The Longford Royal Commission – a technological perspective

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Modern legal technology offers the opportunity to radically revise the litigation landscape. In particular, the application of technology to litigation-support activities, such as document management and case preparation, has the capability to reduce costs, shorten lead times, and substantially reduce court time.

All that adds up to a different financial equation, which provides greater opportunity to proceed with each stage of the litigation process.

Probably the most important technological advance currently available to the Australian legal sector is the opportunity to move from a traditional paper-based discovery and document management system, to an easy-to-use electronic system which is accessible on-line.

That means clearly imaged documents are available at the click of a mouse, either on a local PC or via a variety of internet and intranet connection options.

Equally importantly, it means identical sets of information and indexing for all parties to a case, including the courts. Sharing of materials provides a further reduction in overall preparation and management costs. This approach requires all parties to agree in advance to standard protocols and formats for efficient information transfer.

A major provider of this service to Australian law firms and other parties is Diskcovery. As distributors responsible for sales and support of the Lantern™ software system, we work with a range of individuals, firms and government organisations, to provide customised technology-driven solutions for litigation and other legal processes.

A current example is the Longford Royal Commission into the Victorian gas disaster, where most parties (including the Commission itself and the Government counsel) are using the system. This has meant an economical start-up for the Commission, and has assisted in ensuring the evidence can be considered while it is still fresh.

Equally, it has allowed for real time transcripts on the internet - accessible by audiences around the world. The availability of real-time transcripts has important implications for the management of class actions and other complex litigation.

However, although Lantern™ and associated software solutions are gaining ground through high-profile events such as Longford, there are still a number of challenges facing the shift to an on-line system.

These include: basic questions about what the software actually does; how broad is its application; questions about security; and concerns about long-term scalability and efficacy in rolling litigation.

The first of these is probably the most critical. Lantern™ is an intranet (or internet) knowledge management solution, based on a technically complex but easy-to-use database. Lantern™ delivers improved case or matter management and decision making through easier access and analysis of information.

Basically, the system allows either Diskcovery or the client to image, code and reference (both objective and subjective) all materials pertinent to a particular matter. The objective data processing system is at a best practice level, and allows multi-level indexing, so that individual documents may be found in response to a range of likely queries. Equally, it provides for clear links between associated materials, such as transcripts, witness statements, and pleadings.

Like any coding system, Lantern™ is only as good as its input. Whilst the system is flexible to use, early adopters are enhancing its potential with the assistance of expert advice.

The system is totally secure, which is demonstrated by the confidence shown by parties to the Longford Royal Commission. Finally, it is 100% scalable - in fact the on-line solution is considerably more scalable than paper-based document management, not least because there are no physical constraints to document access.

On-line document management and associated solutions such as remote case management provide an important environment for the future of litigation. They reduce costs and lead-time, and make information more accessible.

On-line document support provides a range of opportunities for law firms regardless of size - but ultimately it is the practitioners, not the technologists who must take the lead. ∎

Greg Wildisen is a Director of Diskcovery - a provider of solutions and bureau services to the legal sector including law firms, corporations, and governments.