



Our Vision for Electronic Briefing in Australia

ebriefready.com.au

01

Introduction



This paper outlines our vision for an industry-standard approach to electronic briefing in Australia.

Electronic briefing represents a new way to share material, including documents, images and video footage related to a legal matter, between the solicitor, the barrister, the other parties, and the judge hearing the case.

The business case supporting industry-wide adoption of electronic briefing has been accelerated by the global COVID-19 pandemic, which has driven significant change in ways of working for barristers, solicitors, and courts. Almost overnight, workplaces closed, and solicitors and barristers began working from home, often without easy access to the

same level of administrative support or office equipment.

This has encouraged all parties to revisit their dependence on the current highly manual and time-consuming process of sharing, reviewing, and referencing material relating to a matter.



Since the onset of the recommendation (and subsequent direction) that “if you can work from home, you must work from home”, delivery of hard-copy briefs has become problematic, with many barristers working from home and clerks’ offices operating with reduced staff.

With COVID-19 restrictions, particularly where court events are conducted remotely (addressed below), eBriefing is proving an important option. It eliminates the need for printing/copying (which may be difficult where solicitors and administrative law firm staff work from home), physical delivery and, on the part of the barrister working from home, storing the physical brief and subsequently returning it.



Dr Anna Parker and Johannes Schmidt

“Remote practice: Tips and tricks – Electronic briefing, hearings, mediations and conferences”

In response to the pandemic, TA Law accelerated the development of its eBrief Ready platform and trialled its use for free. A steering committee of 80 barristers and solicitors guided and continues to guide the development of the platform to meet industry needs.

Founded by Stephen Foley in 1985, TA Law has a long history of serving the legal community. Both Stephen’s father and grandfather were Barrister Clerks. Stephen has developed practice

management systems for many of the Lists in Melbourne as well as transcript/document management systems for the legal fraternity in Australia, the UK and the USA.

This paper reflects on the Australian legal industry’s experience with electronic briefing to date and recommends an industry-standard approach to electronic briefing that is secure, efficient, effective, and affordable for all.

02

The (Pre-COVID) Briefing Process

To understand the benefits that adopting a standard approach to electronic briefing offers the legal community, it is first necessary to provide some context around the briefing process before COVID-19.

“Briefing” is the process of sharing relevant material relating to a legal matter with other parties, including the barrister, opposing counsel and the court.

It starts with the solicitor providing relevant documents, images, and video footage to the barrister. The barrister then reviews the brief, recording key points to be discussed with the solicitor and later used for submissions and cross examination.



For some legal matters, there might be only a few documents to share.


For others, there can be hundreds of documents, running to many thousands of pages.

Historically, these documents were printed and assembled into hard copy A4 folders by law firm administrative staff or by external companies.

The folders were sent to the barrister using a postal service like DX or via courier. At the end of the matter, the documents would be returned to the solicitor.

In an effort to reduce their impact on the environment, some firms implemented paper-free or paper-lite strategies and started sending the relevant material to barristers electronically, using an array of options (depending on the size of the files) including:

 Email

 File-sharing software like
Dropbox or One Drive

 USB sticks

Sometimes, the firm compiled the relevant documents into one large PDF document and provided this single document as the brief for the barrister to review.

Some of these PDF documents contained more than 10,000 pages and were unwieldy to work with. Perhaps not surprisingly then, many barristers continued to prefer to receive paper briefs or printed some or all the brief to make their notes on, effectively pushing the printing burden downstream. Others became keen users of a range of PDF software tools that allowed them to compile multiple documents into one PDF document and work with the material electronically.

Of course, new documents can emerge at any stage in the briefing process, creating more documents to be shared, reviewed, and referenced.

The law firm also provided the brief (either in printed form or electronically) to all parties involved in the court case.

Once the brief has been received by the court, the judge also reviews the material, making their own notes.

To ensure common, fast, and ease of referencing of material in briefs, courts and judges often specified how the brief (also known as a court book) should be formatted. Different courts adopted different formatting requirements.

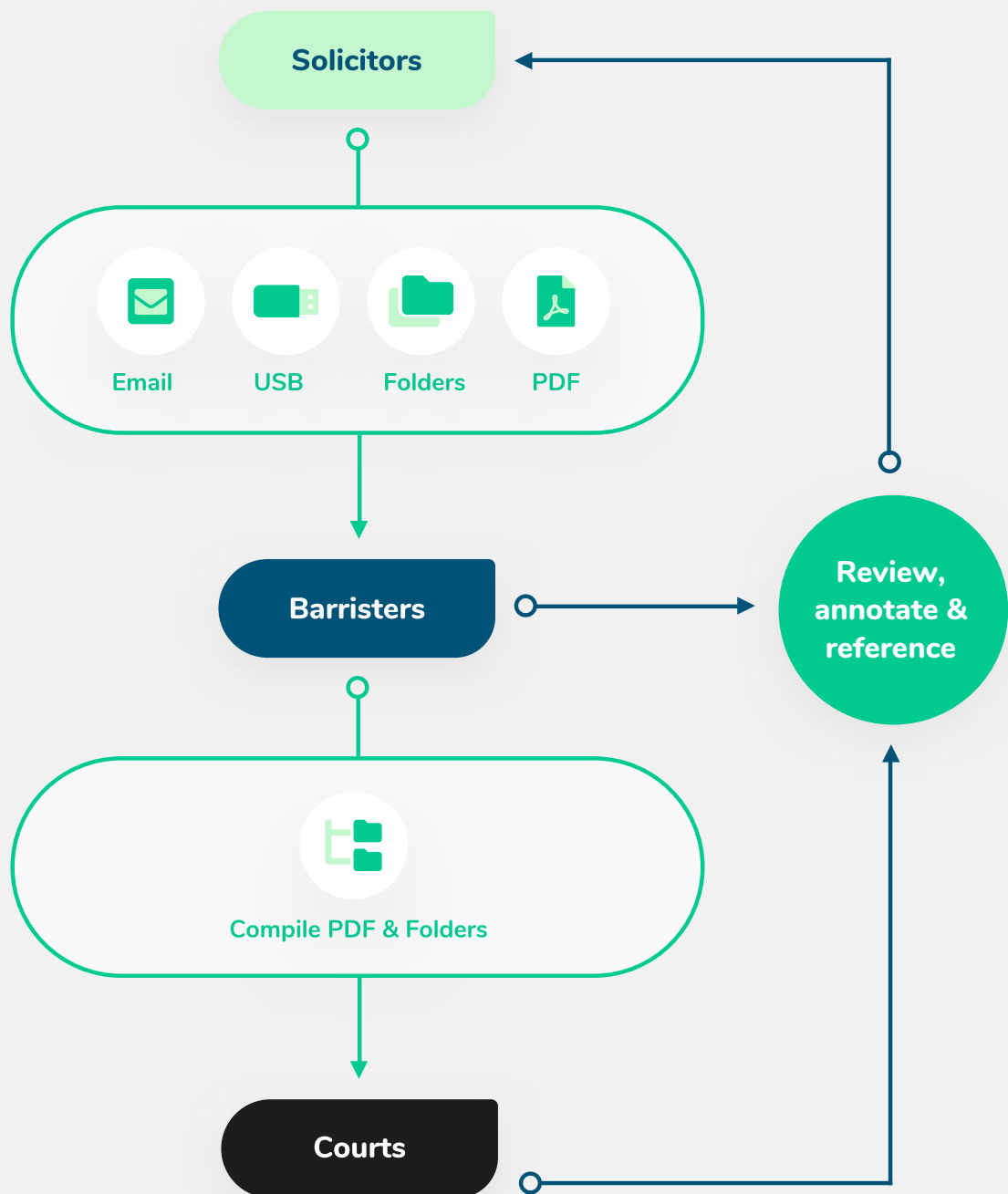
If the documents were to be provided electronically, courts typically wanted to receive one PDF document (rather than all the relevant documents) with an index at the top to navigate the documents, and consistent page numbering across the documents, so that the court could refer to specific pages within the brief.

During the court case, all parties refer constantly to the brief. The need to find relevant material quickly and efficiently is a key requirement for all parties involved in the case.

Some courts also adopted digital displays to show the relevant documents to the court, which was quicker and easier than having all parties search their respective hard copy briefs for information.

Pre-COVID Briefing Process

A static process, involving many different document types and means for sending them. Each review or round of annotations effectively sends you back to the beginning of the process.



03

The COVID Crisis



The COVID-19 pandemic escalated the adoption of sharing briefs electronically, as barristers and solicitors were required to work from home without the resources of the firm or chambers at their fingertips and as some courts moved to operate online.

Sharing briefs electronically (via email, Dropbox, a consolidated PDF file, etc) quickly moved from being something that some firms, barristers and courts had adopted, to an essential part of the new way of working.

Lawyers and barristers were no longer wheeling suitcases of briefs from the office to home or to the court. Instead, they were using tablets and laptops to mark up documents on screen.

However, it also threw into sharp relief some of the challenges relating to each step of the current process for the production, sharing and review of briefs electronically:

1 Solicitors were sending briefs to barristers using multiple technologies (e.g. Dropbox, One Drive, email, firm-specific platforms, USB sticks). The barrister needed to constantly move between different technologies to receive the documents they required for each matter they were working on. File sharing software was not tailored to support the briefing process.

2 There are obvious security issues associated with many of these options. Hard copy briefs and USB sticks can (and do) go missing, firms are being hacked at frightening rates, and well-known software like Dropbox continues to be targeted by hackers. The rate of incidence and year-over-year growth of cyber attacks is profound. According to the **American Bar Association's Cybersecurity Tech Report**, up to 42% of law firms with up to 100 employees have experienced a data breach.

3 Some documents provided electronically were not searchable, because OCR (optical character recognition) was not performed during the scanning process, making it hard for all parties to easily find key information when reviewing the brief.

4 Compiling documents into one large PDF brief can be a time-consuming and fiddly process, even when using the wide range of PDF compilation tools that are now commonly available.

5 There is no consistently agreed format for PDF briefs. Different firms (and sometimes different practices or solicitors within firms) have different approaches to the formatting these PDF briefs. Different courts have different specifications relating to how electronic court books were produced, thus giving rise to a plethora of varying conventions relating to document numbering, pagination, folder structure and indexes and bookmarks. This exacerbates the challenge of compiling electronic briefs.

6 The file size of some PDF briefs can be large enough to make it unstable on home computers – and home printers were not designed to print at volume.

It was clear that a new approach, bringing together the array of solutions designed to address each step in the briefing process (from file sharing to PDF document creation to reviewing and referencing relevant documents) into a single, secure and easily accessible platform, would deliver significant benefits to all involved in the matter.

04

Our Vision for Electronic Briefing



Secure, easy sharing of relevant documents

At the heart of our vision is the creation of an electronic briefing platform that serves as the central, secure repository of all documents relating to a matter.

Relevant material for each matter (documents, images, video footage) is uploaded to the platform by the law firm. Only those invited to the matter are granted access to the material. Two factor authentication (2FA) provides added access security.

The material can be readily accessed by all parties to the matter, 24 hours per day, 7 days per week on PC, Mac or any mobile device, without any local software being required. The platform works with every browser.

New documents are easily added to the matter. All parties are automatically notified as soon new material is added.

An index is easily created, and automatically updates as new documents are added.

Documents on the platform are also encrypted and the platform is hosted on Australian servers to ensure the stored material is compliant with Australian security standards.



Reviewing documents

All documents go through an OCR process when they are added to the platform, ensuring they can be searched.

All parties can search and annotate the relevant documents directly. Annotations can be shared with others involved in the matter or kept private.

Annotations can also be easily organised by key issues or date.

Our vision is for the industry-wide adoption of an **electronic briefing platform to share, review, and reference relevant documents across the life of a matter, improving collaboration and productivity for solicitors, barristers and the courts.**



Referencing documents in court

PDF briefs can be quickly, easily and automatically created at any point in time by anyone from folders in the platform, complete with index pages and pagination - although the need to produce a shared, single consolidated PDF document is significantly reduced, given all parties already have access to the original documents on the portal.

In a four month trial conducted by a large commercial law firm late last year, the average time to compile a PDF brief using the eBrief Ready platform reduced from 2.5 hours to just 15 minutes. This represents a huge increase in productivity, not to mention the positive flow on effects for staff morale and wellbeing, while strongly supporting the firm's strategic paper-lite goals.

Even when PDF briefs are created for courts, our vision is that all parties are still given access to the documents on the platform along with the PDF brief, making it easier for all parties to navigate, search, annotate and reference documents.

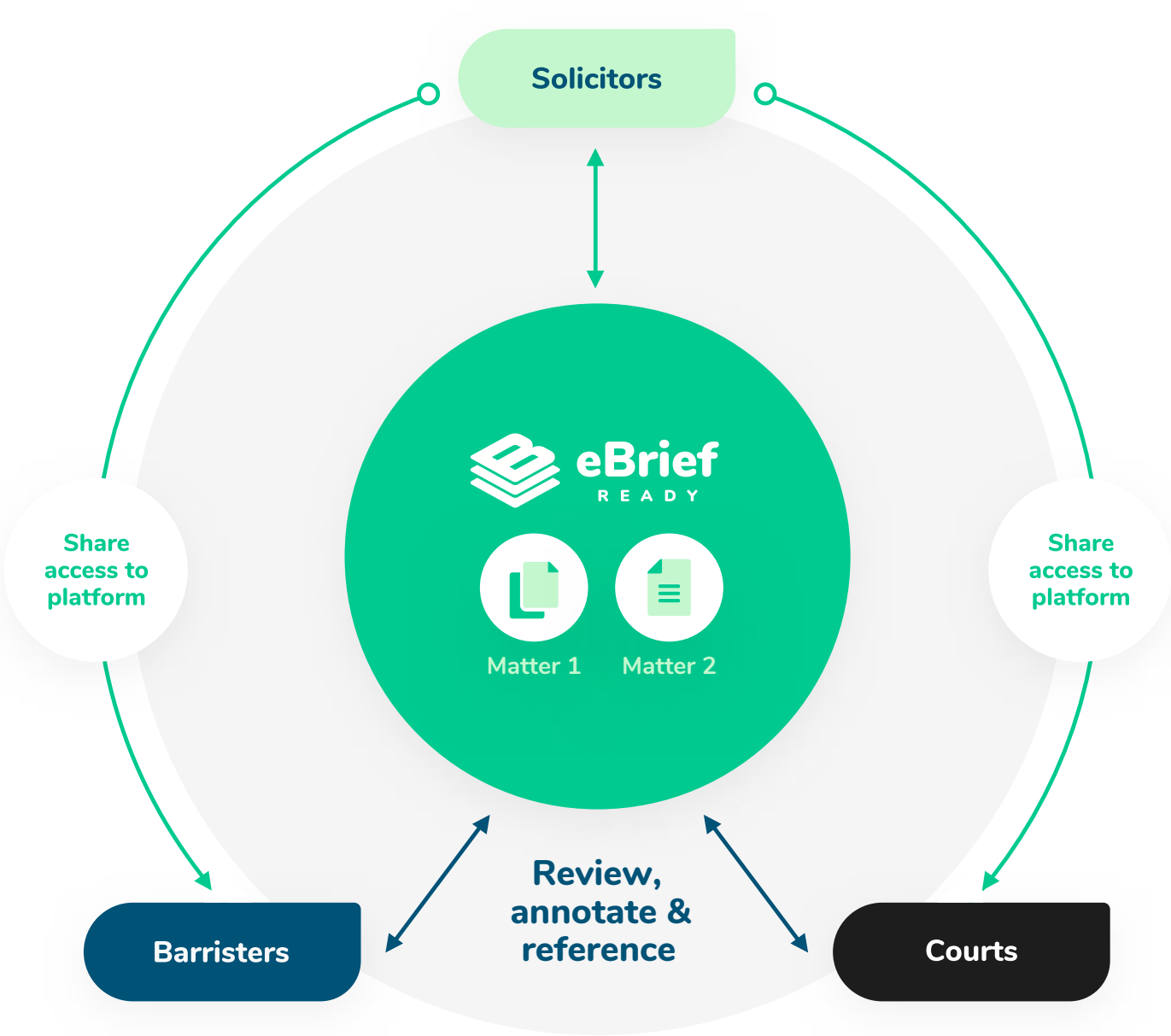
PDF briefs are created to a consistent, industry-wide format. Our recommended format includes:

- Consistent index with hyperlinks to navigate the documents
- Bookmarks also provided for navigation
- Pagination should always commence at page one
- The index should have a consistent naming convention (document number, document date, document name, page number range)
- Each document should have a unique page number
- All documents should be searchable within the PDF brief

At the end of the matter, documents relating to the matter can be archived within the platform or externally. Barristers can keep all information relating to the matter together – using the platform as a library of cases.

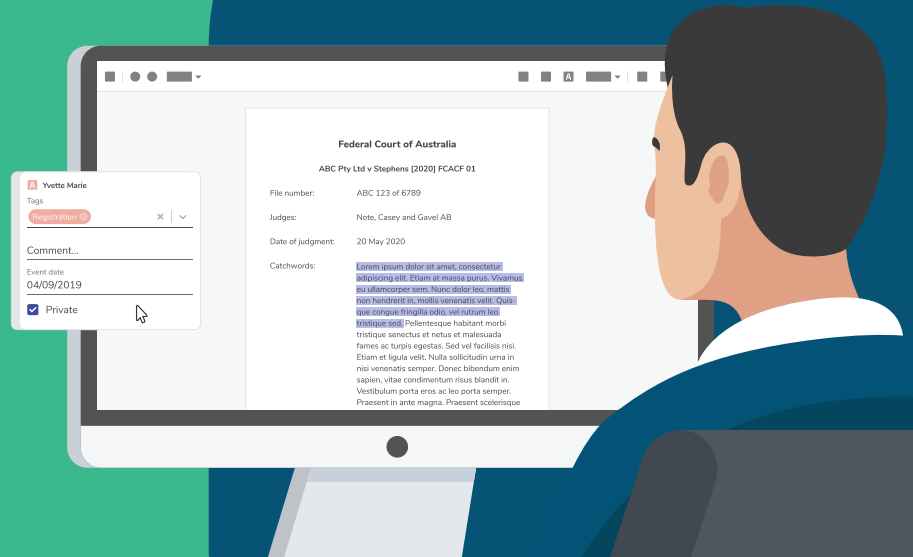
eBrief Ready Briefing Process

A secure, accessible and common platform to share, review, and reference relevant documents across the life of a matter, improving collaboration and productivity for solicitors, barristers and the courts.



05

Delivering on the Vision



We are developing eBrief Ready to deliver on our vision for an industry-wide **electronic briefing platform** to share, review, and consistently reference relevant documents across the life of matter, improving collaboration and productivity for solicitors, barristers and the courts.

At the time of writing, more than 7,000 users have signed up to use the eBrief Ready platform.



1,000 barristers in Victoria are using the platform



Six of the twelve Melbourne lists are eBrief Ready lists, meaning they prefer to receive briefs via the eBrief Ready platform.



The Top 5 Personal Injury firms and 70% of the top 50 commercial law firms are using eBrief Ready

● Always free

It will always be free to share relevant PDF documents with barristers and other parties using eBrief Ready. There is no software to download and documents are available 24 hours per day, 7 days per week. When documents are uploaded, they will go through OCR, to ensure they are searchable. Sharing documents using the platform is far more secure than emailing them, printing them or sticking them on a USB!

● Pro version

eBrief Ready Pro allows the easy creation of a PDF brief. Pro users can make annotations on documents (and share these or keep them private) along with key issue reports and chronologies. Pro users can also upload non PDF documents, including Word, Excel, images (jpg and png), video and audio files (mp4 and mp3).

When Pro users share their brief with other parties using the eBrief Ready platform, all parties have access to Pro features for that matter, making collaboration easy.

● Enterprise version

Law firms and Chambers will be able to deploy an enterprise version, allowing customisation of their eBrief Ready communications and management of users on the platform - including adding new users, removing users and transferring access to a matter when someone leaves the firm.

● Courts, Access to Justice and Legal Aid

As part of our commitment to accessibility, the full capability of the e-Brief Ready platform will always be free of charge for the courts, Legal Aid services and not-for-profit, access to justice legal services providers. We are working with courts to assist in smoothing out the litigation pathway and to support their efforts to manage access to documents during a trial.

● Local Support

To support the adoption of the eBrief Ready platform, we provide responsive, local support for all versions of eBrief Ready, delivered via email and telephone.

If you would like to try out the eBrief Ready platform, visit www.ebriefready.com.au or click the button below.

Start Free trial 

Join now for a free trial of the Pro version.

06

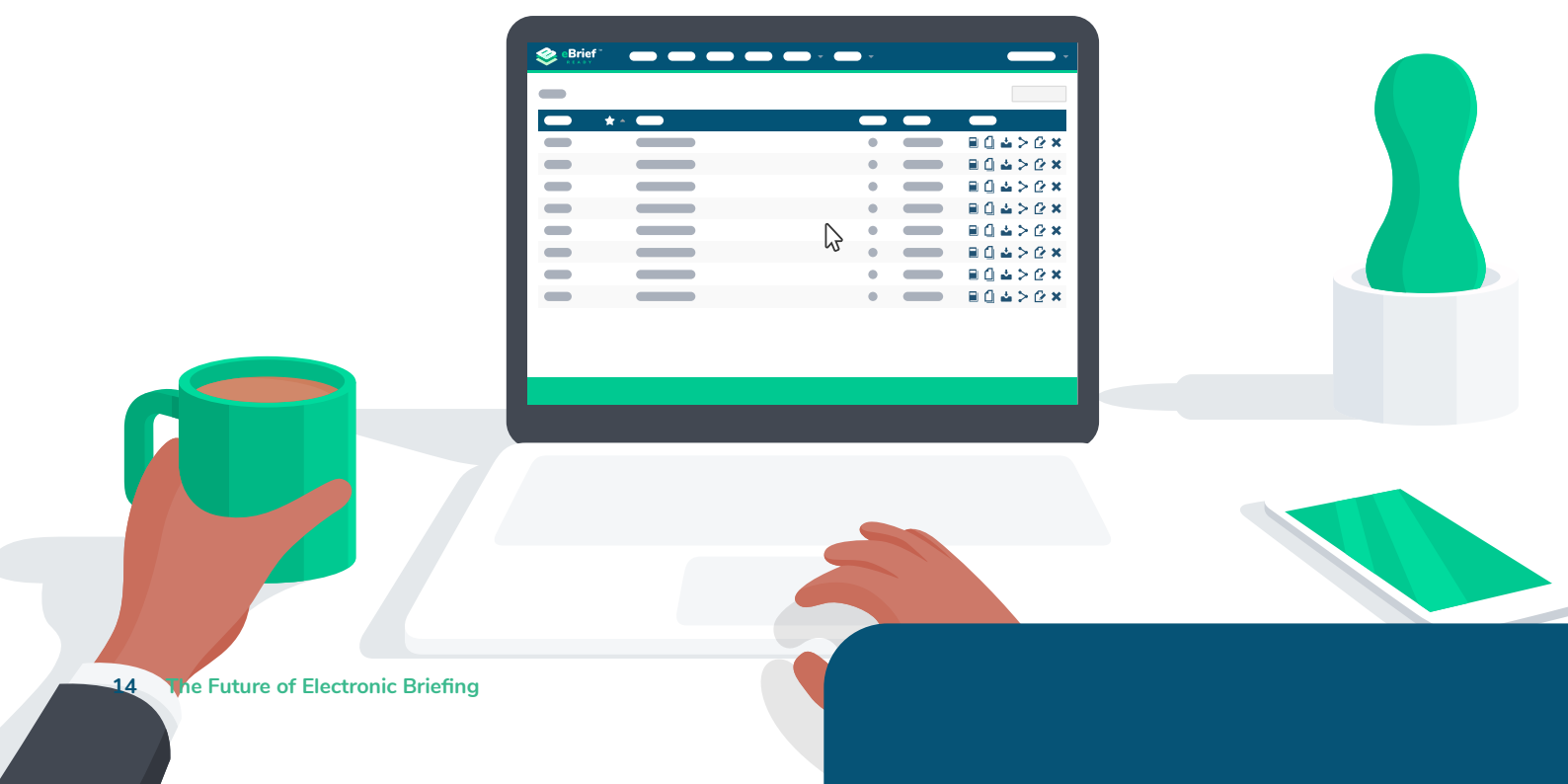
The Future of Electronic Briefing

In the future, all parties involved in a matter will collaborate using a common briefing platform, securely accessed from anywhere at any time.

This will make it easy to share, review and reference the critical information relating to the matter.

Large PDF compilations, like suitcases packed with documents, will become a thing of the past.

This is the future for electronic briefing and the vision that we are working towards. We encourage anyone interested in being involved in the further development of the platform to join our steering committee by clicking [here](#).



07



Get in Touch

With over 30 years of IT expertise and extensive knowledge of the barrister industry, we pride ourselves on building technology that is secure, useful and flexible.



“My father and grandfather were barrister clerks. I understand what barristers need and use technology to deliver it”.



Stephen Foley
Founder and Managing Director



+61 3 9020 4456
+61 425 802 094

stephen@talaw.com

Level 11, 456 Lonsdale St
Melbourne VIC 3000

ebriefready.com.au

[Book a consultation](#)



We have extensive experience working with barristers and in the legal industry and have delivered many innovative solutions for legal practitioners to simplify their business processes and improve the way they work. We continually engage with the industry to further enhance his programs and platforms.

Development and support are paramount to maintaining our product range – we have engaged the most impressive team to ensure consistent deliverables. Expect exceptional customer service including local face-to-face contact when you need it.



**Our Vision for
Electronic Briefing
in Australia**

ebriefready.com.au