Chapter 8
E–Government in the Judiciary System:
Assessing the Correlation between IT Investment and the Efficiency of Courts of Justice in Brazil

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ABSTRACT

This chapter presents an analysis of e-government being enabled by Information Technology (IT) investment in the Brazilian Judiciary System. The methodology adopted was the case study, with a mix of qualitative and quantitative data to deal with the complexity of the phenomenon. The latest data on e-government use in Brazil, the organizational structure and IT development of the Brazilian Judiciary System, and the legal framework for electronic lawsuits form the basis for understanding the context. A qualitative analysis of the influence of the National Council of Justice (NCJ) on IT investment and e-government initiatives indicates that the NCJ's coordination is leading the Brazilian Judiciary System towards common goals. Furthermore, a quantitative analysis of the correlation between IT investment and the efficiency of the courts shows a potential positive influence on reducing the duration and cost of lawsuits.

INTRODUCTION

As the computerization of the Brazilian Judiciary System in Brazil evolves, e-government becomes an important tool to promote the access by Brazilian citizens to justice. In the meantime, units of the Brazilian Judiciary System are investing in Information Technology (IT) to build the infrastructure necessary to provide e-government services (Andrade, Mallet, & Fleury, 2008). The adoption of the New Public Management paradigm in Brazil has identified e-government as a path to be followed by the Judiciary System. The continuing development of e-government increases the need for a restructuring of the state to provide these services in terms of routines and processes that need to be eliminated or modified through the use of Information and Communication Technology (ICT) tools (Ruediger, 2003).

Strategic planning of the Brazilian Judiciary System, coordinated by the National Council of Justice (NCJ), focuses on IT as a tool for solving the efficiency problems of the Brazilian Judiciary System (Andrade, 2009). IT investment of the Brazilian Judiciary System might be evaluated by several indicators from political goal-based ones, such as governance, to technical-based ones, such as software performance. Transparency, info-inclusion, equity, quality, efficiency, capability, accountability, maturity, infrastructure, standardization, interoperability, availability, and usability are just some of these performance indicators (Pinho, Iglesias, & Souza, 2005; Soares, Junior, & Santos, 2007; Joia, 2007; Magoutas & Mentzas, 2009; Solar, Astudillo, Valdes, Iribarren, & Concha, 2009). However, in Brazil there has been the option of solely assessing efficiency in the courts of justice, which duly tallies with the goals adopted by the NCJ as the administrator of the strategic planning of the Brazilian Judiciary System.

As Brazil is implementing its latest judicial reform, led by the NCJ, empirical research becomes very important to guide these initiatives (Hammergren, 2009a, 2009b; Staats, Bowler, & Hiskey, 2005). In its latest phase, Brazilian judicial reform has incorporated not just legal changes but also new elements related to management issues and investment in equipment, buildings, and IT (Hammergren, 2009b).

According to Scholl (2008) e-government is a multidisciplinary knowledge field. Multiple disciplines are supposed to be used to duly address the complexity of the aforementioned phenomenon. Thus, in order to analyze IT investment in the Brazilian Judiciary System and the respective efficiency expected of courts of justice, it is necessary to address the e-government stages and services compatible with them, the relation between IT investment and e-government, and the use of e-government services by Brazilian citizens. It is also necessary to address the factors that have influenced the adoption of e-government services by the Brazilian Judiciary System, namely its organizational development, the legislative reforms, and the new technical systems (Jansen & Lodval, 2009). All these elements influence each other and the phenomenon studied (Figure 1).

Based on this conceptual framework, this paper examines the role of the NCJ on the definition of IT investment and e-government initiatives, and the correlation between IT investment and efficiency of the courts. This analysis encompasses two themes of the eGOVRTD2020[1]: mission-oriented goals and performance management, and assessing the value of government ICT investments (Wimmer, Codagnone, & Janssen, 2008).

The case study methodology, described by Yin (2004), was chosen to conduct qualitative and quantitative research, exploring and describing a phenomenon in its own context, when the boundaries between phenomenon and context are not clearly evident, and in which multiple sources of evidence are used (Benbasat, Goldstein, & Mead, 1987; Yin, 2004). The phenomenon to be studied, examines the role of the NCJ on the definition of IT investment and e-government initiatives. Fur-

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