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# GUIDELINES AND RECOMMENDATIONS RELATING TO COMPUTER SUPPORT FOR JUDGES

Ten years ago, a few judges who were pioneers in the use of computers for judges met under the auspices of the Technology Committee of the ABA Judicial Division's National Conference of State Trial Judges. The purpose was to craft guidelines and recommendations to assist other judges who were ready to take the plunge into technology.

Looking back, those days seem like a century rather than a decade ago. Much has changed in ten years, for example, our initial recommendations were for only two megabytes (megs) of Random Access Memory (RAM); today we list thirty-two megs as a bare minimum and urge sixty-four to avoid rapid obsolescence.

More and more judges are now expert in the use of personal computers, and more and more **court** systems have equipped the judiciary with up-to-date technology. The ABA Judicial Division has recently created a new cross-conference Technology Committee, cosponsored by the National Conference of State Trial Judges, the National Conference of Special **Court** Judges, and the Lawyers Conference. This committee will coordinate presentations at national meetings and otherwise work to assist those judges using technology.

However, there are still too many judges who do not have personal computers. Even more significant, most **court** systems do not do an adequate job of training judges and judicial personnel in the use of computers. And oftentimes even after **court** systems make computers available to judges, they then fail to maintain and upgrade the technology.

In coming up with our tenth anniversary version of the Guidelines and Recommendations Relating to Computer Support for Judges, we note both some changes in the report and, regrettably, recommendations that remain the same because only a few jurisdictions paid heed to them.

## RECOMMENDATIONS

**Computer Specifications.** One change that we have made is that we no longer recommend computer specifications in the Guidelines and Recommendations itself, but instead, have placed that information in the Commentary section. There are several reasons for this. First, as computers have become so available, this information is readily accessible. Second, it is difficult for even those experienced with technology to come to consensus on the necessary specifications. Third, technology changes so quickly it is impossible to write a recommendation that will not become obsolete very quickly. Fourth, different judges have different needs.

With those caveats, our consensus of the moment (June 1, 1998) is to recommend the following as a minimum:

- (a) at least a 200 MHZ Pentium.
  
- (b) at least 2 gigabytes of hard drive storage capacity.
  
- (c) at least 32 Mb of RAM, better 48 Mb, best 64 Mb.
  
- (d) a 15" color monitor with .28 dp or better.
  
- (e) a 28.8 modem as a minimum.

We plan to update these specific recommendations every six months and post them to the ABA Judicial Division Website (<http://www.abanet.org/jd>) and at the National Center for State Courts Website (<http://www.ncsc.dni.us/ncsc/ctl>).

As always, it is necessary to strike a balance between acquiring computers that will handle future applications, and pricing the purchase so reasonably that the funding source will approve it. Although judges do not need the latest and fastest computers to do complicated graphics or play sophisticated computer games, they do require equipment that will not become quickly out of date.

**Networking.** Networking has become more and more prevalent and contains significant advantages for judges. E-mail is a great convenience for judges. Even in small jurisdictions, it is relatively inexpensive to link the judge and his or her staff.

**Internet.** The Internet is now the “hot topic” for judges, although many more are talking about it than using it. There are a number of Internet mailing lists or listservs available to judges, including one sponsored by the National Conference of State Trial Judges of the Judicial Division ([njd\\_st.abanet.org](http://njd_st.abanet.org)). These provide a means for judges to share ideas and discuss problems. The challenge is to get judges to take advantage of these opportunities.

**Voice Recognition.** We see voice recognition software as a potential “killer application” that will bring many more judges into the computer age. Many judges do not type and have “keyboard phobia.” With the new voice recognition software, after spending a couple of hours “training” the software, they can dictate in a natural way of speaking (continuous speech) and the words appear like magic on the screen. New programs such as Dragon Dictate's “Naturally Speaking” and IBM's “Via Voice” are light years ahead of their predecessors and cost only a few hundred dollars, depending on their features and the promotion of the moment.

**Notebook Computers.** Notebook computers have come down in size and cost since our initial reports, and are particularly important for those judges

## \*39 GENERAL GUIDELINES

Individual judges and appropriate staff should have computers in chambers to assist in the performance of their judicial duties. While formerly only staff needed computers for administrative work, today it is necessary for the judge as well as staff to have a computer on his or her desk.

Judges should have full-featured word processing, a communication package, access to computerized legal research, access to the **court's** mainframe or other computer system, access to the World Wide Web, a calendaring program, a database program, a spreadsheet program, appropriate utility programs for backup and other functions, and other programs specific to their needs.

Judges and their staff must have adequate training to enable them to utilize the capabilities of the computer to the fullest. Otherwise, the money spent on hardware and software will be wasted and potential increases in productivity will be lost.

## RECOMMENDATIONS

### Part I. Recommended Support

#### 1.1 Recommended hardware for a trial judge

A trial judge should have access in his or her chambers to:

- (a) a personal computer, with sufficient speed and power to run the operating system, and programs anticipated to be needed for at least three years into the future;
  
- (b) sufficient storage space on his or her hard drive to handle demands for at least the next three years;
  
- (c) enough RAM to handle the programs anticipated for three years into the future, and the capability to add RAM if necessary;
  
- (d) a 3.5" floppy disk drive;
  
- (e) a CD-ROM drive;
  
- (f) a color monitor;
  
- (g) a modem no more than one generation behind the latest, and ideally the fastest available; FAX capability if there is not a FAX machine readily available;
  
- (h) access to the **court** system's central computer;
  
- (i) a laser printer, and a color ink jet if needed. The printer may be shared if the judge is in the same office suite as another judge;

(j) a computer for the judge and, if appropriate, computers for the judge's use at home, on the bench, and a notebook computer for travel; and computers for the judge's staff so that each member of the staff who needs automation will have access to a computer; and

(k) if equipping an entire **court** system, a local area network (LAN), and if not, networking for the judge and his or her staff.

## 1.2 Recommended software for a trial judge

A trial judge, at a minimum, should be supplied with:

(a) a current version of a high-end, comprehensive word processing package such as WordPerfect or Word;

(b) a database management program;

(c) a spreadsheet program;

(d) legal research capability, either through CD-ROM towers or online access to LEXIS/NEXIS and/or Westlaw;

(e) communications software;

(f) case management software;

(g) utilities software to conduct computer file management, to back up data, to restore lost data, to compress files, to protect against computer viruses, etc.;

(h) jury instructions for the jurisdiction on a data/information base; and

(i) access to the Internet and World Wide Web.

In addition to the minimum software listed above, certain judges may be able to make use of additional programs if they have a particularized need and if financial resources are available. These programs could include:

(j) a graphics program;

(k) desktop publishing;

(l) statistical software; and

(m) speech recognition software.

### 1.3 Recommended training for judges and judicial personnel

It cannot be stated too strongly that the training time required to learn how to use the computer programs is as significant an investment as purchasing the hardware and software. Training programs must be established that address the needs and varying levels of expertise of the judge and judicial staff. Training programs must have enough flexibility to provide the basic education for judges and judicial staff while enabling those with more of an interest to further explore the sophisticated uses of the computer.

who “ride circuit,” giving them the ability to carry their offices with them and communicate through modem with a home-based computer.

**Electronic Research.** Electronic legal research through LEXIS/NEXIS and Westlaw started out with users being required to go through a central “dumb” terminal to use the programs. Eventually, users could access them through their own personal computers. Today, CD-ROMs and CD-ROM

towers for networks provide what may be an attractive legal research alternative to dialing in to “online” services in many jurisdictions.

**Training.** While there has been much progress in some areas, unfortunately, progress has been slow in others. We have again included our “Recommended Training for Judges and Judicial Personnel.” In fact, we have made the language stronger. Computers cost too much and have too much potential to be merely expensive typewriters or desk ornaments. Despite the supposed simplification of computer use by Windows and other applications, using a computer is not like getting into a car and turning the key. Unless adequate time and money are allocated for training, the best hardware and software are of little use. Even in those jurisdictions that recognize that some basic training is necessary, it is the rare exception to find an organized training program that includes instruction in more sophisticated programs; training in updated programs; and training for new judges and other employees entering the system. While it feels like chasing windmills, we on the committee agree that adequate training is *vital* and that this may be our most important recommendation.

**Upgrading.** Once **courts** are funded for their first computer purchases, they often think their work is done forever. It is not. A 386, 486, or even slow Pentium computer is no longer adequate for today's world. Computers should be thought of as supplies with a limited shelf life rather than as a capital expenditure. **Courts** should be no different \*40 than law firms or corporations, where generally computers are considered to have a life expectancy of about three years. There needs to be a well-thought-out program to systematically replace not only software but also hardware.

## CONCLUSION

Those of us who began the drafting of computer Guidelines and Recommendations in 1988 had hoped the need for such a document from an ABA entity would have disappeared by 1998. We did not think it unreasonable to expect that all judges would become knowledgeable about computers in a decade, and that all funding sources would recognize the necessity of computers as integral components of every judges' office. This has not happened yet. Hopefully, these guidelines and recommendations will help in realizing that goal.

## Footnotes

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