
- *Lack of understanding*



PERCEPTION OF REMOTE PARTICIPANT

- *Believable/unbelievable?*
- *More/less impact?*
- *Distant?*

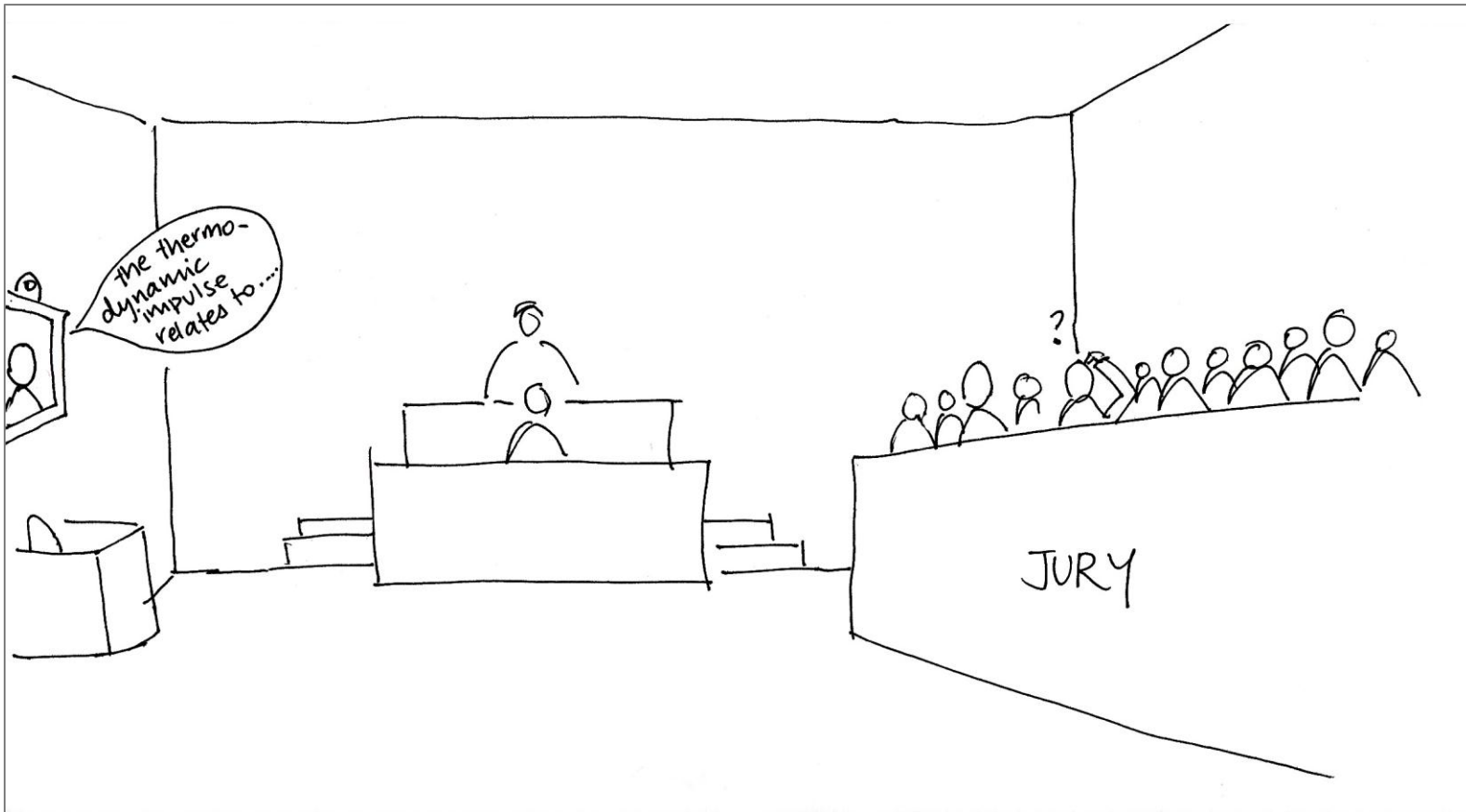
EFFECT ON COMMUNICATION

- ***Confrontation***



EFFECT ON COMMUNICATION

- ***Education – ‘reading your audience’***



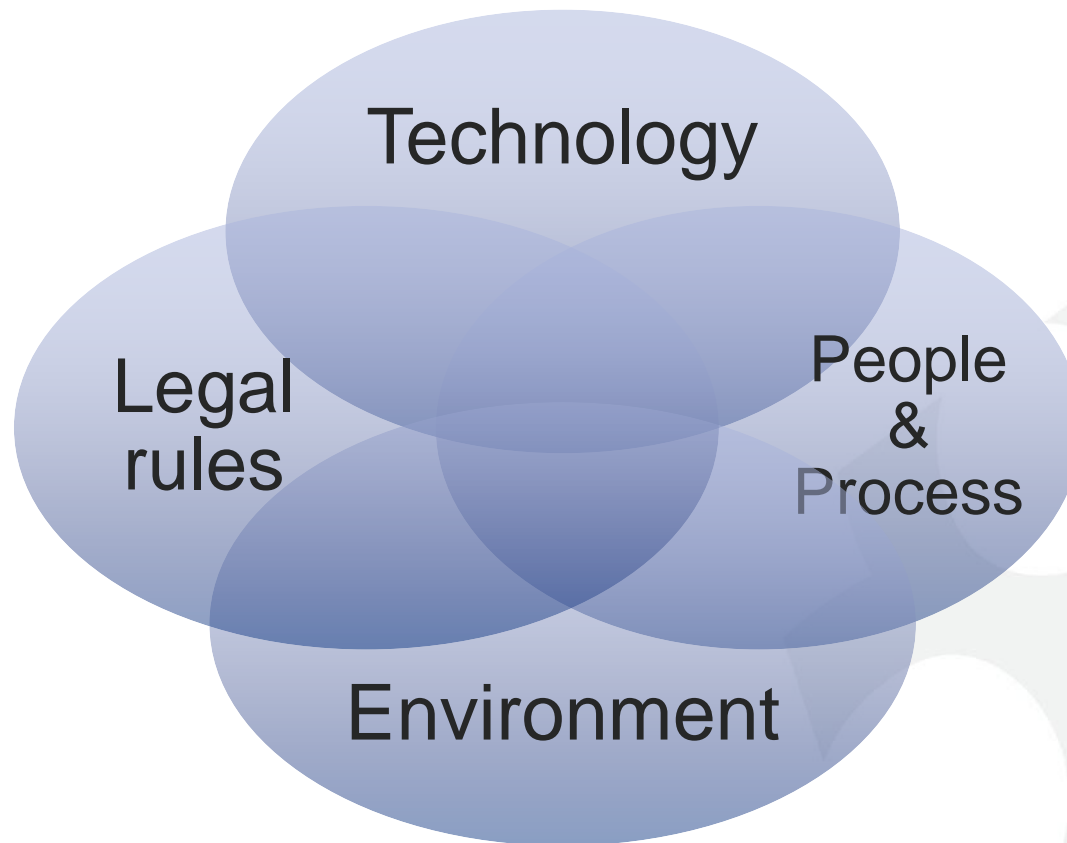
- ‘The party, witness, lawyer or judge whose presence in a court proceeding is mediated by technology is ‘present’ in the courtroom in a new form - ‘a picture on a screen’ - one which may have differing implications for the way in which their evidence is interpreted and understood.’*
- Feigenson and Spiesel (2009). *Law on Display, the Digital Transformation of Legal Persuasion and Judgment*

Creating an effective social presence requires consideration of difference:

- Categories of remote participants
- The nature of their involvement/contribution
- What do they need to participate effectively?
- The type of proceeding

IMPROVING VIDEOCONFERENCING IN COURTS

4 ELEMENTS



1. TECHNOLOGY

- *Visual AND Audio*
- *Quality AND Configuration*
- *Relationship to built environment*

- *The remote 'space'*
 - *features and functionality*
- *'In' the courtroom/hearing room*
- *Think about*
 - *Lighting*
 - *Background*
 - *How technology integrates?*



PEOPLE AND PROCESSES

- *Support for remote participation*
- *Introductions & orientation*
- *Training*

Planning for the future?

- **Desktop links**
 - **Skype, Vidyo?**
- **Think mobile**
- **Flexibility, experimentation, more nuanced approach to selecting tools**
- **Set the conditions**

Feedback, comments questions?

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