

Intellaction Working Group – Progress Report and Recommendations (October 2011)

Objectives

The objective of this progress report are to

- Provide CCCT-CCTJ Board members with the current picture and status of our three current Intellaction Working Groups (“IWG”)
 - Propose the creation of a fourth working group on social media and the courts
 - Revisit a past Board decision about the work product of IWGs
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IWG Technology Clearinghouse

In the last five months, the Intelleader (David Williams) was pleased about the support and work of Olivier in developing the WordPress platform to accommodate the publishing needs of the IWG Technology Clearinghouse.

In terms of content, there is now about 38 recommended links and 98 blog posts on our site that provides visitors with access to quality court technology content.

Current challenges. The biggest challenge is to find the community that will contribute on a regular basis. Louise Hamel has been active, query if the Centre should reach out to law students? It would represent, for them, a chance to develop a professional reputation. The Intelleader is interested in having Board members contribute.

Timeline of next steps. The Intelleader will be away for three weeks on French immersion (1-25 Oct). Upon his return, in consultation with his group, Olivier and the CEO, we will examine our options in developing a core group of contributors.

IWG e-Learning

In April 2011, Magdalena Serwin, Education Coordinator at the National Judicial Institute (NJI), joined the working group. She provided access to findings from NJI’s Emerging Technologies Workshop (Key Points from Survey; Final Report of Workshop; Compiled Program Notes) that allowed the working group to make some progress.

Continued on next page

Intellaction Working Group – Progress Report and Recommendations (October 2011), Continued

IWG e-Learning Current challenges. Ontario, Alberta & British Columbia are well represented in both group members and data but the other provinces are not present and this should be addressed soon. Finally, ON, AB & BC have built custom solutions to handle e-learning and each solution requires considerable scrutiny (continued)

Timeline of next steps.

In the month of October, the Intelleader has endeavored to produce the first draft of Guide 1 “What are the learning objectives of the Judiciary”.

IWG e-Filing This IWG delivered e-Filing case studies and is now in position to develop a model e-Filing business base. As it started to tackle this new deliverable in the last 5 months, the Intelleader (Andrew Clarke) and working group came to a consensus on the necessity to take a step back and to assess the objectives of the group and the appropriate deliverables. An agreement was reached that a key aspect to defining best practices in relation to e-Filing was to clearly define e-Filing and related concepts such as “the electronic court”. The work in relation to defining these concepts is undergoing.

In parallel, a key challenge was identified in relation to keeping the case studies up-to-date. The approach chosen to achieve this objective was to identify a point of contact for each province/territory, and for Olivier to follow-up with these contacts on a yearly or semi-annual basis. The identification of the right contact in each jurisdiction is undergoing.

Continued on next page

Intellaction Working Group – Progress Report and Recommendations (October 2011), Continued

IWG e-Filing (continued)

In September, the Intelleader decided in consultation with the CCCT CEO to proceed forward in calls and emails with this core group of 4 to get things done, and then use the broader group for review. Hopefully, that will allow us to progress faster.

Timeline of next steps.

- The Case study needs to have a final review and published soonest. This should happen within the next few weeks
- First draft of definitions – October; draft of definitions for wider distribution – before Christmas

Note: The definitions are the key to establishing a framework for the Best Practices. The Intelleader plans to have that framework and an early draft done before Christmas. Spring 2012 would be for wider reviews and input with a goal of having something to publish late spring or early summer of 2012.

New IWG: Social Media and the Courts

Board members have been provided, in anticipation of the meeting to be held on October 3rd, Terms of Reference for that new Intellaction Working Group.

It is suggested that Fran Kiteley be the Intelleader of that working group.

Past Board Decision: Work product of IWGs

At the Board meeting held on September 21st, 2010, a lengthy discussion took place about the work product of the IWG's. In particular, the need for the necessity of the Board to sign off on the work product of IWGs was at issue. The decision of the Board at the time was

- The work product of IWGs will be put into the public domain by the IWG, not by the CCCT-CCTJ; and
- While the work of the IWG is facilitated by the CCCT-CCTJ, the Centre does not claim ownership of the published work. As a result, approval by the Board is not required.

At the Board meeting held on June 17th, 2011 the Board did approve the work product of the IWG on Canadian Court Web Site Guidelines because it wanted to disseminate it and for the CCCT-CCTJ to take credit for it. It was agreed during that Board meeting that we had to revisit the September 21st decision.

Continued on next page

Intellaction Working Group – Progress Report and Recommendations (October 2011), Continued

Crafting a New Board Decision: Work Product of IWGs

In revisiting the September 21st, 2010 Board decision on topic, I recommend to consider the following:

- The CCCT-CCTJ should hold copyright to the work product of all IWGs. This means that Intellactors should accept to assign their copyright interests
- The CCCT-CCTJ Board should be the authority in exercising copyright in relation to the work product of IWGs
- In order to encourage the free flow of information produced by IWGs, yet to retain a measure of credit and control over this information, a Creative Commons license should be attached by default to the work product of IWGs *after that work product has been approved by the Board*
- The key elements of the desired Creative Commons license are:
 - Attribution: that persons using that work product have to credit the CCCT-CCTJ as the original author;
 - Non-commercial: that the re-use and re-publication should be restricted to non-commercial purposes. Commercial uses of the work product of IWGs exceed the terms of the license and therefore Board approval would be required
 - Share Alike: modifications to the work-product of IWGs before re-publication (also called “remixing”) is allowed, as long as such modifications are clear, attribution for the original work is retained and that the resulting work is published under the same license

Recommended Board Decision

The following Board decisions are recommended:

- Approve the creation of a new IWG on “Social Media and the courts” and approve the related Terms of Reference
- Declare that copyright into the work product of IWGs vests into the CCCT-CCTJ and the prerogatives thereof can be exercised by the Board
- Delegate the authority to the CEO for the CEO to enter into copyright assignment agreements with Intellactors, to the extent that such agreements assign copyright into the work product of Intellactors to the CCCT-CCTJ, without any financial or other compensation
- Declare upon approval of the work product of a particular IWG, the following Creative Commons license is assigned to that work product:

Attribution – Non Commercial - ShareAlike 2.5 Canada (CC BY-NC-SA 2.5)
<http://creativecommons.org/licenses/by-nc-sa/2.5/ca/>

