



N^o 115/2024

To the International Association of Judges – IAJ-UIM

The Romanian Magistrates' Association (AMR), professional and national, apolitical, non-governmental organization, stated to be of „public utility” through the Government Decision no. 530/2008 – with the headquarter in Bucharest, Regina Elisabeta Boulevard no. 53, District 5, e-mail amr@asociatia-magistratilor.ro, tax registration code 11760036 – legally represented by Judge dr. Andreea Ciucă - President, sends the following

ANSWERS TO THE FIRST STUDY COMMISSION QUESTIONNAIRE "The Effects of Artificial Intelligence on the Judiciary"

1. Do judges in your country utilize artificial intelligence technology (“AI”), and how so?

- a) If not, have judges in your country considered utilizing AI, and, if so, in what ways?*
- b) Is the use of AI in legal proceedings regulated?*
- c) Does the use of AI impact the handling of evidence?*

In the judiciary, the decision-making process is not delegated to an algorithm, even for cases with a minor impact. But artificial intelligence is already present in the judiciary through several software applications.

1.1. ECRIS (Electronic Court Register Informational System). Each court benefits from a database containing **information on case files and full court decisions**. This platform is accessible to judges, court clerks, as well as to the parties to the proceedings or their representatives in cases directly concerning them and under certain conditions.

ECRIS performs the **automatic and random assignment of cases** to panels.

ECRIS stores data on all court files, from the beginning to the end of each court proceeding. Stored data includes, for example, documents submitted by the parties to the case file and documents issued by the court. If the parties do not send the documents in electronic form, they are scanned by the court so that they can be entered in the database.

ECRIS and StasisECRIS **store and process data that can generate reports** on: the complexity of cases, the status of the resolution of cases, the selection of cases by subject matter (ECRIS containing a list of subject matters of cases, in civil, criminal, administrative, labor, insolvency), the selection of data by the status of the parties (plaintiff, defendant, appellant, respondent, contestant, etc.). ECRIS and StasisECRIS also store and process data and can generate reports on the efficiency indicators of the court and of each judge.



They are used in the annual rating of the court and in the evaluation of the work of the judges and refer to: the number of cases disposed of in a given period of time, the efficiency, the share of cases closed in a year, the length of proceedings, the case stocks, the number of judgments delivered, the delays in drafting the reasoning of the judgment, the number of court sessions attended by the judge, including the number of court sessions presided over.

In these computer applications there are **algorithms that help the clerk in case management**, saving him from wasting time on repetitive tasks. For example:

- ▶ the list of court sessions is generated automatically by including all the cases that have been set for trial on a certain date - the list is generated by hours;
- ▶ automatically generates forms for random assignment reports, for addresses to the parties, for judge's resolutions;
- ▶ automatic filing of files in Ecris;
- ▶ automatic uploading in the Insolvency Proceedings Bulletin of proofs of publication issued by the courts.

The updating of the neural network models was done using the specialized server purchased by the Court of Appeal of Galati - a first in the judicial system. Subsequently, they were extended to other appeal courts in the country¹.

1.2. EMAP is an ECRIS-adjacent program whereby **judges can access the case law of other courts** (provided that these courts have consented to information sharing) in studying different cases. The use of artificial intelligence in this field can materialize by programming software that can read a number of judgments according to certain key words or phrases and produce a relevant report on the information analyzed.

1.3. The courts are using **computer applications related to the electronic casefile**. Specifically, these are two computer applications created by the own effort of a court of appeal and a tribunal: "Electronic CaseFile" and "TDS" (Secure Document Submission). These applications have been taken over, implemented and developed by many courts in the country since 2013.

The electronic casefile gives **access for judges, parties and lawyers to all the documents in the file, electronically**, by using a password allocated for this purpose by the court, **under data security conditions**. The electronic file ensures the decongestion and streamlining of the court's activity and creates the premises for the speedy adjudication of the cases. The parties or their lawyers may also submit documents to the file online. Therefore, the electronic file allows the visualization of the documents in the file, including those drawn up by the court.

An important series of artificial intelligence programs - neural network models - was conceived and developed at one Court of Appeal, namely the Court of Appeal of Galati, and then extended to other courts of appeal in the country. Below is the presentation of these programs, made by the

¹ <http://portal.just.ro/44/Documents/Bilant%20CA%20Galati%202021.pdf>,
<http://portal.just.ro/44/Documents/Bilant%20CA%20Galati%202023.pdf>



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President of the Court of Appeal of Galati, Dr. Cosmin-Răzvan Mihailă, in 2023, who was directly involved in the implementation of artificial intelligence in justice².

Central module - uses scanned documents submitted by the parties or received by the court, sorts and processes them using the robots and automatically uploads them to the court's database, creating the corresponding entry (actually a CDMS web application ECRIS, which also stands behind the electronic casefile). Application **used by all courts in Romania** - 16 copies installed in all courts of appeal. **Processes 2 million documents per month**. Mature application - **error-free for at least 2 years**.

The application **integrates an image processing neural network based on the latest models in the field**, which classifies between summonses, proofs of delivery of documents, proofs of publication in the Insolvency Bulletin and other documents and delivers them to the correct robot for processing.

Multithreading application with interface in WPF that manages the activity of the robots, each robot operating in parallel on its own thread. **The application and robots update themselves**, without user intervention, if they detect a new version uploaded by the developer to Dropbox.

RobotDoc - a robot that **uploads documents scanned by users** - Archives, Registry or court clerks - **directly into the courts' CDMS system (ECRIS) and, from here, to the electronic casefile**.

Easy to use - the application can be used regardless of whether multiple documents are scanned to the same casefile on the same day, does not require folders to be created for each day of use, and allows a document to be uploaded to ECRIS on the entry created on any date, no matter how old that date is. The robot takes into account the maximum file size allowed by ECRIS, and if the attached file is larger, it splits it into chunks and uploads it to the same ECRIS entry (very cumbersome to do).

The court clerks have the possibility to use the **multifunctional machines provided by the court to scan the documents filed during the court session and email them directly to the robot which immediately uploads them to the appropriate ECRIS entry, without any further complicated steps**, Errors that occur (e.g., the clerk misspelling the case number) appear in the automatically customized log for each court for the clerks to see and correct

The application is useful for any type of written or electronic document, for any legal entity, as it processes the image (image pre-processing - cleaning, straightening, rotating - in Python and OpenCV with state-of-the-art algorithms) and **extracts, with the help of a neural network, the necessary information from the document to create the entry in the user's CDMS system or for other integrations into the user's workflow**.

RobotCitatii - a robot that **automatically divides the stack of summonses, proofs of delivery of documents and proofs of publication in the Insolvency Bulletin that arrives each day at the court into individual documents, identifies the casefile number for each document, creates the entry in ECRIS for that document and uploads the scanned document to the**

² <http://portal.just.ro/44/Documents/Prezentare%20roboti%2020.10.2023%20EN.pdf>



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created entry. The whole scanning procedure takes 2-3 minutes, after which the robot can be left to work on its own. The robot automatically uploads more than 250 summonses each day at a medium-sized appellate court, and in the entire jurisdiction of an average appellate court 2500-3000 summonses per day. Court clerks and IT specialists are very satisfied that no effort is required on their part.

The robot has a success rate of over 99.98%, with errors being caused almost exclusively by mistakes on the part of staff (torn documents, documents that are for another court, overlapping documents in the scanner, etc.).

OCRD - optical character recognition (OCR) module (Linux daemon) based on the Tesseract OCR open source library, which is also used by RobotCitatii. **Can be used by one court or multiple courts together to transform PDF or image files into text files** Compared to ABBYY 12, the error rate is the same or lower, but **the speed is much higher**, reaching speeds of no less than **130 A4 pages per minute**.

LogRobot - logging module for operations performed by RobotDoc and RobotCitatii. Page accessible in the browser, which is **automatically customized for each instance and which shows the registrar and archivist the updated status of the operations performed: documents that have been successfully uploaded to ECRIS, documents that have given errors, type and cause of the error.**

The page **can be set up to track multiple courts**, so management or IT specialists in the courts can track the activity of all courts within their jurisdiction. Quick updates with the latest information (no page refresh needed in browser).

StatisticiTDS – module for statistics on the use of electronic communication. The application **can identify documents sent by post that should have been sent electronically** and is mainly intended for court or section presidents, chief clerks, chief registrars and IT specialists. This has enabled the number of documents sent electronically to double from month to month.

Portal for submitting documents and paying court fees. Under the umbrella of the Superior Council of Magistracy, at <https://registratura.rejust.ro>. Initially developed by Court of Appeal of Galați and expanded nationally. API developed in cooperation with the Authority for the Digitalization of Romania to **allow payment of court fees directly to the competent mayor's office through the online hub Ghiseul.ro. Very popular:** in 3 months millions of Lei collected, at least 50,000 Lei per day collected in court fees (10,000 EUR), tens of thousands of documents submitted directly to courts.

Speech2text is a project run by the Ministry of Justice and concerns a **program that converts speech into text with high accuracy**. The application could be deployed in all courts across the country within a time horizon of one to two years. 'Speech2text' comes automatically bundled with recording systems in the courtroom, so the witness's voice will be converted into text. This should have been done by the court clerk - it is he who records the witness's statement and transcribes it into a deposition - but speech2text makes his job easier.



1.4. ReJUST web application. As argued by the Head of the Judicial Informatics and Statistics Service of the Superior Council of the Magistracy, together with a member of the Council, during the webinars presenting the application, it is essentially a modern user-oriented interface of the ECRIS web application, which is also the main idea behind the concept³.

Among the functions of the ReJust application, relevant for the work of judges, we refer to the following:

→ **Customization of the application to display only the information relevant for the judge:** cases in which the first trial date has not yet been set; list of upcoming trial dates and the number of cases for each upcoming trial; cases in which no measures have been ordered; judgments whose reasoning has not yet been written or judgments not yet statistically closed in the ECRIS web application;

→ **Scheduling of cases by trial deadlines:** management of lists of upcoming court hearings, with case numbers and hearing times, chronologically; setting trial deadlines and allocating cases to time slots;

→ **Personal register:** important aspects of the case file, including objections, evidence, the party who proposed it, whether it was discussed, whether the judge ruled on it, etc.; general observations; this information is also available for later consultation; drawing up the list of the hearing with the information from the general observations in the case file;

→ **Template:** easily create documents that can be reused by retrieving all the necessary information from the ECRIS web application; the template also allows variable fields to be added to the document according to the specifics of each template;

→ **Electronic file:** easy access to editable documents from the ECRIS web application, as well as scanned documents, with the possibility to convert them into Word format;

→ **General resolution:** generate judge's resolutions directly from the web application and easily calculate the stamp duty, with the generated resolutions saved in ECRIS;

→ **Appeals Register:** search for appeal decisions for a case or a list of cases, generating links to the judgments of all courts involved for viewing;

→ **Set trial deadlines, individually or en bloc:** multiple cases can be selected en bloc, setting the trial deadline for all these cases in a single operation;

→ **Session record** - function allowing intuitive entry of solutions individually or as a block in a single operation; in the case of repetitive cases or cases with identical solutions, the same solution can be entered in a block for all cases.

³ Judge Cosmin Stere-Grossu, Judge Claudiu Drăgușin, "ReJust web application - Presentation", <https://ro.scribd.com/document/604627873/ReJust-prezentare>



1.5. With regard to the regulation of the use of AI, we refer, for example, to the following legal norms:

➤ By Order no. 20.484/4.05.2023 of the Minister of Research, Innovation and Digitalization the Romanian Committee for Artificial Intelligence was established. The main objective of the Committee is to create an Artificial Intelligence ecosystem based on excellence, trust and ethical principles, coherent, performing and sustainable.

➤ The Government Decision no. 832/2024, in force since 25.07.2024, approved the National Strategy in the field of artificial intelligence 2024-2027.

➤ In order to ensure the permanent updating of case law within the ReJust portal, the courts are obliged to ensure uninterrupted connection between their own databases and the data center of the Superior Council of Magistracy within the technical parameters established by the specialized IT department of the Council (Art. 23 para. 1 of the Rules of Procedure of the Courts).

➤ The records in the registers of each court are usually kept in computerized form. At the end of each working day, the database will be secured by saving it on an external medium, in accordance with the instructions for operating the computerized database (Article 83 of the Rules of Procedure of the Courts).

➤ The allocation of cases shall be carried out in computerized form through the ECRIS system. Any changes to the composition of the trial formation or the assignment of cases under the conditions of this Regulation shall be recorded in the computer programs for random assignment (Article 101(1), (7) of the Rules of Procedure of the Courts).

➤ The Courts of Appeal and the High Court of Cassation and Justice have a legal informatics department. Legal informatics departments may also be organized within the structure of the county courts, specialized courts, and district courts (art. 127 paragraph 3 of Law no. 304/2022 on judicial organization).

➤ In order to create a unified and functional information system, the institutions of the judiciary are obliged to carry out the measures set out in the strategy for the computerization of the judiciary, which is approved by Government decision, at the proposal of the Ministry of Justice (Article 131 paragraph 4 of Law no. 304/2022 on the judicial organization).

➤ Order of the Ministry of Justice no. 1554/2024 for the approval of the Norms on the approval and authorization, from the technical and information technology security point of view, of IT solutions developed by IT specialists within the courts of justice.

➤ At the level of the courts, the National Electronic Case File is being implemented in order to allow, in compliance with the law, the parties' access to the case file via the Internet, the electronic communication of procedural documents, as well as the possibility of filing, in the same manner, of documents in the case file (Article 6 of Law no. 304/2022 on judicial organization).



- 2) *What are the pros and cons of having judges utilize AI?*
a) *What are the possible effects of AI on the administration of justice?*
b) *What are the possible effects of AI on judicial independence?*

The applications listed in section 1.3. have proven their usefulness and have been taken up by most appellate courts, county courts and district courts in the country. Since 2020, robots are also implemented at the High Court of Cassation and Justice. Using the statistical functions implemented in 2020 in the LogRobot module by the Legal Informatics Department, it is estimated that **the robots in the CitNet application package process approximately 1,000,000 documents (PDF files) per month across the country and upload them to the ECRIS applications of the courts.**

The electronic file ensures a greater efficiency of access to justice and of the right to defence, without the parties and their lawyers having to go to court to study the file. Also, the electronic file gives judges the possibility to study cases from home and to write the reasoning of the decisions from home.

See also the **advantages described before**, regarding: reducing the repetitive tasks of the clerks and reducing the time spent on tasks in a file; helping judges by extracting important information about the file; customizing the application to display only information relevant to the judge; paying the court stamp duty, transmitting documents, consulting electronic files, etc.

Last year, the director of the Romanian Academy's Institute of Legal Research raised **several key issues regarding the implementation of artificial intelligence in the judiciary**, and his opinion was not opposed by the judiciary. Among them, we refer to two:

i) Algorithmized justice may inspire in the judge a reluctance to separate himself from the majority and to formulate a separate opinion, and such a perspective would not be part of a fairer justice. The judge might end up justifying himself if he does not follow the recommendation of the digital tool, even if he knows that the machine is merely recommending and that it does not decide. He might also tend to believe that the system knows more than he does and should therefore take this "automation bias" into account. But since AI is not free from bias either, since it relies on data produced by human beings, the question arises whether it is 'equipped' to eliminate these imperfections and maintain impartiality. The issue of biases in AI's data and decision mechanisms is a real one; it is possible to arrive at an assessment that is not impartial, but these imperfections can still be corrected by human means! On the contrary, if all the courts were to use such affected AI, the whole judicial system would become "virusized"! Unfortunately, at least so far, we do not have effective tools at our disposal to remedy these biases and their effects.

ii) A growing fear among both professionals in the field and public opinion in general is that applications of artificial intelligence could lead to justice being "governed" by private companies. In any case, if justice is machine-dependent, those who design and power AI tools could influence, and indirectly control, the judicial process, even its outcome, even without the



explicit intention to do so. If there is too much reliance on technology, justice, which is one of the bedrocks of society, could find itself weakened and threatened⁴.

All these issues have to do with the independence of the judiciary, which can neither be retracted nor sacrificed in the name of technology!

3) Should there be limits on the use of AI by judges, and, if so, to what extent?

The aim of the introduction and development of artificial intelligence is to make the justice system more user-friendly and accessible to both the citizen and those who work within it. It is envisaged to provide citizens with new facilities to make easier their interaction with the court and to free court staff as much as possible from administrative activities, significantly increasing the time that can be devoted to jurisdictional activities.

In the light of the interactive applications presented in the answer to question 1, advances in AI technology can have beneficial effects on the judicial system in both civil and criminal cases, such as facilitating the interaction of litigants with the judicial system, reducing the time and costs of resolving certain types of disputes, greater accessibility to the case file, etc. However, in the absence of a well-developed legislative and institutional framework that keeps pace with technological progress, citizens' fundamental rights and freedoms, such as individual liberty, access to justice and the right to privacy, are jeopardized. **The algorithm cannot discern between moral and immoral, legal or illegal, just or unjust, it only learns what it has been presented with as correct.** This can lead to unfair solutions and discriminatory, disproportionate and fraudulent treatment being used as a learning base for algorithms that will then make decisions that are, at least on the surface, objective⁵.

The National Electronic Case File and a new version of ECRIS, together with other software, will pave the way for the introduction of artificial intelligence technologies. However, **this process will have to be done responsibly and with respect for human rights. Ethical use, keeping an appropriate balance between transparency and impartiality on the one hand and intellectual integrity on the other, the need for users and not an algorithmic system to be in control, the responsibility in case of malfunctioning of artificial intelligence are challenges that need to be addressed⁶.**

Judge Andreea CIUCĂ, PhD,

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⁴ Mircea Duțu, "Justice in the face of artificial intelligence. Advantages and risks of a civilizational revolution", <https://www.juridice.ro/essentials/7326/justitia-in-fata-inteligentei-artificiale-avantaje-si-riscuri-ale-unei-revolutii-civilizationale>

⁵ Angelica-Georgiana Alecu, "Artificial intelligence in justice. Where are we and where are we heading?", <https://hotnews.ro/inteligenta-artificiala-n-justitie-unde-suntem-si-spre-ce-ne-ndreptam-109075>

⁶ State Secretary Mihai Pasca led the Romanian delegation to the Council of Europe conference "Digital Technology and Artificial Intelligence - New Challenges for Justice in Europe", <https://www.just.ro/mihai-pasca-a-condus-delegatia-romaniei-la-conferinta-consiliului-europei-pe-tema-introducerii-inteligentei-artificiale-in-justitie/>



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