Justice System Videoconferencing

A Paper on the Minimum Requirements for Videoconferencing from the Law Society’s Working Group on Technology in the Courts

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Introduction

Video Conferencing enables communication between two or more participants at different sites by using computer networks to transmit audio and video data. In the context of the justice system, a solicitor or legal professional may speak to a witness, client or other person at a remote location via a video link with a screen and a camera.

The technology needed to establish a video link is relatively simple. A screen and a camera with a microphone is all that is required at each location. However, there can be issues regarding quality. This paper seeks to outline the minimum specifications that solicitors should expect from any video link.

Key Considerations

Quality

The purpose of videoconferencing is to replace the need for face-to-face communications. Ideally, the experience should be as close as possible to both parties being in the same room. Relevant factors include:

* Immediacy of connection. Practical considerations (such as the fact that a client may be in custody) will inevitably impact on this, but the technology should not act as an impediment. Sceptical participants will look for any reason to entrench their opposition to change; the technology should not provide it.
* Reliability of connection. Ideally, the connection should never be lost.
* Quality of image. Communication is improved by parties being able to see each other. People increasingly expect their screens to display images in high definition or beyond – modern smartphones record and display video in HD, for example. HD should be the baseline.
* Quality of audio. One of the forgotten benefits of HD broadcasting is vastly improved audio. The same should be expected in videoconferencing.
* Second screen functionality. It is common for solicitors to have to show clients documents; some commercially available videoconferencing applications allow that to be done. Similarly, there may be a need for counsel, or another colleague, to participate in the meeting. Ideally this could be done from a third location; at the very least, it should be possible to see two participants seated together.

Clearly, quality considerations will be affected by the equipment used, including at the solicitors’ end. However, HD televisions and monitors are now standard, and HD cameras and microphones are inexpensive. If a solicitor will not invest in a reasonable broadband connection that will impact upon their ability to get the best from the available technology, but there should be no constraints at the public (court, prison, etc.) end.

Consistency

Whatever the application (solicitor to prison, court to remote location, etc.) the technology used should be the same, or at least fully compatible. Participants should be confident that technology used to connect to one type of system will work with all others.

This also applies to authentication. A consistent standard should be adopted. In the case of solicitors, that could make use of the Law Society’s smartcard.

Flexibility

Systems should be designed to be as flexible as possible; in other words, they should place constraints on access only as far as strictly necessary.

It is not uncommon in business to come across unhelpful limitations on technology: online document retrieval software that is not compatible with up to date browsers, or applications that will only run on certain versions of Windows. Participants then require to spend time and money in ensuring their systems are compatible; or may instead decide it is not worth the effort.

As a minimum, any system should be capable of working on PCs and Macs running reasonably up to date operating systems; it should allow the use of built-in cameras and microphones, while also permitting higher quality peripherals to be employed. The means of access should also be considered. Many solicitors use Citrix wide area networks or the like to run their office systems; any videoconferencing application should be able to work in this way.

Privacy

An essential element of the solicitor / client relationship is confidentiality.

Communications between solicitor and client generally attract legal professional privilege. If meeting a client personally outwith the office, such as at court, a solicitor will normally be anxious to ensure that the conversation is private; this may involve checking that nobody is lurking nearby or eavesdropping, closing doors, speaking quietly, and the like. With videoconferencing, how can the solicitor ensure that the conversation is private at the client end, when the surroundings might not be visible?

Any basic standards have to build in a guarantee of appropriate privacy. The client and the solicitor must have confidence that confidentiality is not compromised by virtue of using technology. That applies both to the technology itself (specifically, that the conversation is neither stored nor capable of interception) and to the more mundane physical arrangements at the client end (nobody sitting behind the camera, or just outside the door, etc.). It is not enough to recognise that interception would be inadmissible in court proceedings; rather, it must be seen as profoundly inappropriate and unacceptable.