



**JUSTIZ**  
BUNDESMINISTERIUM  
FÜR JUSTIZ

 **BMF**

 **BR**

 **IBM**

 **VJ**

 **Österreichischer Richterrat**

Justiz  
im  
Wandel  
der  
Zeit

## Electronic Legal Communication in Austria

# IT in legal work December 2005

### RA Dr. Wolfgang Heufler



**JUSTIZ**  
BUNDESMINISTERIUM  
FÜR JUSTIZ

 **BMF**

 **BR**

 **IBM**

 **VJ**

 **Österreichischer Richterrat**

Justiz  
im  
Wandel  
der  
Zeit

## Agenda at Madrid's Conference on December 15, 2005



- Austrian Justice System
- Austrian Court Automation - VJ
- Electronic Legal Communication - ERV
- Court Publications
- Electronic Access to Files
- IT-Congress 2006 in Vienna

**JUSTIZ**  
BUNDESMINISTERIUM  
FÜR JUSTIZ

**Austrian Justice System**  
(Population ~ 8 Mio)

- **Courts on four levels**
  - Supreme court
  - 4 Courts of appeal
  - 20 Regional high courts
  - 140 District courts (small courts have been closed)
- **7.100 Persons at courts**
  - 2.000 Judges and public prosecutors
  - 5.100 Court officials
- **3.300 Persons at 28 prisons**
- **Prosecution offices parallel to the courts**
- **Budget 2005:**
  - Spendings: 976 Mio EUR
  - Income (fees): 727 Mio EUR
  - IT-Budget: 44 Mio EUR

Justiz im Wandel der Zeit

**JUSTIZ**  
BUNDESMINISTERIUM  
FÜR JUSTIZ

**Case types and volumes**

- **Total of 3.6 million new cases in 2004**
- 46 different proceeding types
- **The major case types are:**
  - Civil cases (855.000)
  - Enforcement cases (1.231.000)
  - Criminal cases (125.000)
  - Prosecution proceedings (655.000)

Justiz im Wandel der Zeit

**JUSTIZ**  
BUNDEMINISTERIUM  
FÜR JUSTIZ

**BMF**

**BRZ**

**IBM**

**VJ**

Justiz im Wandel der Zeit

### Austrian Court Automation - VJ

- Protocolling of all major circumstances of trial at court (steps of procedures)
- before VJ: Keeping books for registering in handbooks
- today: electronically maintained register with special software = VJ
- Covering the main forms of court procedures ( civil case, labour law case, heritage cases and more:
  - A, C, Cg, Cga, Cgs, E, P, U, T, K, Hv, Ur, St ...

**JUSTIZ**  
BUNDEMINISTERIUM  
FÜR JUSTIZ

**BMF**

**BRZ**

**IBM**

**VJ**

Justiz im Wandel der Zeit

### Example: Mask for user in VJ - showing actors data

VJ - Fall: 510 002 C 79/02 m - FC 01: 1.Kl. Franz Huber - 1.BK: Martin Müller, Streitwert: 2.000,00 EUR

Datum Bearbeiten Ansicht Auswahl Fenster

Ac:002 C 79 /02 m

VJ - Fall: 510 002 C 79/02 m

- Stammdaten
- Mahnklagedaten
- Register
- Gebühren
- Verkettungen
- Verfahrensbeteiligte
  - 1. Kl. Franz Huber
  - 1. Iv. Dr. Manfred L.
  - 1. Bk. Martin Müller

Referenzliste

Zuordnungen:

wird vertreten durch 11V

Rollen:

Kläger

Kläger (natürliche Person)

Anschirfbcode: \_\_\_\_\_

Name: Huber Vorname: Franz Titel: Dr.

Anschirft von 1  unbekannt

Strasse/Nr.: Strasse 22

Staat-PLZ: A 1100 Ort: Wien

Sonstiges: \_\_\_\_\_

Defaultanschrift

Neu Löschen

Kommunikationsmittel:

Art	Wert
E-Mail	_____
Fax-Gerät	_____
Telefon	_____

Beschäftigung: \_\_\_\_\_  drucken

Geburtsdatum: \_\_\_\_\_  drucken

Ent. Zeichen: \_\_\_\_\_

Zeichen: \_\_\_\_\_

Sonstiges: \_\_\_\_\_

Einzahlungskonto:

4-Konto: \_\_\_\_\_ BLZ: \_\_\_\_\_ Konto-Nr.: \_\_\_\_\_

Einzahlungskonto:

4-Konto: \_\_\_\_\_ BLZ: \_\_\_\_\_ Konto-Nr.: \_\_\_\_\_

**JUSTIZ**  
BUNDEMINISTERIUM  
FÜR JUSTIZ

Ministerium für  
die Österreichischen  
Rechtsanwaltschaften

Justiz  
im  
Wandel  
der  
Zeit

### Austrian Court Automation – VJ – Project Redesign

- Major Renewal of VJ
  - Reception of all existing functions
  - Extension of application to 50 % additional functions
- Project-timeline: 6 years (1997 – 2002)
- Budget: about 21 Millions Euro
- Required manpower: 163 person-years
- Extension to all sorts of business register at courts

**JUSTIZ**  
BUNDEMINISTERIUM  
FÜR JUSTIZ

Ministerium für  
die Österreichischen  
Rechtsanwaltschaften


Justiz  
im  
Wandel  
der  
Zeit

### VJ - Functions and External Interfaces

The diagram illustrates the 'Court Automation' system as a central puzzle piece (yellow and blue) surrounded by various functions and external interfaces, each represented by a colored box:

- Docket** (Yellow)
- GUI** (Red)
- Court fees** (Yellow)
- Name query** (Yellow)
- Integrated word proc.** (Red)
- Social security enquiry** (Yellow)
- Online Help** (Red)
- Printing** (Yellow)
- Statistics** (Yellow)
- Electronic Legal Communication** (Blue)
- Electronic Publication** (Blue)
- External Inquiries** (Blue)

**JUSTIZ**  
BUNDEMINISTERIUM  
FÜR JUSTIZ



BMF






Ministerium für  
die Österreichischen  
Rechtsangelegenheiten

Justiz  
im  
Wandel  
der  
Zeit




### Electronic Legal Communication - ERV

- "Elektronische Rechtsverkehr" (ERV) is the
  - paperless
  - structured
  - electronic communication
- between parties and courts and vice versa
- substitutes communication on paper and is legal equivalent
- not to be confused with faxing or sending simple e-mails

**JUSTIZ**  
BUNDEMINISTERIUM  
FÜR JUSTIZ



BMF

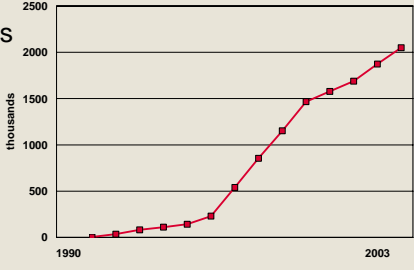
Ministerium für  
die Österreichischen  
Rechtsangelegenheiten

Justiz  
im  
Wandel  
der  
Zeit

### Electronic Legal Communication - ERV

- 4.900 Users
  - Lawyers (95 %), Notaries
  - Institutions, agencies
  - Banks, insurance companies
- Electronic applications
  - 2,15 Mio eDocuments
    - 85 % of civil actions
    - 60 % of civil enforcement
- Electronic court documents
  - 4,1 Mio eDeliveries
  - Savings in post fees: more than 2,5 Mio € (2004)

**Documents sent to courts**



Year	Documents (thousands)
1990	0
1991	10
1992	20
1993	30
1994	40
1995	50
1996	100
1997	200
1998	400
1999	800
2000	1200
2001	1500
2002	1700
2003	2000

**JUSTIZ**  
BUNDEMINISTERIUM  
FÜR JUSTIZ

**Electronic Legal Communication - ERV**  
service in use

→ Secure Identification via Adresscode & Password

→ Gateway to court trials for structured data

→ PC

→ Printer

Justiz im Wandel der Zeit

**JUSTIZ**  
BUNDEMINISTERIUM  
FÜR JUSTIZ

**Electronic Legal Communication - ERV**  
Time stamps of Entry and Delivery of data (§ 89 d GOG)

- An application on ERV has arrived at court, when data have in full content arrived at the Federal Computing Center
  - with the exact time the data has been received by the transmission partner (except direct traffic) for further delivery to the Federal Computing Center
  - and the technical complete reception was re-delivered to the sender (receipt function)
- The delivery to the parties is done as soon as the court decision comes into the electronic disposition area of the recipient. (databox)

Justiz im Wandel der Zeit



**JUSTIZ**  
BUNDEMINISTERIUM  
FÜR JUSTIZ

Ministerium für  
den Österreichischen  
Rechtsverkehr

Justiz  
im  
Wandel  
der  
Zeit

### Electronic Legal Communication - ERV

#### Liability (§ 89e Abs 2 GOG)

- The government is liable for mistakes arising after income of the data in the Federal Computing Center and until the data comes into reach of the disposition of the nominated receiver.
- Liability is waived
  - at non avoidable events which
  - does not base in mistakes of the EDP or of failure of the means of EDP
- otherwise the law for government liability covers the risks

**JUSTIZ**  
BUNDEMINISTERIUM  
FÜR JUSTIZ

Ministerium für  
den Österreichischen  
Rechtsverkehr

Justiz  
im  
Wandel  
der  
Zeit

### Electronic Legal Communication - ERV

#### What can be sent by ERV? (§ 1 ERV)

- All Applications to the courts
  - Exceptions
    - Land register
    - Companies register (but yearly business figures allowed via ERV)
    - Original attachments
    - technical unusable (size and structure)
- All Decisions of courts
  - Exceptions
    - personal delivery to own hands

**JUSTIZ**  
BUNDEMINISTERIUM  
FÜR JUSTIZ



**Electronic Legal Communication - ERV**

**How?**

- Regulations for Paper in force
  - Exception: Signature
- no facsimile and no regular e-mail
- Gateway-description
- Form regulation (structured data)
- Transmission Service: Telekom Austria
  - Exception: Direct traffic

**BMF**

**BRZ**


**IBM**

**VJ**

**Ministerium für  
die Österreichischen  
Bundeskanzlei**

Justiz  
im  
Wandel  
der  
Zeit

**JUSTIZ**  
BUNDEMINISTERIUM  
FÜR JUSTIZ



**Electronic Legal Communication - ERV**

**When ?**

- Inbound Service: 24 hours, 7 days
  - transmission service substitutes the former courts central mail incoming point
- Outbound Service: from 0 a.m. (2006) to 4 p.m.
  - disposition area of receiver
  - Protocol of delivery

**BMF**

**BRZ**

**IBM**


**VJ**

**Ministerium für  
die Österreichischen  
Bundeskanzlei**




Justiz  
im  
Wandel  
der  
Zeit



**JUSTIZ**  
BUNDEMINISTERIUM  
FÜR JUSTIZ



**BMF**

Minister für Rechts-  
und Gleichbehandlungs-  
angelegenheiten


Justiz  
im  
Wandel  
der  
Zeit

### Electronic Legal Communication - ERV




#### Advantages (1)

- No more data inputs (less staff required)
- fast and cheap (time, postage, paper)
- correct data
- 7 days a week, 24 hours a day
- Transfer without breach of media- unless the fax-transfers
- structured data: ready for further processing
- Security: automated protocol of all steps
- legally valid confirmation of reception
- documents can be found any time

**JUSTIZ**  
BUNDEMINISTERIUM  
FÜR JUSTIZ



**BMF**

Minister für Rechts-  
und Gleichbehandlungs-  
angelegenheiten

Justiz  
im  
Wandel  
der  
Zeit

### Electronic Legal Communication - ERV

#### Advantages (2)

- Report of trials code number in reverse traffic at ERV-files ( no more phone calls to court to find the correct trial code number)
- better service for lawyers therefore
- fast information about the cases development for the party external case status request
- Higher quality of forms
  - fewer mistakes in forms to the court due to examining routines in the programm ( you cannot forget important data of a civil claim)
  - many mistakes are filtered

**JUSTIZ**  
BUNDESMINISTERIUM  
FÜR JUSTIZ

**Electronic Legal Communication – ERV**

Reward on November 30, 2001

e-Government-Conference in Brussels  
[eGovernment-Label](#)  
 for outstanding e-Government-Application in Europe

ERV was on top of 281 Projects

the main criteria was

**Saving of time, Efficiency-Increase  
and cutting costs**



Justiz  
im  
Wandel  
der  
Zeit

**JUSTIZ**  
BUNDESMINISTERIUM  
FÜR JUSTIZ

**Electronic Legal Communication – ERV - Future**

- Stronger connections to Internet-Technology
  - XML for data transfers
  - Web-Services
- Java-Applets for routine examinations
- Communication between lawyers
- Companies register to be included
- Land register to be included
- Interactive forms in the Internet
- electronical signatures
- Transport of attachments

Justiz  
im  
Wandel  
der  
Zeit

**JUSTIZ**  
BUNDEMINISTERIUM  
FÜR JUSTIZ

**BMF**

**BRZ**


**IBM**

**VJ**

Ministerium für  
die ÖSTERREICHISCHE  
RECHTSANWALTSCHAFT

Justiz  
im  
Wandel  
der  
Zeit

### Court Publications - then



Court's black boards  
and Newspapers

**JUSTIZ**  
BUNDEMINISTERIUM  
FÜR JUSTIZ

**BMF**

**BRZ**

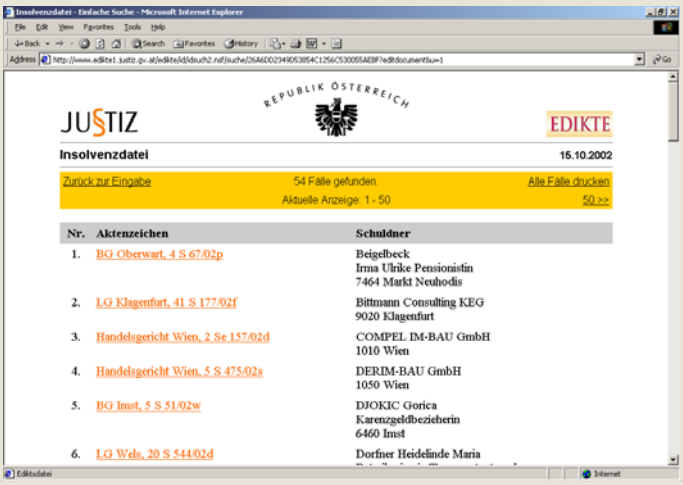
**IBM**

**VJ**

Ministerium für  
die ÖSTERREICHISCHE  
RECHTSANWALTSCHAFT

Justiz  
im  
Wandel  
der  
Zeit

### Court Publications – now – Edicts Database



REPUBLIC OF AUSTRIA

**JUSTIZ** **EDIKTE**

Insolvenzdatei 15.10.2002

Zurück zur Eingabe 54 Fälle gefunden Alle Fälle drucken  
Aktuelle Anzeige: 1 - 50 50 >>

Nr.	Aktenzeichen	Schuldner
1.	<a href="#">BG Oberwart, 4 S 67/02p</a>	Beigelbeck Irma Ulrike Pensionistin 7464 Markt Neuhofis
2.	<a href="#">LG Klagenfurt, 41 S 177/02f</a>	Bittmann Consulting KEG 9020 Klagenfurt
3.	<a href="#">Handelsgericht Wien, 2 Se 157/02d</a>	COMPEL IM-BAU GmbH 1010 Wien
4.	<a href="#">Handelsgericht Wien, 5 S 475/02s</a>	DERIM-BAU GmbH 1050 Wien
5.	<a href="#">BG Imst, 5 S 51/02w</a>	DFOKIC Gorica Karenzgeldebezieherin 6460 Imst
6.	<a href="#">LG Wels, 20 S 544/02d</a>	Dorfner Heideleinde Maria

**JUSTIZ**  
BUNDEMINISTERIUM  
FÜR JUSTIZ

**BMF**

**BRZ**

**IBM**

**VJ**

Ministerialrat  
Dr. R. ÖSTERLEIN  
BUNDEMINISTERIUM  
FÜR JUSTIZ

Justiz  
im  
Wandel  
der  
Zeit

## Court Publications – now – Edicts Database

Wohnungsgröße: 150 m<sup>2</sup>  
Kategorie: Einfamilienhaus  
Schätzwert: 331.960,00 EUR  
Beschreibung des mitzuversteigenden Zubehörs: Betoniertes Schwimmbecken im 4. Einbauküche in U-Form, je ein Wi  
Wert des mitzuversteigenden Zubehörs: 9.000,00 EUR  
Vadium: 32.700,00 EUR  
Geringstes Gebot: 163.500,00 EUR  
Sonsige Hinweise: Zur Liegenschaft Grundbuch Leoz; Zubehör Schwimmbad (5,70 x 3); Für die betriebene Forderung haf Ohne Anrechnung auf das Meistst Lasten.

Kurzgutachten: [Kurzgutachten](#)  
Lageplan: [Übersicht Lage \(47 KB\)](#)  
Grundrisse: [Grundriss \(43 KB\)](#) [Grundriss CO/G](#)  
Foto(s):

Alle Edikte zum Fall:  
Versteigerung Objekt 01 (21.10.2002) 5020 Salzburg Hammerauerstraße 76a, Einfamilienhaus  
Sonstiges Edikt Objekt 01 (04.09.2002) 5020 Salzburg Hammerauerstraße 76a, Einfamilienhaus  
Sonstiges Edikt Objekt 01 (18.09.2002) 5020 Salzburg Hammerauerstraße 76a, Einfamilienhaus

[Zurück](#)

**JUSTIZ**  
BUNDEMINISTERIUM  
FÜR JUSTIZ

**BMF**

**BRZ**

**IBM**

**VJ**

Ministerialrat  
Dr. R. ÖSTERLEIN  
BUNDEMINISTERIUM  
FÜR JUSTIZ

Justiz  
im  
Wandel  
der  
Zeit

## Court Publications – now – today's Services

- Substitutes the black board at court through publication in the internet
  - address "[www.edikte.justiz.gv.at](http://www.edikte.justiz.gv.at)"
  - all bankruptcy -connected court publications in one database including pictures
  - court auctions of real estate including expertises, pictures and plans
  - Publications from business register, penal court ...
- 95 %-cost cutting of publication costs
  - from about 1.000 EUR to about 50 EUR within the typical case
  - benefit for the parties

**JUSTIZ**  
BUNDESMINISTERIUM  
FÜR JUSTIZ



BMF





Ministerium für  
die Österreichischen  
Rechtsangelegenheiten

Justiz  
im  
Wandel  
der  
Zeit


### Electronic Access to Files

- since January 2004
- civil cases and enforcement cases for lawyers and their parties
- Fee one Euro per case
- heritage cases for notaries




**eAkteneinsicht**  
verfahrensautomation justiz



**JUSTIZ**  
BUNDESMINISTERIUM  
FÜR JUSTIZ



BMF

Ministerium für  
die Österreichischen  
Rechtsangelegenheiten

Justiz  
im  
Wandel  
der  
Zeit

### Estimates reached

- **Rationalising potential** avoids lay-offs of staff
  - enables more work and new agendas
- New revenues through services on charge
- **Modern and efficient** service for citizens, institutions, lawyers and notaries
- **Modern work places enable the optimal service of the judicial staff**

**JUSTIZ**  
BUNDESMINISTERIUM  
FÜR JUSTIZ



**EU-Presidency 2006**

In the first half of the year 2006 Austria will assume the EU-Presidency. For this reason the Austrian Federal Ministry of Justice plans a congress in cooperation with the European Commission, the Council of Europe and the Federal Chancellery:

**IT-Congress – e-justice & e-law**  
New IT-Solutions for Courts, Administration of Justice and Legal Information Systems  
31<sup>st</sup> May – 2<sup>nd</sup> June 2006  
in Vienna's Hofburg

The member countries of the European Union and of the Council of Europe are invited to present their established or planned solutions.  
**[martin.schneider@bmj.gv.at](mailto:martin.schneider@bmj.gv.at)**

**BMF**

**BRJ**

**IBM**

**VJ**

**Ministerium für  
die Österreichischen  
Bundesländer**

Justiz  
im  
Wandel  
der  
Zeit

**JUSTIZ**  
BUNDESMINISTERIUM  
FÜR JUSTIZ



**DANKE!**

[www.justiz.gv.at](http://www.justiz.gv.at)  
[www.ris.bka.gv.at](http://www.ris.bka.gv.at)  
[www.edikte.justiz.gv.at](http://www.edikte.justiz.gv.at)  
[www.sdgliste.justiz.gv.at](http://www.sdgliste.justiz.gv.at)

RA Dr. Wolfgang Heufler  
[office@ra-heufler.at](mailto:office@ra-heufler.at)

**BMF**

**BRJ**

**IBM**

**VJ**

**Ministerium für  
die Österreichischen  
Bundesländer**

Justiz  
im  
Wandel  
der  
Zeit

