

AUSTRALIAN
LEGAL SECTOR

ALLIANCE

PROMOTING SUSTAINABILITY

Sustainable Civil Litigation Project

sustainable Just, quick and cheap ?



The Sustainable Civil Litigation Project recognised the *overriding purpose*, as defined in section 56 of the Civil Procedures Act, as having priority for practitioners and requiring that the court (and parties to civil proceedings) facilitate (and assist) the “*just, quick and cheap resolution of the real issues...*” in civil proceedings.

Stage 1: Project Planning

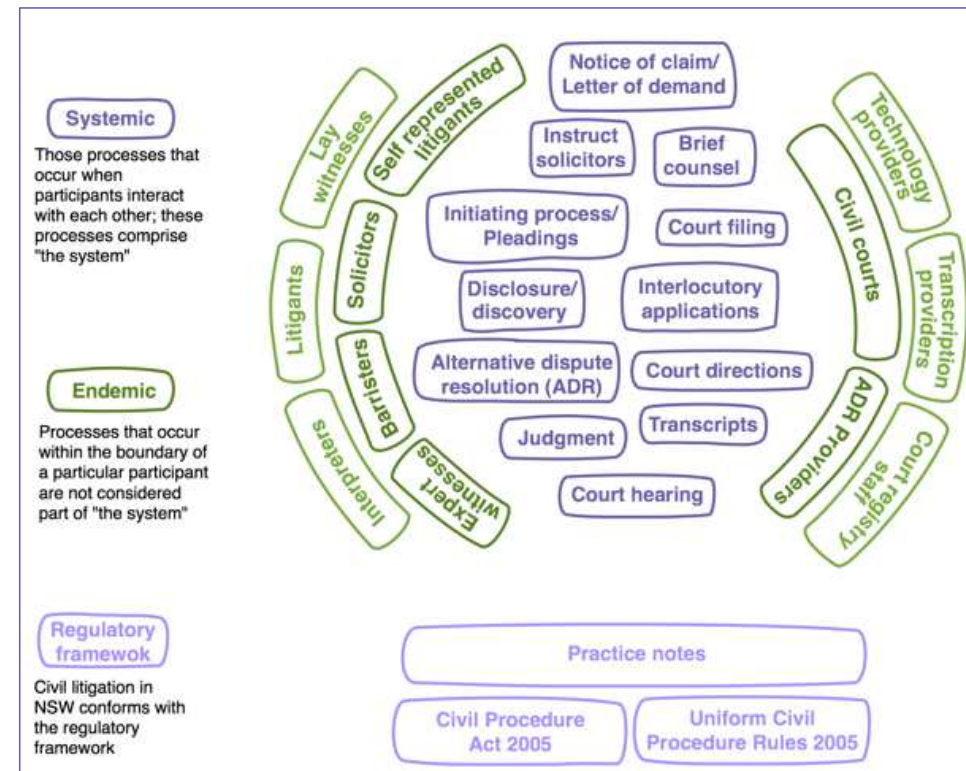


- Identified key stakeholders
- Formed a Leadership Group
- Established Terms of Reference
- Developed a Project Plan
 - Focus on environmental sustainability
 - Focus on civil litigation
 - Sustainability v legal ethical responsibility: *“Just, quick and cheap resolution of the real issues”*

Name	Organisation
Warrick McLean	Coleman & Greig
Tim Moore	NSWLEC
Sandra Jones	Crown Solicitors Office
Beth Patterson	Allens
Emma Fitzgerald	Allens
Kathy Merrick	Henry Davis York
John-Paul Redmond	Blackstone Chambers
Tobias O’Hehir	Greenway Chambers

Stage 2: Understanding process...

- Process Model identifies main participants in a typical civil matter
- Describes systemic process types that occur when these participants interact with each other
- Participants and process types may not be relevant to all matters
- Provides a framework for understanding impacts, opportunities and barriers



...and determining relevance



- Materiality Survey based on Process Model
- Mapped environmental impacts, opportunities and barriers across systemic processes
- Provided opportunity for prioritising projects and actions

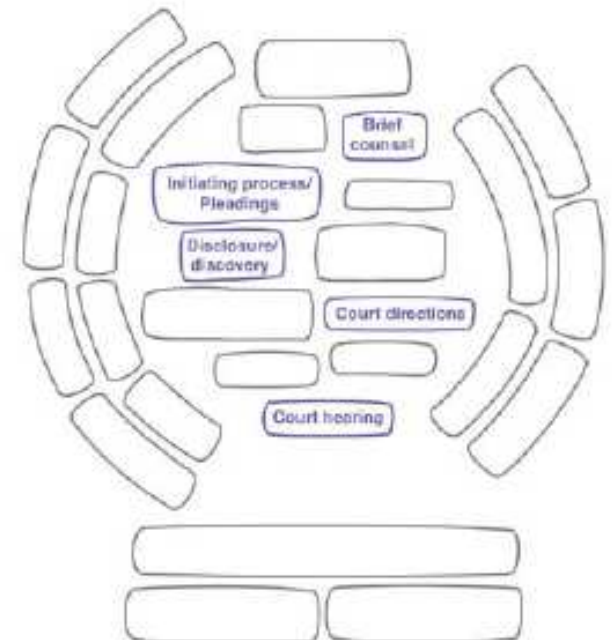
Activities ^α	Associated environmental impacts ^α
Use of paper ^α	<ul style="list-style-type: none"> • → Depletion of natural resources[¶] • → Generation of waste^α
Use of fuel (personal (taxi or vehicle)) ^α	<ul style="list-style-type: none"> • → Emission of greenhouse gases (contribution to climate change)[¶] • → Depletion of non-renewable resources (fossil fuels)^α
Use of fuel (personal (public transport)) ^α	<ul style="list-style-type: none"> • → Emission of greenhouse gases (contribution to climate change)[¶] • → Depletion of non-renewable resources (fossil fuels)^α
Use of fuel (third party (courier)) ^α	<ul style="list-style-type: none"> • → Emission of greenhouse gases (contribution to climate change)[¶] • → Depletion of non-renewable resources (fossil fuels)^α
Use of fuel (air travel) ^α	<ul style="list-style-type: none"> • → Emission of greenhouse gases (contribution to climate change)[¶] • → Depletion of non-renewable resources (fossil fuels)^α
Use of energy (computers) ^α	<ul style="list-style-type: none"> • → Emission of greenhouse gases (contribution to climate change)[¶] • → Depletion of non-renewable resources (fossil fuels)^α
Use of energy (printers) ^α	<ul style="list-style-type: none"> • → Emission of greenhouse gases (contribution to climate change)[¶] • → Depletion of non-renewable resources (fossil fuels)^α

What did we find?

Energy use & carbon emissions	<ul style="list-style-type: none">• Travel (fuel)• Office/building (electricity)• Technology (electricity)
Depletion of resources	<ul style="list-style-type: none">• Paper• Stationery• Office/building fixtures and fittings• Technology
Waste	<ul style="list-style-type: none">• Electronic waste• Office waste• Paper waste
Supply chain	<ul style="list-style-type: none">• Impacts along supply chains – both up and down (e.g. impacts arising in relation to printing bureaus, registration processes, couriers, storage services, stationery and technology suppliers)

Paper, paper and more paper

- Five high impact areas
 - Briefing counsel - medium
 - Initiating process/pleadings - medium
 - Disclosure/discovery - high
 - Court directions - high
 - Court hearing - high/extremely high



Opportunities...



Process Area	Opportunity
Brief Counsel	
Electronic briefing	Standardise electronic briefing processes across the industry
Educate participants in the briefing step	Barrister training with CPD Points “Lean and Green Course” Lawyer training with CPD points
Initiating Process/Pleadings	
Regulatory/rule changes to expand use of electronic pleadings	Enforce filing documents in searchable format Enable electronic signing of Statement of Claim
Improvements to court technologies	Removal of 5MB per document limit Complete the rollout of Electronic Court Services to all NSW Courts
Education on electronic filing	Engage lawyers on benefits and techniques

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Opportunities...

Process Area	Opportunity
Disclosure/Discovery	
Regulatory/rule changes to limit number of documents	Court setting limits on number of documents/volumes
Education on less paper intensive disclosure techniques	Engage key barristers to influence and champion less paper intensive disclosure processes Engage solicitors to work electronically
Court Directions	
Improvements to court technologies supporting in person appearances	Secure, reliable and trustworthy printing facilities at court, avoids taking all documents to court “just in case”
Education on benefits of electronic court directions	Engage with parties to promote electronic processes for those matters that don’t need to be heard in person
Court Hearings	
Improvements to court technologies supporting in person appearances	Advocate for the developments of a universal electronic courtroom - a minimum and standardised set of technologies to exist in all electronic courtroom in NSW. Run pilot project in NSW

Impacts & Opportunities Matrix

Impacts



<p>High Impact Low Opportunity</p> <p><i>Eg: Promote people-less electronic court hearings (for matters that don't need to be heard in courts)</i></p>	<p>High Impact High Opportunity</p> <p><i>Eg: Implement a paperless pilot project & promote opportunities for paperless court processes across NSW/Australia</i></p>
<p>Low Impact Low Opportunity</p> <p><i>Eg: Standardise electronic briefing processes across Australian legal sector</i></p>	<p>Low Impact High Opportunity</p> <p><i>Eg: Lobby for electronic court filing system (increase upload limits)</i></p>

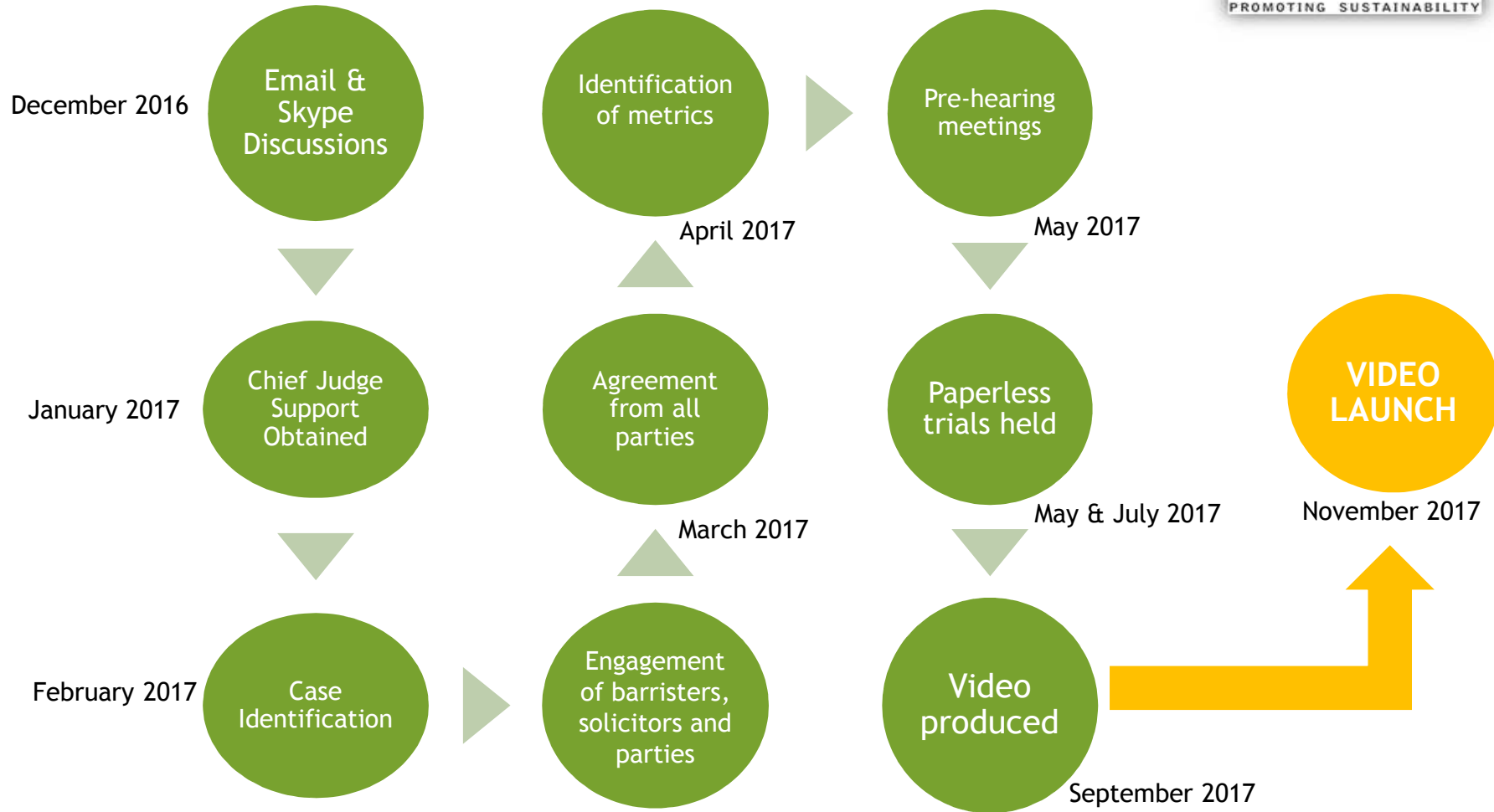
Opportunities

Project Planning: the e-way



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Stage 3: Implementation



Key Outcomes



- Paper Savings

- 50,000 sheets of paper saved per hearing
- By end 2017 anticipate 500,000 sheets of paper saved (that's a 157 story building)

- Time and Cost Savings

- Printing, assembling & distributing documents
- Ease of travel and reduced cost for baggage/couriers
- Preparing for court and write up (barristers)
- Review of documents and preparing judgement (judge)

- Access to Justice

- All parties engaged in court process
- Higher level of understanding and awareness of court proceedings





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Additional environmental outcomes
include water savings, waste
reduction, lowered emissions,
reduced consumables, energy and
fuel savings

Project Website



Link from Australian Legal Sector Alliance Site
www.legalsectoralliance.com.au (Sustainable Litigation)