



JTC Resource Bulletin: Strategic Issues to Consider before Starting an E-filing Initiative

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Joint Technology Committee

This document is a product of the Joint Technology Committee (JTC) established by the Conference of State Court Administrators (COSCA), the National Association for Court Management (NACM) and the National Center for State Courts (NCSC).



JTC Mission: To improve the administration of justice through technology

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Introduction

E-filing is more than a transfer of a document to the court electronically. It includes the notion that some data and metadata will populate the court case management system (CMS) at the same time the filing documents and fees related to the documents are received and electronically served. E-filing is thus one aspect of converting the court business to a model based upon an electronic record. The court workflow revolves around electronic files/content accessed from a CMS and electronic content management system (ECMS) that store, edit, sign, receive and send data, documents and other electronic content (video, PPTs, images, maps, digital court reporter notes, digital recordings of hearings, etc.) In a mature electronic court environment, data and documents are shared with and received from the court database with justice partners and social services to facilitate accurate information dissemination and timely action and processing by the courts and their partners.

Courts consider moving to electronic filing and electronic files for sound business reasons. Most public and private entities see efficiencies, speed and cost savings coming from automating their workflow and transitioning to electronic storage and processing of data and documents. Courts are no different in seeing these advantages. Public safety needs including the exchange of important data with other justice partners, the need to bring cases to trial or other decision in a timely manner and the public expectation regarding access to court documents online all add impetus to trend to move to e-filing and an electronic file paradigm.

In considering a move in this direction the Joint Technology Committee has set out the following Guiding Principles for all technology initiatives including e-filing:

- Perspective: business driven
- Comprehensive: cover all areas of functionality
- Adaptable: simple for a court to adapt and use
- Dynamic: use with rapidly changing business
... needs supported by changing technologies
- Flexible: reflect local terminology and practice
- Disciplined: follow established business process
... improvement disciplines
- Harmonious: build upon and complement
... existing initiatives (e.g., CTF, NIEM, ECF, ...)

There are several approaches a court system can use to establish an e-filing initiative. Many decisions need to be made before initiating or executing any approach. In addition to the guiding

principles above that should be used to frame any decisions with e-filing projects, here are some of the initial decisions and some of the problem areas to consider.

Key Decisions

Which courts?

The Governing Authority needs to decide if the e-filing system will be established for all courts or on a court by court basis. Jurisdictions that chose a court by court basis are likely to find that e-filing will be established in large jurisdictions which have the funding and staff resources, but not in many smaller jurisdictions. Other small jurisdictions that are early technology adopters may also establish e-filing. Statewide initiatives, however, involve more decision makers and input and thus can take longer to implement. Which direction a system chooses also affects the bar and others likely to file in multiple jurisdictions. When making this decision, court leaders should consider the impacts and readiness of various courts across the state and the impacts of the decision on court users.

Which cases?

Many jurisdictions that indicate they have implemented e-filing have done so only in a subset of case types, typically the following: civil, probate, domestic relations and small claims. It is easier to implement e-filing in these case types for a variety of reasons, including the fact that a special added e-filing fee (convenience fee) can be charged to help finance the implementation and operation of e-filing with or without a third-party vendor.

However, e-filing for government filers may have a dramatic impact on reducing court workload by automating many processes and should be considered. If a jurisdiction wants to allow government agencies to e-file by including child abuse/dependency, delinquency, criminal, child support cases, etc., government agencies typically don't pay court costs and fees so a convenience fee on these case types will not provide a revenue stream. (This is why some vendors do not develop electronic filing service providers - EFSPs - for criminal and juvenile and child support.) Either the e-filing convenience fees from civil and related cases must cover the development and maintenance of the other case types, or additional funding must be found. Introducing e-filing with criminal cases works well with the need to exchange data with other justice partners and the two should be evaluated together.

A jurisdiction wishing to provide e-filing in all courts and all (or many) case types faces financial obstacles quite different than a jurisdiction that only wanted to establish e-filing for civil cases in urban jurisdictions.

Build, Buy or Rent?

A court system can choose to build a system in-house, buy user licenses from a vendor or allow a service provider to provide the service. The choice will often depend on the answers to the first two questions, funding (or the lack of it) available to the courts, and the degree of dependency the courts want to have on the vendor. Each of these approaches has pros and cons.

Courts considering building should consider the capacity of the court to build and sustain the project. Most courts state that the biggest part of building a system internally is the maintenance and support costs, including customer service costs.

Courts considering buying licenses from a vendor should consider the ongoing costs, transition issues, and integration with existing software products. Relying on a standards-based approach will reduce some of the transition and integration costs.

Courts considering allowing a third-party vendor to operate the service should consider the ongoing costs, transition issues moving to the vendor (or changing or terminating a vendor), integration with existing software products and issues with control of the service and data. In addition to relying on a standards-based approach, courts should consider establishing control by the court through contractual means. Contracts with vendors should be carefully constructed, detailed as to responsibility, ownership of data and documents, and include detailed guidelines in the event of termination and separation.

Even courts choosing in-house for an e-filing system may use vendors selectively for some parts of the e-filing application. It may make sense to build part internally but contract out some aspects such as billing, printing and mailing for those not able to receive electronic notices and documents.

“Free” or Fee?

There is really no such thing as a “free” system. Someone has to pay. The choices are:

1. Paid for by the taxpayer, but no charge to the user; or
2. A fee based system where the user pays an e-filing fee or convenience fee for using the system.

There are different models for charging the users, such as per transaction, subscription, an increased filing fee, etc. Choosing the funding model can have long term consequences. The best approach will vary from jurisdiction to jurisdiction. Some court leaders do not want to have a convenience fee due to the fact that costs can be significant depending on the number of filings and the fee structure adopted. The convenience fee model also often prices e-filing above paper filing, which is counterintuitive. Other courts/states want a filing fee that can be earmarked to

directly fund ongoing costs of developing, maintaining, updating and expanding the e-filing and related CMS and DMS/ECMS. A general increase in the filing fees can add money to the general fund or even the overall court budget but over time may not be tied to or adequate for the technology costs related to maintenance of a court reliant upon a secure electronic record. The filing fee approach might also produce resistance due to access to justice concerns. Securing a direct appropriation from the funding authority is another approach, but the risk is that the funding may be removed or prove to be inadequate to fund the project long-term. In general the models are either taxpayer or user funded.

If fees are charged, there will be a need to review who is or should be exempt from paying the fees and how is that determined. Existing statutes may exempt some, i.e., DCF, State Attorney, PDs. In addition, private attorneys occasionally do work for both the state where you may want to waive their fee but also as private counsel for indigent counsel. If they register with their bar number, how do you know when to waive the fee and when to require it? The e-filing process has to allow for all these. In fact, addressing wrongly collected fees is always time consuming and frustrating for both the clerks and the financial people, so avoiding fee collection errors is important.

Single or multiple vendor models?

A court can choose to use a single e-filing model (built in-house or from a vendor) or a multi-vendor model. If built to the court technology standards (ECF 4.x), there can be multiple EFSPs but a single e-filing manager (EFM) module on the court side that receives and processes e-filing submissions. An EFSP is generally a third party who, for a fee, provides software that allows users to prepare and submit e-filings, pay the filing fees related to their submissions and receive notifications from the court.

A single vendor can make it possible to provide more case types in the e-filing from the outset or in a steady progression. This is because the court has complete control over modifications to the system as needed, rather than relying on multiple vendors to modify individual systems.

If built in-house, the staff can simply add more case types as time and resources allow. This can test the patience of all the court constituents and the funding body. On the other hand, the court developing in-house sets its own priorities and can modify and change the e-filing module without having to rehire a contractor or trying to persuade a vendor to make the changes they want (need).

If using a vendor, it is easier to create (price in) an arrangement for a single vendor to allow for “free filings for government users” if that vendor is receiving fees for civil filings. It is also easier to provide service to smaller courts via this vendor if the vendor is receiving revenue from the large urban courts.

If a multi-vendor approach is selected, then the courts will want to consider having an in-house (or vendor supplied) clerk review system (EFM). Otherwise clerks will have to be familiar with multiple vendors' clerk review systems. Smaller jurisdictions are unlikely to have such an in-house system if the system is not a statewide implementation. With a single vendor, typically the Clerk will use the vendor's review system unless they already have a stand-alone EFM or until the EFM is integrated into the court's CMS. Using multiple vendors' makes reconciliation; refunds etc. more difficult for the Clerk and those activities should not be underestimated. Receiving data from multiple vendors into a court CMS will require adherence to standards, but even so will require dealing with issues with multiple vendors over time. However, multiple vendors provide the jurisdiction the ability to offer multiple service levels to users through the various EFSP offerings. In this model, users are able to choose between various EFSPs based on their needs and competitive pricing among the EFSPs. Multiple EFSPs can also assist in offloading customer service issues from the EFM or Clerk.

How do you handle the Money?

At a minimum, filing fees will have to be collected and dispersed. These responsibilities can be accomplished a) by contract with a financial vendor, b) contract with a financial vendor and an EFSP, or done in-house. If an e-filing charge or convenience fees are also being charged they too will have to be managed. Many courts have a variety of special use funds that must be separated out of the filing fee into special accounts.

If law firms are allowed to file and then receive billing statements, these need to be prepared and distributed and special rules and procedures related to collection problems and procedures must be adopted. (Do you let a delinquent attorney file or put them on a cash basis? Is it reported to disciplinary counsel?) Since special fees are adopted and changed almost every year, there will be constant need to review and adjust the way the money received is divided.

Whether the financial piece is handled in-house or through a vendor, if filers are allowed to pay after the fact, the expense of "fronting" the money is a large consideration – especially where statutes may require certain fees to be paid within a particular time period to a particular special fund or entity.

Finally credit card and bank fees will need to be managed. There is a great deal of complexity associated with this work. Planning regarding who pays the credit card fees needs to be undertaken. Some courts avoid credit card fees by billing for usage, something that can work well for law firms but not as well for individual non lawyer filers. Self-represented litigants will want to use credit cards or even cash.

The court will also wish to consider how indigent and government filers will be able to bypass paying fees. In addition, consideration should be given to which government filers will be exempt and which will be required to pay the fees.

Assumptions & Requirements

The electronic record is the official record

E-filing should not be viewed as a stand-alone application or service. It needs to be viewed as one part of the transition from a paper court to a digital court. There is a significant shift in thinking when you designate the electronic record as “official.” With e-filing, court business begins electronically. The goal is to ultimately have entirely electronic files with the ability to print to paper when useful (i.e., “paper on demand”), but there are transitions in getting to that point. There are several steps along the way that could cause the electronic process to exit to paper. Those include: paper files maintained by the clerk, mailed paper notices and calendars; cash payments; and paper orders. Some courts or case types may require the maintenance of a paper file, i.e. original wills. While some of these exceptions will certainly need to be dealt with, there cannot be a “shadow file” or confusion over the official record. The efficiencies, speed and cost savings described in the introduction are lost if there is not a commitment to one electronic file.

E-filing should be mandatory (eventually)

It is ideal to make e-filing mandatory as soon as possible in order to eliminate having dual paper and electronic files from a set day forward. On the other hand, making e-filing voluntary and using test sites and limited case types to begin allows time to fix problems while working with the most problem-tolerant members of the bar who want to help. It must be clear the path leads to mandatory e-filing and an electronic record. Court leadership on this is critical.

Judicial buy-in and leadership

Judges need to be well-informed and engaged by administrators and IT leadership from the beginning to gain their support for e-filing and an electronic record not only with words but deeds. Getting judges comfortable with using electronic records will be the only way to see the full benefits of e-filing. To do otherwise will only increase costs and increase staff workload.

Self-Represented Litigants must ultimately be accommodated

Few e-filing systems currently allow self-represented individuals to e-file. Those that do allow it do not require it. With the high number of SRLs in areas such as domestic relations and small

claims, the lack of e-filing for SLRs results in court staff having to spend time to scan documents into the electronic files for these cases.

Efforts to create e-filing approaches for SLRs include guided interview form preparation (similar to tax preparation like questions) that once answered, provide the data into forms for filing and offering either static or dynamic forms and instructions. Many attorneys do not want to use the guided interview approach as it is more time consuming, but they also balk at dynamic forms because many firms have expensive litigation support software that creates form pleadings and using the dynamic form requires duplicate work.

Providing access terminals at clerks' offices, self- help centers or in law libraries should be considered.

Additionally, to allow SRLs to e-file requires creation of an online identity for the SRL and there are security and identity issues in doing so.

The signature and verification discussion below especially applies to this group.

Finally, when e-filing and an electronic record are adopted, there is an immediate need for access terminals in the clerk's office or law library and/or self-help centers for SRLs. There are costs, time and training necessary for staffing to either help scan or help create unique online identities and viable instruction sets for SRLs. It requires both staff and space (both of which are hard to come by) and lots of patience.

Public Access to electronic documents must be part of the strategy

As court files become digital, public access to the file becomes an issue needing consideration. From the press to curious neighbors to data mining companies, if files can be looked at from a home or office computer and mass downloads of case information are possible, the "practical obscurity" of paper files at the courthouse is gone. At present, many courts do not allow data mining but others do and make substantial money from this.

Of major concern is sensitive data in court documents. Courts should consider whether rules regarding sensitive data in documents are necessary and whose responsibility it will be to redact sensitive information. Redaction technology and database design that protects the many forms of private information from inadvertent disclosure become very important considerations.

As already noted above, when the court file is digital, a viewing area at the court clerk office becomes necessary to allow access to someone who come to the courthouse in person. Finding space for this is a problem in many older courthouses and supervision and assistance to those using the public access requires manpower.

Technical infrastructure

A robust, redundant and secure technical infrastructure is needed to support e-filing and an electronic record court. The initial cost is only the beginning. Adequate funding for maintenance, upgrades, new technology and training for the long term need to be secure.

- Sufficient bandwidth to all locations
- PC's that are configured sufficiently (and with required software) to deal with electronic documents
- Servers and backup servers, routers etc. with redundancy and high availability
- Real-time backup at local level accessible if network down to keep electronic court going
- Redaction capability and security of information protected by privacy laws (see also pub-High speed Scanners to upload documents from self-represented litigants
- Multiple large-screen monitors for staff and judges. A single screen is not efficient and leads to errors in work and lost time and money printing paper copies
- public access provided with security of sensitive and private information
- Physically secure locations for servers and other devices and control over physical access

Security of the Network

Internal and external security of the entire network is an absolute necessity with or without e-filing but when allowing e-filing and exchanging data with justice partners and others such as social services, the processing of the data and documents coming into the network from the EFSP requires special attention.

Physical security is mentioned above. Security in the sense the database and data are secure from hackers and malicious malware, worms, trojans, etc. is an absolute necessity with or without e-filing but when allowing e-filing and exchanging data with justice partners and others such as social services and the division of motor vehicles, the processing of the data and documents coming into the network from the EFSP requires special attention.

In addition to security in a technical sense, 'permissions' generally are a big deal with certain case types (e-filing dependency, juvenile, domestic etc.) where everyone doesn't have access to everything. Permissions touch limitation to employees as well as outside entities. It likely requires statewide standards but a degree of local court control to change permissions for employees dependent upon assignment.

Courthouse Space and Courtrooms, Public Access

- Work stations and judges' benches must be changed to accommodate visual (digital) workspace;

... this includes a bench design ensuring the judge can see and can be seen by attorneys, jurors, public viewing area and witnesses

- Courtroom designed for large visual displays on wall so monitors do not impede view of and by judge
- Self-Help Centers with staff support to assist self-represented litigants require space, staff, hardware and software to assist SRLs to file in an e-filing environment either directly or with staff help

E-service should be part of the e-filing strategy

While E-service in the form of notifications within the e-filing application or e-mail or both is not part of every e-filing implementation, it should be considered for full benefits. Service and notification electronically speeds and documents the distribution of documents/orders. Ordinary mail is expensive, takes time and staff and money on the court and the law firm side. Self-represented litigants also want to have e-service. Finding a way to allow them limited access into the e-filing system is an unsolved problem in most jurisdictions.

Paper still kept for a while

Most courts with e-filing in Probate are still requiring original wills to be submitted. There are other circumstances such as a dispute over a signature or tampering with a term in a document is at issue which will require the court to view the original document which may or may not be paper. Some courts keep these and others scan and return at some point. At some point there is no need to keep such paper documents and a scanned version is all that the court should retain.

Business Intelligence Tools

Business Intelligence should make performance measures and reports readily available and useful to the court business practices and to judicial case management. Meaningful management of individual cases and entire caseloads is now possible with modern business intelligence tools which can be integrated with the modern CMS.

Electronic Files need smart Electronic Workspaces

Screen Design to aid efficient case procession by Judges and Clerks: Software design of the judge screens to provide needed information in a minimal space and without going to additional screens or scrolling are key to getting judges buy-in. Working a busy docket, will the judge be easily able to find and see what he/she needs? Care in design of the screens for the judges is central and states have prettied these up with names like “judicial workspace,” “dashboard,” “judicial viewer,” “judicial viewing tool” in recognition of the importance of the screens and buy-in by the judges.

Appellate courts have their own workflow and collaborative processes that require special attention if the courts are going to allow e-filing and work from an electronic file. Shared but private electronic workspaces and tools for collaborative editing and version tracking are necessary to make e-filing work in an appellate environment.

Challenges

Governance and Management

Jurisdictions vary greatly regarding who will make decisions and who and how such a project is financed. A clear understanding of governance and control is important to have success.

Flexible, open project management that can adapt and respond to changing circumstances is also important. If done in-house, it is a long haul and clear short-, intermediate-, and long-term objectives need to be set out with the understanding that you take one bite at a time. Good communication and active listening and responding to the various interest groups and answering concerns fully are critical.

Policies, statutes and Rules

There will be a need to change policies and rules and statutes all of which make assumptions from a paper oriented paradigm. There are political challenges and cultural resistance that must be addressed. Circumstances in a given jurisdiction will dictate how to work around a problem or address it with a straight-forward change.

Reengineering / Business process evaluation

Many surveys indicate the importance of evaluating business process as new technology is designed and implemented to be sure the technology supports and improves good business practices. Implementation of e-filing will change many people's jobs and allow elimination or change of business practices that were never ideal to begin with. There will be surprises and mistakes in this process.

The changing business practices and electronic record will generally require some statutory change, rule changes and policy changes that need to be thought through. Business issues related to signatures, notarization and verification need to be addressed even if e-filing is limited to scanned documents. These issues become critical if you are using dynamic forms or "form free" data and populating both a CMS and sharing data with other data bases such as law enforcement or child support and social welfare.

An example of a business challenge that is often unexpected stems from the fact most case management systems track the relationship of attorneys to cases, usually by bar registration number, without tracking law firms and the relationships of law firms to individual lawyers. However, with e-filing, much of the security is based on the firm AND attorney. Court e-filing applications thus need to track law firms with a unique identifier (similar to a bar number), and link firms to lawyers to address billing issues and service issues as well as transitions when lawyers leave a firm.

Cultural Barriers to Success

There are many cultural barriers that need to be addressed in moving to e-filing and a digital record.

Communication on an ongoing basis with all the interested parties including judges, clerks, staff in the clerk offices, lawyers, paralegals, collection companies, and the legislature need to take place on an ongoing basis with demonstrations, dialogue and responsiveness. This process ensures the design and implementation are understood and feedback will improve the e-filing process and internal business process. Individuals will respond in different ways and helping the reluctant to embrace the new is an art form.

Lawyers will either be enthusiastic or resistant but both groups and more importantly, their paralegals and other staff, will need training and ongoing technical support. EFSP Vendors generally provide these. An in-house e-filing system needs to be prepared for significant time and expense in initial training and ongoing costs and staffing for the technical support (24/7?) and periodic training/retraining.

Staff may be resistant to the changes in the business model and process that comes with e-filing. It changes their jobs. Addressing this requires leadership from the administrative authority and judges. Once a case-type is electronic, making a parallel paper file is a common request done to please a technology-resistant judge or out of fear by careful clerks. The electronic file is the file. Due to significant costs, paper should be created only when needed. Courts requiring paper copies should consider who will be required to provide the paper copies. Will paper copies be the responsibility of the judge (paper-on-demand), the clerk or in courtesy copies provided by litigants or attorneys?

Signatures

Scanned images on file; /s/; bar number; pads for actual signature are all used by various programs. So long as dealing with “documents” there are various imperfect solutions that function; if you want to use dynamic online forms that populate the CMS with data as well as metadata, these solutions are generally less workable.

Notary issues

Some states have online notaries but most do not and many statutes require that some legal documents be notarized or verified. Changing statutes or redefining verification for an electronic document may be necessary to avoid scanning and uploading (which you will not want to do with a dynamic form).

E-certification of official court documents

Acceptance by other agencies, private companies such as banks and other states' courts of electronic documents has been uneven. Changing the expectations of these entities as to what is an official certified "document" and/or providing a secure verification method to compare the tendered paper or electronic "certified document" to a court original is still a process looking for a standard.

Acceptable Submissions and Conversion Issues

Will you allow filings in Word, WordPerfect, other word processing programs, PDF, PowerPoint, Excel, TIFF, GIF, JPEG, and in all or just some versions? Some courts want proposed orders in Word or WordPerfect so the judge can edit easily. Do you place a file size limit to prevent crashing the network?

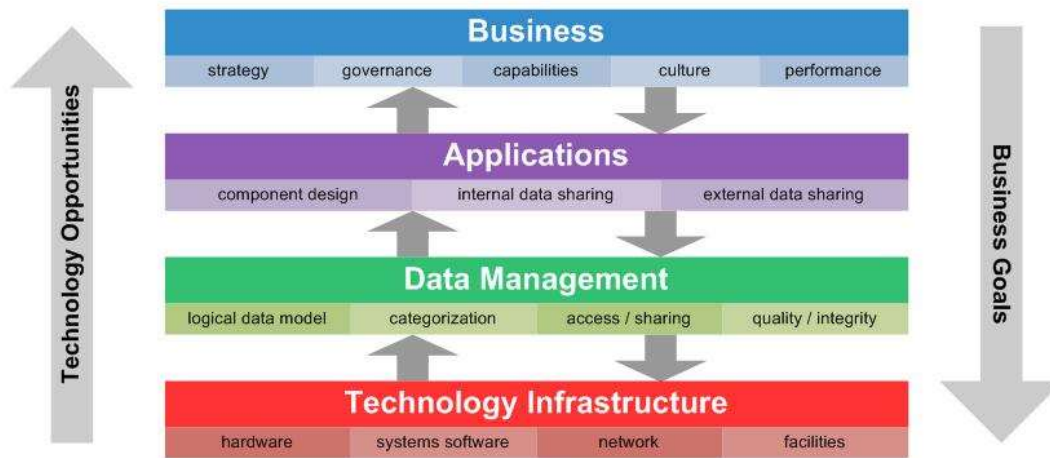
Do you convert all documents in your database to ISO archiving standards such as ISO Standard 19005-1:2005 (PDF/A-1) or 19005-2:2011 (PDF/A-2)? If you do convert, do you discard the original documents or do you retain them?

Conclusion

Making the transition to an electronic filing environment can be both rewarding and challenging. By considering the best business practices, application design, data management components and technology infrastructure, the court can reap huge benefits from the project. While this paper may not be exhaustive in the considerations during the transition, it should prove beneficial to the overall project.

Appendix A: Methodology

The COSCA/NACM/NCSC Joint Technology Committee decided in November 2012 to develop a strategic issues paper regarding electronic filing for use by state and local court policymakers utilizing the Court Technology Framework (CTF).



A working group consisting of COSCA Members (David Slayton, David Byers, Gerald Marroney), a NACM Member (Kelly Steele), a NCSC Member (Hon. O. John Kuenhold), a NCACC Liaison (John Olivier) and NCSC Staff Member Jim Harris developed the project.

The working group began the project by identifying some of the strategic issues that court policymakers face when implementing an e-filing project. The group utilized the CTF in determining those issues by stepping through the layers of the framework. Based upon those issues, the group developed a set of guided interview questions¹ to assist in gathering information from several state court administrators and trial court administrators from across the United States. Court administrators were chosen to best represent the various governance structures and perspectives present in most state court systems.

The working group would like to thank the following individuals for participating in the guided interviews:

Interviewee	Title	State	Unified/Non-Unified	Project Jurisdiction
Jim Price	Project Director	AZ	Non-Unified	Statewide
Chad Cornelius	Chief Information Officer	CO	Unified	Statewide
Lisa Goodner	State Court Administrator	FL	Non-Unified	Statewide

¹ See Appendix B for a full set of the guided interview questions and their relation to the Court Technology Framework.

Interviewee	Title	State	Unified/Non-Unified	Project Jurisdiction
Jorge Basto	Chief Information Officer	GA	Non-Unified	Statewide
Teresa Bailey	Deputy Director	WA	Non-Unified	General – King County Superior Court
Mark Dobek	Director, Judicial Information Systems	MI	Non-Unified	Statewide
Sally Holewa	State Court Administrator	ND	Unified	Statewide
Steve Prisoc	Chief Information Officer	NM	Unified	Statewide
Snorri Ogata	Chief Information Officer	CA	Unified	County
Casey Kennedy	Director, Information Services	TX	Non-Unified	Statewide
Ron Bowmaster	Director, Information Technology Division	UT	Unified	Statewide
Jean Bousquet	Chief Information Officer	WI	Unified	Statewide

The interviews were conducted by working group members during the spring of 2013 using a set of questions developed based upon the CTF. A full set of the responses to the questions are attached in Appendix C.

Based upon the responses and additional resources noted below, the working group developed the set of strategic issues and potential solutions discussed in the paper.

Additional Resources:

1. COSCA/NACM/Joint Technology Committee “Standards for Electronic Filing Processes (Technical and Business Approaches)”; <http://www.ncsc.org/services-and-experts/technology-tools/court-specific-standards.aspx>
2. OASIS LegalXML Electronic Court Filing (ECF) 4.01 Standard; https://www.oasis-open.org/committees/tc_home.php?wg_abbrev=legalxml-courtfiling
3. NCSC online “Electronic Filing Resource Guide”; <http://www.ncsc.org/Topics/Technology/Electronic-Filing/Resource-Guide.aspx>
4. California Judicial Council “Electronic Filing Roadmap; An e-Filing guide for CA Trial Courts for Civil Case Types”; March 2013

Appendix B: Guided Interview Questions

JTC Electronic Courts Subcommittee E-filing CTF Profile Interview Protocol

I. Who? **(INFORMATIONAL ONLY)**

- a. Interviewer:
- b. Interviewee:
 - i. Title:
 - ii. Email address:
 - iii. Phone number:
 - iv. State:
 - v. Unified? :
 - vi. Jurisdiction (Statewide? General? Limited?):

II. E-filing - For purposes of this effort, e-filing will be defined as the [electronic] transmission of legal documents from an attorney, party or self-represented litigant to a court for filing of a new case or subsequent pleadings in an existing case.

- a. Stage in the e-filing process (fully implemented, partially implemented, gathering information): **(INFORMATIONAL ONLY)**
- b. For what case types have you implemented e-filing? **(CTF BUSINESS LAYER: STRATEGY)**

III. Policy and Governance **(CTF BUSINESS LAYER: GOVERNANCE)**

- a. What if any statute changes did you make? :
- b. What if any court rule changes did you make? :
- c. What if any policy changes did you make? :
- d. Who oversaw/oversees the project?
- e. Were there any cultural barriers to consider in the project?
- f. How do you measure performance of the project? **(CTF BUSINESS LAYER: PERFORMANCE)**

IV. Who provides your services? **(CTF APPLICATIONS LAYER: COMPONENT DESIGN)**

This section refers to two major components of an electronic court filing solution:

- E-filing Service Provider (EFSP) - An EFSP is a third party providing features that allow filers to prepare and submit e-filing transactions. These features are often provided as a value-add service for a fee. This component is referred to as the Filing Assembly MDE in OASIS LegalXML e-filing standards (ECF), but more often is simply referred to as an EFSP. If a court so chooses, an e-filing implementation can support multiple EFSPs. Other government entities may also act as an EFSP to enable submission of electronic filings from their systems directly to a court.
 - E-filing Manager (EFM) - An EFM is a software application, usually hosted by a court, that receives and processes e-filing submissions and facilitates interactions between EFSPs and the court's internal systems (CMS and DMS). This component is referred to as the Filing Review MDE in ECF, but is more commonly referred to as the court's EFM.
- a. Is your EFM programmed in house, from a vendor or a combination?
 - i. If a vendor, whom did you use and why:
 - b. What changes did you make to ensure successful implementation (additional resources?):
 - c. If your system is a combination of in-house and vendor, what did you keep in house and why? What did you out-source and why?
 - d. Tell me about how your e-filing system is designed? **(CTF BUSINESS LAYER: CAPABILITIES)**
 - i. Does the design allow for multiple service providers (EFSPs) to submit filings? Or does your vendor relationship call for exclusivity as the e-filing service provider?
 - ii. If multiple, how do you certify or approve EFSPs?
 - iii. Is your e-filing system integrated with your case management system? If so, what CMS is used?
 - iv. Is your e-filing system integrated with a document management system? If so, what DMS is used?
 - e. How do you go about sharing data from the e-filing system internally? **(CTF APPLICATIONS LAYER: INTERNAL DATA SHARING)**
 - f. How do you go about sharing data from the e-filing system externally? **(CTF APPLICATIONS LAYER: EXTERNAL DATA SHARING)**

V. Funding Model (CTF BUSINESS LAYER: STRATEGY AND CULTURE)

- a. What funding model does your e-filing system employ?
 - i. Transaction fee for filings?
 - ii. Free filing, but charge for access to electronic documents?
 - iii. Completely free (cost covered by taxpayers)?
 - iv. Etc.
- b. If you do charge a transaction fee:
 - i. Does your e-filing vendor retain the fee (or a portion of the fee)?
 - ii. If you also allow multiple e-filing service providers, can they also charge a transaction fee?
- c. What issues/challenges have you encountered relating to funding of your e-filing system?

VI. Access to electronic documents (CTF DATA MANAGEMENT LAYER: ACCESS/SHARING)

- a. Do you provide access to electronically filed documents?
 - i. For filer and litigants?
 - ii. For the public?
 - iii. For data mining purposes (media, marketing, legal research, etc.)?
- b. Do you charge for access to electronic documents?

VII. Data Management (CTF DATA MANAGEMENT LAYER: LOGICAL DATA MODEL, CATEGORIZATION, QUALITY/INTEGRITY)

- a. How do you utilize e-filing to manage data coming into the court?
- b. Is there a way that you categorize the data?
- c. How do you determine how the data is shared or who has access to it?
- d. How do you ensure the quality or integrity of the data?

VIII. Next Gen: Nuts and Bolts (CTF TECHNOLOGY INFRASTRUCTURE LAYER)

- a. Did you have to enhance your technology infrastructure to enable e-filing (hardware, software, network, facilities etc.)?
- b. What technical standards did you employ, or require of your vendor(s), in your e-filing system? (e.g., LegalXML ECF 4.0)
- c. How did you analyze your business process in light of implementing e-filing?
- d. Is e-filing required? If so, required of whom and in what types of cases? **(CTF BUSINESS LAYER: STRATEGY)**
- e. Did you follow any published guidelines or best practices when implementing e-filing? **(CTF BUSINESS LAYER: STRATEGY)**

- f. Did any technology decisions along the way impact your business process? **(CTF TECHNOLOGY OPPORTUNITIES)**
- g. To what degree did your business process impact the technology you chose? What were some of those business processes and how did you address that with the technology? **(CTF BUSINESS GOALS)**
- h. What were the questions that, with hindsight, were most important? **(CTF BUSINESS LAYER: PERFORMANCE)**
- i. Any lessons learned? **(CTF BUSINESS LAYER: PERFORMANCE)**

Appendix C: Responses to Guided Interview Questions

JTC Electronic Courts Subcommittee E-filing CTF Profile Interview Protocol

I. Who?

- a. Interviewer: *Dave Byers*
- b. Interviewee: *Jim Price*
 - i. Title: *Project Director*
 - ii. Email address: *jprice@courts.az.gov*
 - iii. Phone number: *602.452.3644*
 - iv. State: *Arizona*
 - v. Unified? : *No*
 - vi. Jurisdiction (Statewide? General? Limited?): *Statewide*

II. E-filing - For purposes of this effort, e-filing will be defined as the [electronic] transmission of legal documents from an attorney, party or self-represented litigant to a court for filing of a new case or subsequent pleadings in an existing case.

- a. Stage in the e-filing process (fully implemented, partially implemented, gathering information): *Fully implemented in two of three Appellate courts. Partially implemented in two General Jurisdiction courts. Partially implemented in one Limited Jurisdiction court.*
- b. For what case types have you implemented e-filing? *Appellate (all case types except Court Rules Forum); General Jurisdiction (Civil case type); Limited Jurisdiction (Small Claims, Civil, Eviction Actions).*

III. Policy and Governance

- a. What if any statute changes did you make? : *N/A*
- b. What if any court rule changes did you make? : *Administrative Orders permitting e-filing in specific courts as well as mandating attorneys to e-file in specific courts.*
- c. What if any policy changes did you make? : *Direction set for a statewide e-filing system as opposed to individual court implementations. Acceptable document types submitted were standardized. Official submission date/time was defined.*
- d. Who oversaw/oversees the project? *Jim Price*
- e. Were there any cultural barriers to consider in the project? *Acceptance of a statewide e-filing system, particularly in courts with existing capabilities. Some*

judges have concerns and/or difficulties accepting and working with electronically submitted case files. Attorneys and their staff require training. E-filing payments require courts to modify their financial tracking and reconciliation processes.

- f. How do you measure performance of the project? *Number of case types implemented (initial and subsequent); Number of submissions processed; Number of courts e-filing; Customer satisfaction; Judicial satisfaction; Meeting project schedule; Keeping within budget costs.*

IV. Who provides your services?

This section refers to two major components of an electronic court filing solution:

- E-filing Service Provider (EFSP) - An EFSP is a third party providing features that allow filers to prepare and submit e-filing transactions. These features are often provided as a value-add service for a fee. This component is referred to as the Filing Assembly MDE in OASIS LegalXML e-filing standards (ECF), but more often is simply referred to as an EFSP. If a court so chooses, an e-filing implementation can support multiple EFSPs. Other government entities may also act an EFSP to enable submission of electronic filings from their systems directly to a court.
 - E-filing Manager (EFM) - An EFM is a software application, usually hosted by a court, that receives and processes e-filing submissions and facilitates interactions between EFSPs and the court's internal systems (CMS and DMS). This component is referred to as the Filing Review MDE in ECF, but is more commonly referred to as the court's EFM.
- a. Is your EFM programmed in house, from a vendor or a combination? *Current production system is vendor-provided.*
- i. If a vendor, whom did you use and why: *Intresys. Decision was made in 2008 to contract with a third-party who could deliver an integrated e-filing system.*
- b. What changes did you make to ensure successful implementation (additional resources?): *Established a combined team of technologists and business SMEs. Established executive and project-level governance committees through which decisions and or status updates were made. Reached out to the Arizona Bar and other special interest groups to provide project updates and product training.*

Reached out to and assisted local court staff (executive, business, and technical) who were preparing to receive, process, and respond to e-filing submissions.

- c. If your system is a combination of in-house and vendor, what did you keep in house and why? What did you out-source and why? *E-filing system proper is vendor-provided. The entire CRMDE environment (multiple CMS/DMS and Central Case Index and Central Document Repository) is maintained in-house. ECF specifications are defined and approved by the AAOC. The help desk is run by the AAOC.*
- d. Tell me about how your e-filing system is designed?
 - i. Does the design allow for multiple service providers (EFSPs) to submit filings? Or does your vendor relationship call for exclusivity as the e-filing service provider? *The current design does not allow for multiple EFSPs. Vendor contract calls for e-filing exclusivity. This was done so that the single vendor would be able to install case types for which no fees are required and to install in jurisdictions where filing volume is small and might otherwise not attract a vendor.*
 - ii. If multiple, how do you certify or approve EFSPs? *N/A*
 - iii. Is your e-filing system integrated with your case management system? If so, what CMS is used? *At present the e-filing system is integrated with three CMSs custom-developed by Arizona courts. All CRMDE communications are based on ECF 3 and 4 specifications.*
 - iv. Is your e-filing system integrated with a document management system? If so, what DMS is used? *Four Hyland OnBase DMS instances and one local court customized DMS system are e-filing system integrated.*
- e. How do you go about sharing data from the e-filing system internally? *Data and documents are available internally via the local courts' respective CMS-DMS environments.*
- f. How do you go about sharing data from the e-filing system externally? *Public access portals, over-the-counter requests, and intra-government information sharing agreements.*

V. Funding Model

- a. What funding model does your e-filing system employ?
 - i. Transaction fee for filings? *Yes, for fee eligible filers and case types.*
 - ii. Free filing, but charge for access to electronic documents? *For fee-exempt filers (e.g. government agencies) and non fee-based case types (e.g. criminal, mental health, juvenile).*
 - iii. Completely free (cost covered by taxpayers)? *N/A*

- iv. Etc.
- b. If you do charge a transaction fee:
 - i. Does your e-filing vendor retain the fee (or a portion of the fee)? *Vendor retains a portion of the fee.*
 - ii. If you also allow multiple e-filing service providers, can they also charge a transaction fee? *N/A*
- c. What issues/challenges have you encountered relating to funding of your e-filing system? *Fully recovering operating costs.*

VI. Access to electronic documents

- a. Do you provide access to electronically filed documents?
 - i. For filer and litigants? *Yes.*
 - ii. For the public? *Yes.*
 - iii. For data mining purposes (media, marketing, legal research, etc.)? *Yes.*
- b. Do you charge for access to electronic documents? *Such a system is under development. It will be a fee based system.*

VII. Data Management

- a. How do you utilize e-filing to manage data coming into the court? *The e-filing system passes case submission data and documents to the CRMDEs, which are the systems of record. The e-filing system enables filers to track their case submissions via CRMDE data/document retrievals.*
- b. Is there a way that you categorize the data? *Case submissions can be arranged within the e-filing system by clicking on table column headings (e.g. submission ID, case number).*
- c. How do you determine how the data is shared or who has access to it? *Only submitters who have successfully filed into a case via the electronic filing system may view all associated case information through the e-filing system.*
- d. How do you ensure the quality or integrity of the data? *Data and documents submitted through the e-filing system must be transmitted in ECF-conformant messages. Data edits and document file checks are done during the Filing Assembly process. The CRMDEs are maintained by the AAOC and a select few local courts following IT standards and procedures. Access controls measures are in place to manage data/document access.*

VIII. Next Gen: Nuts and Bolts

- a. Did you have to enhance your technology infrastructure to enable e-filing (hardware, software, network, facilities etc.)? *Yes.*
- b. What technical standards did you employ, or require of your vendor(s), in your e-filing system? (e.g., LegalXML ECF 4.0) *OASIS LegalXML ECF 3/4, Microsoft technology (OS, Database), web service and IBM MQ message transfers.*
- c. How did you analyze your business process in light of implementing e-filing? *Looked for court efficiency opportunities (paper handling, paper management, clerk review, judicial review) in light of budget forecasts and associated staff levels, planned technology purchases, strategic plans, and past e-filing system implementations (time-to-market, scope, capabilities).*
- d. Is e-filing required? If so, required of whom and in what types of cases? *E-filing is attorney-mandated in one General Jurisdiction (the state's largest) and two Appellate courts.*
- e. Did you follow any published guidelines or best practices when implementing e-filing? *Yes.*
- f. Did any technology decisions along the way impact your business process? *Yes.*
- g. To what degree did your business process impact the technology you chose? What were some of those business processes and how did you address that with the technology? *Business processes led the AAOC to select some of the technologies implemented (other technology standards were already in place, such as Operating Systems, Databases, and IBM MQ). E-filing called for case participant matching. The AAOC developed a Central Case Index to address this requirement. Document access is enabled in large part to the AAOC's Central Document Repository.*
- h. What were the questions that, with hindsight, were most important? *Asking more questions that compared/contrasted e-filing system capabilities to the court's business requirements. Answers to these questions may have resulted in better time, effort, and cost forecast estimates.*

Any lessons learned? *Forms-based e-filing can be significantly more resource intensive than attach-and-submit e-filing approaches. Industry standard (e.g. ECF) compliance is not the same as conformance, the former requiring more formal certification methods. Collecting, accounting and distributing fees (filing and transaction), and handling credit card and bank fees and refunds is complex.*

JTC Electronic Courts Subcommittee E-filing CTF Profile Interview Protocol

I. Who?

- a. Interviewer: *Jerry Marroney*
- b. Interviewee: *Chad Cornelius*
 - i. Title: *Chief Information Officer*
 - ii. Email address: *chad.cornelius@judicial.state.co.us*
 - iii. Phone number: *720-625-5501*
 - iv. State: *Colorado*
 - v. Unified? : *Yes*
 - vi. Jurisdiction (Statewide? General? Limited?): *Statewide*

II. E-filing - For purposes of this effort, e-filing will be defined as the transmission of legal documents from an attorney, party or self-represented litigant to a court for filing of a new case or subsequent pleadings in an existing case.

- a. Stage in the e-filing process (fully implemented, partially implemented, gathering information): *The Colorado Judicial Department has fully implemented e-filing in limited and general jurisdiction civil, probate, water, domestic relations, and appellate cases, for both attorneys and collection agencies.*
- b. For what case types have you implemented e-filing?
Limited and general jurisdiction civil, probate, water, domestic relations, and appellate. Colorado is currently working on a plan for statewide criminal e-filing.

III. Policy and Governance

- a. What if any statute changes did you make? : *None.*
- b. What if any court rule changes did you make? : *We created Colorado Rule of Civil Procedure (CRCP) 121, 1-26 to govern electronic filing procedures. We created Chief Justice Directive 11-01 to set a statewide standard for electronic filing processes and to foster open access to the courts by limiting clerks' rejection of e-filed pleadings. We amended CRCP Rule 5 to allow for various electronic service methods. Chief Justice Directive (08-02) was created to assess cost recovery fees for maintaining the Department's technical infrastructure to support electronic access to court records.*
- c. What if any policy changes did you make? : *The shift from paper filing to electronic filing brought manifold policy changes, including document retention, electronic signatures, public access, and paper-on-demand processing, and evolving electronic best business practices.*

- d. Who oversaw/oversees the project? *Colorado currently has an Applications Development Manager who oversees the project, along with e-filing oversight committee that consists of judicial officers, court staff, lawyers, and collection agencies, and batch filers. Batch filers are those agencies who file high volume and thus use a “batch” process that groups filings together and submits them to the system through a web service/FTP protocol.*
- e. Were there any cultural barriers to consider in the project? *Moving from paper to electronic access, network upgrades for processing speed; hardware configurations (i.e., monitors, signing of warrants, etc.); near 24/7 support center for both judicial officers, attorneys, and paralegals; attorney resistance to electronic filing fees (some viewed them as a barrier to court access).*
- f. How do you measure performance of the project?

The percent of cases filed electronically in each court location, ease of access, customer satisfaction, and overall efficiencies created through case processing.

IV. Who provides your services?

This section refers to two major components of an electronic court filing solution:

- E-filing Service Provider (EFSP) - An EFSP is a third party providing features that allow filers to prepare and submit e-filing transactions. These features are often provided as a value-add service for a fee. This component is referred to as the Filing Assembly MDE in OASIS LegalXML e-filing standards (ECF), but more often is simply referred to as an EFSP. If a court so chooses, an e-filing implementation can support multiple EFSPs. Other government entities may also act an EFSP to enable submission of electronic filings from their systems directly to a court.
 - E-filing Manager (EFM) - An EFM is a software application, usually hosted by a court, that receives and processes e-filing submissions and facilitates interactions between EFSPs and the court’s internal systems (CMS and DMS). This component is referred to as the Filing Review MDE in ECF, but is more commonly referred to as the court’s EFM.
- a. Is your EFM programmed in house, from a vendor or a combination?
 - i. If a vendor, whom did you use and why:

Our original EFM product, which launched in 2001 was vendor-based. After seven years with this vendor, the state legislature authorized us to build our EFM system in-house and fund the project through user fees. Our EFM has now been developed in-house and will be fully implemented statewide on June 3, 2013.

- b. What changes did you make to ensure successful implementation (additional resources?):

To ensure a successful implementation, it was imperative that the following occur:

- 1. Involve key stakeholders—including clerks, judges, attorneys, and law firm staff—who shared ownership of the project and served as project champions. Each group plays a critical role in the entire process. If one group was left out and opposed the project, that opposition would seep into the other groups and stultify the project.*
- 2. When making the switch from paper to electronic, ensuring the system was stable before mandating electronic filing. This eased the shift for users, rather than forcing new and drastic change upon them at once.*
- 3. A team of developers and business analysts devoted to the project. The business analysts were hired with at least 2 years of prior court/e-filing experience, as well as how the system should be properly designed given the deficiencies of our prior EFSP.*
- 4. An oversight committee who helped design and provide input as to how the system should be developed to meet their needs. This committee consisted of judicial officers, court staff, attorneys, collection agencies, and batch filers.*
- 5. Proper staffing in each court location to provide live support during go-live implementation.*
- 6. Near 24/7 customer support center and IVR system.*
- 7. Frequent product demonstrations with stakeholders.*
- 8. Transparent project management updates through public website, so everyone could follow the project.*
- 9. Good quality assurance/control procedures.*
- 10. Ability to deploy quickly--preferably rolling deployments to decrease downtime.*
- 11. Single point of contact for any reported issues.*

- c. If your system is a combination of in-house and vendor, what did you keep in house and why? What did you out-source and why? *While our system was developed primarily in-house, we did utilize some third party software:*
- *Document Management System (DMS) – there were already enterprise ready solutions available that made an in-house solution unnecessary.*
 - *Document conversion software – same as above, we needed something that was an enterprise PDF management tool*
 - *Billing and payment engine – due to PCI compliance challenges, we were not yet equipped to handle a fully-fledged payment engine.*
- d. Tell me about how your e-filing system is designed?
- i. Does the design allow for multiple service providers (EFSPs) to submit filings? Or does your vendor relationship call for exclusivity as the e-filing service provider? *Single EFM.*
 - ii. If multiple, how do you certify or approve EFSPs? *N/A*
 - iii. Is your e-filing system integrated with your case management system? If so, what CMS is used? *Our e-filing is integrated with our state-wide CMS that also has been developed in-house.*
 - iv. Is your e-filing system integrated with a document management system? If so, what DMS is used? *Our e-filing system is fully integrated with a document management system or Electronic Content Management System (ECMS), which is Alfresco.*
- e. How do you go about sharing data from the e-filing system internally? *Because our CMS and DMS/ECMS are fully integrated with our e-filing system, all data and documents are accessible within our CMS or internal use.*
- f. How do you go about sharing data from the e-filing system externally? *All data and documents within our e-filing system are made available to registered attorneys, paralegals, and collections agencies. We also provide e-filed information to the public that is not sealed, protected, or suppressed through public access terminals located in court locations that request them.*

V. Funding Model

- a. What funding model does your e-filing system employ?
- i. Transaction fee for filings? *We charge for filing and service (both e-service and print and mail service).*
 - ii. Free filing, but charge for access to electronic documents? *We charge a case access fee to view public cases where organization does not have an attorney of record, but no additional fees to view documents within that case.*

- iii. Completely free (cost covered by taxpayers)? *N/A*
- iv. Etc.
- b. If you do charge a transaction fee:
 - i. Does your e-filing vendor retain the fee (or a portion of the fee)? *As the provider of our e-filing system, we do retain the fees minus a fee that we must provide to a vendor that provides our billing and payment engine.*
 - ii. If you also allow multiple e-filing service providers, can they also charge a transaction fee? *N/A*
- c. What issues/challenges have you encountered relating to funding of your e-filing system? *The issues/challenges we have faced in funding our new, in-house e-filing system had to do with migrating from a vendor-based system to an internally developed and managed system. The vendor that provided Colorado its original e-filing system lobbied heavily to retain the system, which created on-going challenges with our legislature to retain the necessary funding to implement our in-house system.*

VI. Access to electronic documents

- a. Do you provide access to electronically filed documents?
 - i. For filer and litigants? *Yes*
 - ii. For the public? *Yes—only for documents that not suppressed, sealed, or protected. We do not provide access to probate records.*
 - iii. For data mining purposes (media, marketing, legal research, etc.) *Yes—for those requests that adhere to our public access policy.*
- b. Do you charge for access to electronic documents? *We charge filers and litigants access to a case if they are not parties to the case. Once they pay to access the case, they can view any document up to 7 days.*

VII. Data Management

- a. How do you utilize e-filing to manage data coming into the court? *Electronic documents are delivered to our court case management system with a set of basic metadata—e.g., case numbers, party names, events. The clerks review and accept the documents, and this data is then populated into our CMS automatically. This eliminates manual data entry.*
- b. Is there a way that you categorize the data? *We track all filing data through the use of a unique filing ID and a unique case number (court location, court type, case year, case class, case sequence). A case may have many different filing IDs associated with it.*

- c. How do you determine how the data is shared or who has access to it? *Because our e-filing and CMS systems are closely integrated, the e-filing system has direct access to the court record. We utilize that data to determine who has access to the information.*
- d. How do you ensure the quality or integrity of the data? *We employ techniques at different levels:*
 - *We use our QA procedures to ensure that the business rules are enforced properly within the programming.*
 - *We utilize database constraints to ensure that data meets the minimum requirements to be complete.*
 - *We retain proper data backup and retention techniques to ensure that we never have just one copy of the data.*
 - *We utilize stringent auditing to ensure that all data can be accounted for.*
 - *We have a team of individuals responsible for ensuring the integrity of the data through court best practices and information monitoring.*

VIII. Next Gen: Nuts and Bolts

- a. Did you have to enhance your technology infrastructure to enable e-filing (hardware, software, network, facilities etc.)? *Yes. To ensure we could handle the number of guesstimated transactions, document upload process, and data processing, we upgraded and consolidated several servers. We also upgraded many of our rural networks to MPLS.*
- b. What technical standards did you employ, or require of your vendor(s), in your e-filing system? (e.g., LegalXML ECF 4.0) *For our batch filing process, we used ECF 4.0.*
- c. How did you analyze your business process in light of implementing e-filing? *When implementing our initial e-filing system in 2001, we cast a critical eye on all paper processes and used the shift as an opportunity to develop new ways to better manage the litigation process electronically. No paper process was sacrosanct at the start—e.g., “we’ve done it this way for years, so why change it now?” Everything was open to change, and we tried to avoid taking existing paper processes and simply automating them for the sake of automation. When implementing our new in-house system, we took the feedback we had received over the years from those using the vendor-based system and developed the new system to improve or eliminate most of those issues.*
- d. Is e-filing required? If so, required of whom and in what types of cases? *Our Rules of Civil Procedure allow a chief judge of a judicial district to mandate electronic filing, with the permission of the Chief Justice. As of today, all of Colorado’s 22 districts*

have implemented some form of mandatory electronic filing in the cases referenced above.

- e. Did you follow any published guidelines or best practices when implementing e-filing? *From a business perspective, the electronic filing concept was nascent back in 2001. We had little historical guides or models. We therefore developed and cultivated best practices with users over the years and published them for user reference.*
- f. Did any technology decisions along the way impact your business process? *By implementing a read-only E-Filing Business Continuity System, we were able to provide the courts access to electronic documents in the event the vendor-based system was down or we lost WAN connectivity.*
- g. To what degree did your business process impact the technology you chose? What were some of those business processes and how did you address that with the technology? *Court business processes are complex. It therefore followed that shifting them from paper to electronic would be equally complex. From the beginning, we wanted to introduce e-filing as a new system that required little user investment in special programs or software. This meant using a web-based system that was easily accessible to anyone with an Internet connection, and allowing users to file documents in standard formats such as Word, WordPerfect, and PDF.*
- h. What were the questions that, with hindsight, were most important?
 - i. *Frequently involve those who will be using the system. Provide prototypes of desired functionality and allow them as much as possible to actually use the system in a demo environment.*
 - ii. *Identify risks upfront and utilize a traceability matrix.*
 - iii. *I would highly recommend using an agile project management methodology to implement an e-filing system over a waterfall approach.*
 - iv. *If developing an in-house system, an IV&V audit could be very valuable. This could also be required as part of a contract with a third-party or vendor based system solution.*
 - v. *Build in enough time to implement the system through pilot jurisdictions, while also providing sufficient staff for live support.*
 - vi. *Ensure users are adequately trained through the use of webinars, onsite training, or videos.*
 - vii. *Establish proper communication channels with end users.*
- i. Any lessons learned?
 - *Don't shoot for the moon in one fell swoop. When we began developing our in-house solution, we wanted to move away from storing images to storing*

data. This turned out to be a tectonic shift, one too drastic and time-consuming to undertake when we were already introducing a change from one system to another.

- *A structured rollout is also important. Due to the complexity of these types of systems, it is not feasible to roll out the entire state in one day. Find a willing jurisdiction who is a champion of the process and work out the kinks in the early stages.*
- *Get feedback from the public. There are many different user bases for an e-filing system who utilize it in their own unique ways. Demonstrate the system early and often to focus groups who can provide you feedback to make sure you're on the right path. It can be painful to share your 'growing pains' with the public, but in the end, the product comes out much more polished and successful in the long run.*
- *Create an oversight committee to help guide your decisions. Find leaders in the different fields (attorneys, judges, clerks, collection agencies, paralegals, bar associations, etc.) to participate. The committee can be instrumental in supporting your initiative through public relations, shared expertise and decision making.*

JTC Electronic Courts Subcommittee E-filing CTF Profile Interview Protocol

I. Who?

- a. Interviewer: *David Slayton*
- b. Interviewee: *Lisa Goodner*
 - i. Title: *State Court Administrator*
 - ii. Email address: *goodnerl@flcourts.org*
 - iii. Phone number: *850-922-5081*
 - iv. State: *Florida*
 - v. Unified? : *No*
 - vi. Jurisdiction (Statewide? General? Limited?): *Statewide*

II. E-filing - For purposes of this effort, e-filing will be defined as the transmission of legal documents from an attorney, party or self-represented litigant to a court for filing of a new case or subsequent pleadings in an existing case.

- a. Stage in the e-filing process (fully implemented, partially implemented, gathering information): *e-filing is mandatory for attorneys in civil cases and is partially implemented. E-Service is not implemented; email service is allowed.*
- b. For what case types have you implemented e-filing? *CV, FL, Probate; not CR, JUV. CR and JUV are mandatory on 10/1/13.*

III. Policy and Governance

- a. What if any statute changes did you make? : *2009 – added definition and parameters for e-filing*
- b. What if any court rule changes did you make? : *There was an opinion issued revising virtually all of the Rules affected by e-filing, including attorneys disclosing confidential information, minimum sensitive data in the records.*
- c. What if any policy changes did you make? : *District Court Administrators on board to oversee; court adopted e-filing standards by Administrative Order and required a single e-filing portal.*
- d. Who oversaw/oversees the project? *Supreme Court and AOC. In addition, there is an e-filing portal authority, an intergovernmental body with trial court clerks, supreme court clerk. There is also a Florida Court Technology Commission, which oversees the portal authority. That commission includes lawyers, judges, clerks, etc.*

- e. Were there any cultural barriers to consider in the project? *Resistance from judges, lawyers and clerks to change. Fear of the unknown. On April 1, the courts implemented mandate. Every chief judge said it went smoothly.*
- f. How do you measure performance of the project? *n/a*

IV. Who provides your services?

This section refers to two major components of an electronic court filing solution:

- E-filing Service Provider (EFSP) - An EFSP is a third party providing features that allow filers to prepare and submit e-filing transactions. These features are often provided as a value-add service for a fee. This component is referred to as the Filing Assembly MDE in OASIS LegalXML e-filing standards (ECF), but more often is simply referred to as an EFSP. If a court so chooses, an e-filing implementation can support multiple EFSPs. Other government entities may also act as an EFSP to enable submission of electronic filings from their systems directly to a court.
 - E-filing Manager (EFM) - An EFM is a software application, usually hosted by a court, that receives and processes e-filing submissions and facilitates interactions between EFSPs and the court's internal systems (CMS and DMS). This component is referred to as the Filing Review MDE in ECF, but is more commonly referred to as the court's EFM.
- a. Is your EFM programmed in house, from a vendor or a combination?
 - i. If a vendor, whom did you use and why? *Clerks Association, subcontracted to Amcad. Clerks have \$\$.*
 - b. What changes did you make to ensure successful implementation (additional resources?): *Clerks put in significant money into the system. \$1 million from the legislature from the National Mortgage Settlement to install a judicial viewer.*
 - c. If your system is a combination of in-house and vendor, what did you keep in house and why? What did you out-source and why? *N/A*
 - d. Tell me about how your e-filing system is designed?
 - i. Does the design allow for multiple service providers (EFSPs) to submit filings? Or does your vendor relationship call for exclusivity as the e-filing service provider? *Exclusivity.*
 - ii. If multiple, how do you certify or approve EFSPs? *N/A*

- iii. Is your e-filing system integrated with your case management system? If so, what CMS is used? *Integrated with 8 major CMS; building their own CMS/DMS in appellate court to interface*
- iv. Is your e-filing system integrated with a document management system? If so, what DMS is used? *Presumably yes with 8 systems*
- e. How do you go about sharing data from the e-filing system internally? *Ongoing efforts on this issue*
- f. How do you go about sharing data from the e-filing system externally? *None; public access sites are handled by the clerk*

V. Funding Model

- a. What funding model does your e-filing system employ?
 - i. Transaction fee for filings? *No*
 - ii. Free filing, but charge for access to electronic documents? *No, but this has been recommended*
 - iii. Completely free (cost covered by taxpayers)? *Yes*
 - iv. Etc. *No*
- b. If you do charge a transaction fee:
 - i. Does your e-filing vendor retain the fee (or a portion of the fee)? *N/A*
 - ii. If you also allow multiple e-filing service providers, can they also charge a transaction fee? *N/A*
- c. What issues/challenges have you encountered relating to funding of your e-filing system? *Challenge is recurring funding for judicial viewers; this will be handled county by county.*

VI. Access to electronic documents

- a. Do you provide access to electronically filed documents? *Docket information is provided by the Supreme Court and District Court Administrators.*
 - i. For filer and litigants?
 - ii. For the public?
 - iii. For data mining purposes (media, marketing, legal research, etc.)
- b. Do you charge for access to electronic documents? *This is up for discussion currently.*

VII. Data Management

- a. How do you utilize e-filing to manage data coming into the court? *N/A*
- b. Is there a way that you categorize the data? *N/A*
- c. How do you determine how the data is shared or who has access to it? *N/A*

- d. How do you ensure the quality or integrity of the data? *N/A*

VIII. Next Gen: Nuts and Bolts

- a. Did you have to enhance your technology infrastructure to enable e-filing (hardware, software, network, facilities etc.)? *Hardware @ appellate courts; CMS @ appellate courts; Judicial Viewers; some clerks had to update hardware*
- b. What technical standards did you employ, or require of your vendor(s), in your e-filing system? (e.g., LegalXML ECF 4.0) *ECF 4.0*
- c. How did you analyze your business process in light of implementing e-filing? *Not a lot of mapping, but some.*
- d. Is e-filing required? If so, required of whom and in what types of cases? *Yes, by attorneys in civil, family and probate.*
- e. Did you follow any published guidelines or best practices when implementing e-filing? *ECF standards in 2009*
- f. Did any technology decisions along the way impact your business process? *Yes*
- g. To what degree did your business process impact the technology you chose? What were some of those business processes and how did you address that with the technology? *Evaluating that currently.*
- h. What were the questions that, with hindsight, were most important? *Struggled with political realities; clerks, lack of unified funding strategy; lack of unified CMS; court setting standards and then have compliance.*

Any lessons learned? *ADA access is important (508 compliance); needs to be built in on the front end; certified standards is difficult; clerks need to be educated on what makes an e-doc helpful to judges (not a 150 page file)*

JTC Electronic Courts Subcommittee

E-filing CTF Profile Interview Protocol

I. Who?

- a. Interviewer: *Kelly Steele*
- b. Interviewee: *Jorge Basto*
 - i. Title: *CIO / Division Director*
 - ii. Email address: *Jorge.basto@qaaoc.us*
 - iii. Phone number: *404.657.9673*
 - iv. State: *Georgia*
 - v. Unified? : *No*
 - vi. Jurisdiction (Statewide? General? Limited?): *Statewide*

II. E-filing - For purposes of this effort, e-filing will be defined as the transmission of legal documents from an attorney, party or self-represented litigant to a court for filing of a new case or subsequent pleadings in an existing case.

- a. Stage in the e-filing process (fully implemented, partially implemented, gathering information): *Partially implemented. The AOC has developed and deployed an efiling system for Child Support cases throughout the state. These filing are from Department of Child Support Services (DCSS) local offices into the Superior Courts.*
- b. For what case types have you implemented e-filing? *Child Support.*

III. Policy and Governance

- a. What if any statute changes did you make? : *None*
- b. What if any court rule changes did you make? : *Some courts had to allow for electronic signatures.*
- c. What if any policy changes did you make? : *More uniformity of forms.*
- d. Who oversaw/oversees the project? *The AOC of Georgia in conjunction with the Department of Child Support Services.*
- e. Were there any cultural barriers to consider in the project? *Clerks and DCSS staff had to adjust to more electronic methods.*
- f. How do you measure performance of the project? *Processing time for cases from DCSS into the courts went from an average of several weeks to a few minutes. One county, Bibb, was able to remove restrictions on the number of filings they would allow at the clerks office each week because of the staff time needed to process the cases. Once efiling was implemented, they were able to accept, review and create as many cases as were submitted by the DCSS Office.*

IV. Who provides your services?

This section refers to two major components of an electronic court filing solution:

- E-filing Service Provider (EFSP) - An EFSP is a third party providing features that allow filers to prepare and submit e-filing transactions. These features are often provided as a value-add service for a fee. This component is referred to as the Filing Assembly MDE in OASIS LegalXML e-filing standards (ECF), but more often is simply referred to as an EFSP. If a court so chooses, an e-filing implementation can support multiple EFSPs. Other government entities may also act as an EFSP to enable submission of electronic filings from their systems directly to a court. *The AOC, in collaboration with DCSS, design, developed and deployed the solution. The AOC currently hosts and serves as the EFSP with the service being fully integrated with the DCSS case management system.*
 - E-filing Manager (EFM) - An EFM is a software application, usually hosted by a court, that receives and processes e-filing submissions and facilitates interactions between EFSPs and the court's internal systems (CMS and DMS). This component is referred to as the Filing Review MDE in ECF, but is more commonly referred to as the court's EFM. *The AOC serves as the EFM in many cases but several CMS vendors have elected to add an EFM for the clerks. This allows the clerk to perform the review within their existing cms and not have to log in to another system.*
- a. Is your EFM programmed in house, from a vendor or a combination?
- i. If a vendor, whom did you use and why: *Combination. If the court is using an AOC provided CMS, the AOC provides the EFM. Two vendors have created their own EFM to reduce complexity for the customers. This was all done in collaboration with the AOC.*
- b. What changes did you make to ensure successful implementation (additional resources?): *Engaged vendors and clerks for business requirements. We offer the solution at no cost to the participants and the DCSS executive management endorsed the service. The AOC has also offered secondary services such as Document management and BC/DR Solutions.*

- c. If your system is a combination of in-house and vendor, what did you keep in house and why? What did you out-source and why? *We kept some of the EFSP internal because some long time customers wanted us to manage that piece. We outsourced the courts that wanted added functionality from their existing CMS vendor.*
- d. Tell me about how your e-filing system is designed?
 - i. Does the design allow for multiple service providers (EFSPs) to submit filings? *This system limits the EFSPs because it's a unique filer, DCSS. It is not open for other case types so no additional EFSPs would be involved.* Or does your vendor relationship call for exclusivity as the e-filing service provider? *Nope.*
 - ii. If multiple, how do you certify or approve EFSPs? *N/A*
 - iii. Is your e-filing system integrated with your case management system? If so, what CMS is used? *No. We interface with multiple CMS.*
 - iv. Is your e-filing system integrated with a document management system? If so, what DMS is used? *The DCSS has an internal (proprietary) doc man system.*
- e. How do you go about sharing data from the e-filing system internally? *The system allows access to all stakeholders and managing the filing and the case. Attorneys, clerks DCSS staff and AOC have access to the data.*
- f. How do you go about sharing data from the e-filing system externally? *We do not*

V. Funding Model

- a. What funding model does your e-filing system employ?
 - i. Transaction fee for filings? *No charge on Child Support filings.*
 - ii. Free filing, but charge for access to electronic documents? *No e-access for anyone being the parties.*
 - iii. Completely free (cost covered by taxpayers)? *DCSS pays for the system with a match from the AOC. This is brought down from annual federal grants to DCSS.*
 - iv. Etc.
- b. If you do charge a transaction fee:
 - i. Does your e-filing vendor retain the fee (or a portion of the fee)? *N/A*
 - ii. If you also allow multiple e-filing service providers, can they also charge a transaction fee? *N/A*
- c. What issues/challenges have you encountered relating to funding of your e-filing system? *Added customers and features require added resources! Staff turnover.*

VI. Access to electronic documents

- a. Do you provide access to electronically filed documents?
 - i. For filer and litigants? *No*
 - ii. For the public? *No*
 - iii. For data mining purposes (media, marketing, legal research, etc.) *No*
- b. Do you charge for access to electronic documents? *No*

VII. Data Management

- a. How do you utilize e-filing to manage data coming into the court? *N/A*
- b. Is there a way that you categorize the data? *By case type/case parties*
- c. How do you determine how the data is shared or who has access to it? *We don't. This is DCSS and Superior Court data.*
- d. How do you ensure the quality or integrity of the data? *Standard audit and control measures.*

VIII. Next Gen: Nuts and Bolts

- a. Did you have to enhance your technology infrastructure to enable e-filing (hardware, software, network, facilities etc.)? *Yes. We embraced open source utilities to control costs and limited the file storage. This system did allow us to expand into SOA (Web Services and XML)*
- b. What technical standards did you employ, or require of your vendor(s), in your e-filing system? (e.g., LegalXML ECF 4.0) *We started the project with the Global Justice XML Data Model but the requirements loosened and that was no longer adhered to. Future implementations are being considered for ECF but we need willing partners.*
- c. How did you analyze your business process in light of implementing e-filing? *We measured time and effort and reported back to our customers (DCSS and the Superior Courts).*
- d. Is e-filing required? If so, required of whom and in what types of cases? *No*
- e. Did you follow any published guidelines or best practices when implementing e-filing? *We participated with the LegalXML through OASIS.*
- f. Did any technology decisions along the way impact your business process? *Costs*
- g. To what degree did your business process impact the technology you chose? *It played a part but the technology decisions were based on future considerations and adoption. What were some of those business processes and how did you address that with the technology? The process of interfacing with multiple CMS Vendors with varying degrees of data exchange expertise.*
- h. What were the questions that, with hindsight, were most important? *Customization versus vanilla? Getting all parties together early – it's not build it and they will come.*

Any lessons learned? *Institutional knowledge and using SMEs is vital in the design and development process. This is not a technology project, it's a business project.*

JTC Electronic Courts Subcommittee E-filing CTF Profile Interview Protocol

I. Who?

- a. Interviewer: *Kelly Steele*
- b. Interviewee: *Teresa Bailey*
 - i. Title: *Deputy Director*
 - ii. Email address: *Teresa.bailey@kingcounty.gov*
 - iii. Phone number: *206-477-0768*
 - iv. State: *Washington*
 - v. Unified? : *No*
 - vi. Jurisdiction (Statewide? General? Limited?): *General – King County Superior Court*

II. E-filing - For purposes of this effort, e-filing will be defined as the transmission of legal documents from an attorney, party or self-represented litigant to a court for filing of a new case or subsequent pleadings in an existing case.

- a. Stage in the e-filing process (fully implemented, partially implemented, gathering information): *Fully implemented*
- b. For what case types have you implemented e-filing? *All case types.*

III. Policy and Governance

- a. What if any statute changes did you make? : *None for e-filing.*
- b. What if any court rule changes did you make? : *GR 30 (state) and LGR 30 (local – KC)*
- c. What if any policy changes did you make? : *Mandatory e-filing for attorneys*
- d. Who oversaw/oversees the project? *Clerk's Office*
- e. Were there any cultural barriers to consider in the project? *Self Represented users are not required to e-file, but may e-file if they choose.*
- f. How do you measure performance of the project? *Percentage of filings e-filed vs. percentage of filings in paper.*

IV. Who provides your services?

This section refers to two major components of an electronic court filing solution:

- E-filing Service Provider (EFSP) - An EFSP is a third party providing features that allow filers to prepare and submit e-filing transactions. These features are often provided as a value-add service for a fee. This component is referred to

as the Filing Assembly MDE in OASIS LegalXML e-filing standards (ECF), but more often is simply referred to as an EFSP. If a court so chooses, an e-filing implementation can support multiple EFSPs. Other government entities may also act an EFSP to enable submission of electronic filings from their systems directly to a court.

- E-filing Manager (EFM) - An EFM is a software application, usually hosted by a court, that receives and processes e-filing submissions and facilitates interactions between EFSPs and the court's internal systems (CMS and DMS). This component is referred to as the Filing Review MDE in ECF, but is more commonly referred to as the court's EFM.
- a. Is your EFM programmed in house, from a vendor or a combination?
 - i. If a vendor, whom did you use and why: *Our EFM was developed by a vendor, Sierra Systems. The EFM is housed internally and maintained by in-house technology staff.*
 - b. What changes did you make to ensure successful implementation (additional resources?): *We had a full project team during implementation, we created a communications team to outreach with all stakeholders, and we had a very good deliverables based contract with our vendor.*
 - c. If your system is a combination of in-house and vendor, what did you keep in house and why? What did you out-source and why? *We out-sourced the actual development effort and kept in-house the hosting and ongoing maintenance.*
 - d. Tell me about how your e-filing system is designed?
 - i. Does the design allow for multiple service providers (EFSPs) to submit filings? Or does your vendor relationship call for exclusivity as the e-filing service provider? *Our EFSP is in-house we do not use a service provider.*
 - ii. If multiple, how do you certify or approve EFSPs? *n/a*
 - iii. Is your e-filing system integrated with your case management system? If so, what CMS is used? *No.*
 - iv. Is your e-filing system integrated with a document management system? If so, what DMS is used? *Our e-filing system is integrated with our ECR system and our document repository is FileNet.*
 - e. How do you go about sharing data from the e-filing system internally? *Direct access to database, message-oriented middleware, web services, batch processing.*

- f. How do you go about sharing data from the e-filing system externally? *Batch processing, custom-developed customer facing applications.*

V. Funding Model

- a. What funding model does your e-filing system employ? *There is no cost to e-file but the system does assess fees for documents that would normally require a fee, like a jury demand or a new case filing fee.*
 - i. Transaction fee for filings? *No.*
 - ii. Free filing, but charge for access to electronic documents? *Yes.*
 - iii. Completely free (cost covered by taxpayers)?
 - iv. Etc.
- b. If you do charge a transaction fee:
 - i. Does your e-filing vendor retain the fee (or a portion of the fee)? *n/a*
 - ii. If you also allow multiple e-filing service providers, can they also charge a transaction fee? *n/a*
- c. What issues/challenges have you encountered relating to funding of your e-filing system? *Our e-filing system resulted in staff savings and was funded so that those efficiencies could be realized.*

VI. Access to electronic documents

- a. Do you provide access to electronically filed documents? *Yes.*
 - i. For filer and litigants? *Yes.*
 - ii. For the public? *Yes.*
 - iii. For data mining purposes (media, marketing, legal research, etc.)
- b. Do you charge for access to electronic documents? *Yes, 15 cents per page*

VII. Data Management

- a. How do you utilize e-filing to manage data coming into the court? *E-Filing currently is simple the transmission of a document to the court, we use only limited data coming from the e-filing system, such as file date, filer, and docket code.*
- b. Is there a way that you categorize the data? *No*
- c. How do you determine how the data is shared or who has access to it? *Access to the data is not shared outside our office.*
- d. How do you ensure the quality or integrity of the data? – *Application logic, database constraints, auditing.*

VIII. Next Gen: Nuts and Bolts

- a. Did you have to enhance your technology infrastructure to enable e-filing (hardware, software, network, facilities etc.)? Yes.
- b. What technical standards did you employ, or require of your vendor(s), in your e-filing system? (e.g., LegalXML ECF 4.0) *LegalXML 1.1*
- c. How did you analyze your business process in light of implementing e-filing? *We worked directly with staff impacted by the changes. We mapped the workflow involved with incoming documents and then mapped the changes when documents were received electronically. We made changes to work processes so that documents were handled by the fewest people.*
- d. Is e-filing required? If so, required of whom and in what types of cases? *E-Filing is required for attorneys regardless of case type. There are certain documents, like original wills that are exempted by General Rule (GR 30) or Local Rule (LGR 30).*
- e. Did you follow any published guidelines or best practices when implementing e-filing? *We learned as much as possible from other jurisdictions during our implementation process.*
- f. Did any technology decisions along the way impact your business process? *Indirectly I'm sure they did.*
- g. To what degree did your business process impact the technology you chose? What were some of those business processes and how did you address that with the technology? *Some of our business process were related to workflow and whether or not we wanted to process items concurrently or sequentially, we apply an electronic "FILED" stamp that impacts some of our processes.*
- h. What were the questions that, with hindsight, were most important?
- i. Any lessons learned?

JTC Electronic Courts Subcommittee E-filing CTF Profile Interview Protocol

I. Who?

- a. Interviewer: *David Slayton*
- b. Interviewee: *Mark Dobek*
 - i. Title: *Director – Judicial Information Systems*
 - ii. Email address: *dobekm@courts.mi.gov*
 - iii. Phone number: *517-373-8978*
 - iv. State: *Michigan*
 - v. Unified? : *No*
 - vi. Jurisdiction (Statewide? General? Limited?):

II. E-filing - For purposes of this effort, e-filing will be defined as the transmission of legal documents from an attorney, party or self-represented litigant to a court for filing of a new case or subsequent pleadings in an existing case.

- a. Stage in the e-filing process (fully implemented, partially implemented, gathering information): *Only implemented in 7 pilot courts.*
- b. For what case types have you implemented e-filing? *Depends on the court. All Civil with some domestic relations, some mandatory and limited to certain judge's dockets.*

III. Policy and Governance

- a. What if any statute changes did you make? : *Pending HB 4064, deals with official record of the court, fees and delegates other processing requirements to Supreme Court.*
- b. What if any court rule changes did you make? : Pending: *It's on the Supreme Court Administrative Calendar for April and then will be published for public comment. Hopeful to have this wrapped up by the end of the year.*
- c. What if any policy changes did you make? : *Standards and Guidelines are being worked on by the Technical Implementation Committee of SCAO.*
- d. Who oversaw/oversees the project? *SCAO.*
- e. Were there any cultural barriers to consider in the project? *Attitude on how the technology affects their current situation.*
- f. How do you measure performance of the project? *Pilot courts are required to fill out an annual report for the Supreme Court.*

IV. Who provides your services?

This section refers to two major components of an electronic court filing solution:

- E-filing Service Provider (EFSP) - An EFSP is a third party providing features that allow filers to prepare and submit e-filing transactions. These features are often provided as a value-add service for a fee. This component is referred to as the Filing Assembly MDE in OASIS LegalXML e-filing standards (ECF), but more often is simply referred to as an EFSP. If a court so chooses, an e-filing implementation can support multiple EFSPs. Other government entities may also act as an EFSP to enable submission of electronic filings from their systems directly to a court.
 - E-filing Manager (EFM) - An EFM is a software application, usually hosted by a court, that receives and processes e-filing submissions and facilitates interactions between EFSPs and the court's internal systems (CMS and DMS). This component is referred to as the Filing Review MDE in ECF, but is more commonly referred to as the court's EFM.
- a. Is your EFM programmed in house, from a vendor or a combination?
 - i. If a vendor, whom did you use and why: *We have selected ImageSoft and are in contract negotiations for the EFM.*
 - b. What changes did you make to ensure successful implementation (additional resources?): *N/A*
 - c. If your system is a combination of in-house and vendor, what did you keep in house and why? What did you out-source and why? *N/A*
 - d. Tell me about how your e-filing system is designed?
 - i. Does the design allow for multiple service providers (EFSPs) to submit filings? Or does your vendor relationship call for exclusivity as the e-filing service provider? *Allows for EFSP including State Agencies*
 - ii. If multiple, how do you certify or approve EFSPs? *Part of the contract with ImageSoft.*
 - iii. Is your e-filing system integrated with your case management system? If so, what CMS is used? *No - There are over 20 different Case Management Systems in the State.*
 - iv. Is your e-filing system integrated with a document management system? If so, what DMS is used? *Locally determined and depends on what the*

jurisdiction has for a DMS. There is Tyler, ImageSoft, Realvision, FileNet, LaserFiche, CherryLAN and a home grown system.

- e. How do you go about sharing data from the e-filing system internally? *Not Shared, Yet. There is discussion of a centrally hosted DMS.*
- f. How do you go about sharing data from the e-filing system externally? *Not Shared - Yet*

V. Funding Model

- a. What funding model does your e-filing system employ?
 - i. Transaction fee for filings? *Yes for Pilot Courts*
 - ii. Free filing, but charge for access to electronic documents?
 - 1. *Looking at this alternative for the future*
 - iii. Completely free (cost covered by taxpayers)?
 - iv. Etc.
- b. If you do charge a transaction fee:
 - i. Does your e-filing vendor retain the fee (or a portion of the fee)? *Most pilot Courts split the fee 50/50*
 - ii. If you also allow multiple e-filing service providers, can they also charge a transaction fee? *This is contemplated as a part of our EFM contract with ImageSoft.*
- c. What issues/challenges have you encountered relating to funding of your e-filing system? *General consensus is that users don't like the transaction fees and would prefer the PACER model.*

VI. Access to electronic documents

- a. Do you provide access to electronically filed documents? *Not yet*
 - i. For filer and litigants?
 - ii. For the public?
 - iii. For data mining purposes (media, marketing, legal research, etc.)
- b. Do you charge for access to electronic documents? *Being considered as the source to fund the EFM*

VII. Data Management

- a. How do you utilize e-filing to manage data coming into the court? *Right now locally determined.*
- b. Is there a way that you categorize the data?
- c. How do you determine how the data is shared or who has access to it?

- d. How do you ensure the quality or integrity of the data?

VIII. Next Gen: Nuts and Bolts

- a. Did you have to enhance your technology infrastructure to enable e-filing (hardware, software, network, facilities etc.)? *Not Yet – we plan to use the State’s Network and Cloud Services to host the EFM*
- b. What technical standards did you employ, or require of your vendor(s), in your e-filing system? (e.g., LegalXML ECF 4.0) *Was a requirement stated in our EFM RFP.*
- c. How did you analyze your business process in light of implementing e-filing? *Workflow is determined locally and within the pilots.*
- d. Is e-filing required? If so, required of whom and in what types of cases? *See above some mandatory, some permissive.*
- e. Did you follow any published guidelines or best practices when implementing e-filing?
- f. Did any technology decisions along the way impact your business process?
- g. To what degree did your business process impact the technology you chose? What were some of those business processes and how did you address that with the technology?
- h. What were the questions that, with hindsight, were most important?
- i. Any lessons learned? *I’m sure I’ll have some next year. I can also speak about our decommissioned home grown system that was operation in 2004 – 2005.*

JTC Electronic Courts Subcommittee E-filing CTF Profile Interview Protocol

I. Who?

- a. Interviewer: *O. John Kuenhold*
- b. Interviewee: *Sally Holewa*
 - i. Title: *State Court Administrator*
 - ii. Email address: *sholewa@ndcourts.gov*
 - iii. Phone number: *701-328-4216*
 - iv. State: *North Dakota*
 - v. Unified? : *Yes*
 - vi. Jurisdiction: *Statewide*

II. E-filing - For purposes of this effort, e-filing will be defined as the transmission of legal documents from an attorney, party or self-represented litigant to a court for filing of a new case or subsequent pleadings in an existing case.

- a. Stage in the e-filing process: *fully implemented since May 1, 2011*
- b. For what case types have you implemented e-filing? *All*

III. Policy and Governance

- a. What if any statute changes did you make? : *None*
- b. What if any court rule changes did you make? : *Amended Administrative Order 16 to discontinue acceptance of documents via email or fax. This Order was recently repealed and replaced with Rule 3.5 of the Rules of Court and mandates e-filing for all case types and all documents, except initiating documents in criminal and juvenile cases, as of June 1, 2013. Initiating documents for criminal and juvenile cases are excluded because of the party-match requirement (i.e. only an internal user has access to the production database of our case management system and can make the party-match determination).*
Rule 3.5: <http://www.ndcourts.gov/rules/NDROC/frameset.htm>
- c. What if any policy changes did you make? : *None*
- d. Who oversaw/oversees the project? *At the time of implementation, we had an Operations Oversight Group that was in charge of the project. Since it is routine business at this stage, we handle it like every other system we work with. It falls generally under the duties of the technology department to handle the technical side. If there are policy issues, they are referred to the Court Technology Committee (an*

advisory committee of the Supreme Court). If there are business-related decisions to be made, it goes to the Odyssey User Group (a subcommittee of the Court Technology Committee). Any of these groups can refer issues to the Administrative Conference (a policy advisory group to the Chief Justice made up of the presiding judge from each judicial district plus a handful of other people).

- e. Were there any cultural barriers to consider in the project? *No*
- f. How do you measure performance of the project? *Informally, we review the rate of adoption based on number of filings and entities using the system; Number of rejected filings; Lost days due to technical issues; Number of calls to the HELP desk and reasons for the call.*

IV. Who provides your services?

This section refers to two major components of an electronic court filing solution:

- E-filing Service Provider (EFSP) - An EFSP is a third party providing features that allow filers to prepare and submit e-filing transactions. These features are often provided as a value-add service for a fee. This component is referred to as the Filing Assembly MDE in OASIS LegalXML e-filing standards (ECF), but more often is simply referred to as an EFSP. If a court so chooses, an e-filing implementation can support multiple EFSPs. Other government entities may also act an EFSP to enable submission of electronic filings from their systems directly to a court.
 - E-filing Manager (EFM) - An EFM is a software application, usually hosted by a court, that receives and processes e-filing submissions and facilitates interactions between EFSPs and the court's internal systems (CMS and DMS). This component is referred to as the Filing Review MDE in ECF, but is more commonly referred to as the court's EFM.
- a. Is your EFM programmed in house, from a vendor or a combination? *Vendor*
 - i. If a vendor, whom did you use and why? *Tyler Technologies because they are the vendor for our district court case management system*
 - b. What changes did you make to ensure successful implementation (additional resources?): *None*
 - c. If your system is a combination of in-house and vendor, what did you keep in house and why? What did you out-source and why? *Not applicable*
 - d. Tell me about how your e-filing system is designed?

- i. Does the design allow for multiple service providers (EFSPs) to submit filings? *NO*
- ii. Or does your vendor relationship call for exclusivity as the e-filing service provider? *Not Applicable*
- iii. If multiple, how do you certify or approve EFSPs? *Not applicable*
- iv. Is your e-filing system integrated with your case management system? *Yes*;
If so, what CMS is used? *Tyler Technologies*
- v. Is your e-filing system integrated with a document management system?
Yes; If so, what DMS is used? *Internal application of the Odyssey Case Management System by Tyler Technologies*
- e. How do you go about sharing data from the e-filing system internally? *Not sure what you mean by “sharing data”. Our internal users all have a login that allows them access to cases and reporting functions. Once documents are accepted into the system, there are built-in work queues that push the data to the people who need it.*
- f. How do you go about sharing data from the e-filing system externally? *Not sure what you mean by “sharing data”. The system has two features “file and serve” and “serve only” that the filing party uses to send notice of filing (which includes a link to a site where the document can be retrieved) to those that need the information.*

V. Funding Model

- a. What funding model does your e-filing system employ?
 - i. Transaction fee for filings? *No*
 - ii. Free filing, but charge for access to electronic documents? *No*
 - iii. Completely free (cost covered by taxpayers)? *YES*
 - iv. Etc.
- b. If you do charge a transaction fee:
 - i. Does your e-filing vendor retain the fee (or a portion of the fee)? *Not applicable*
 - ii. If you also allow multiple e-filing service providers, can they also charge a transaction fee? *Not applicable*
- c. What issues/challenges have you encountered relating to funding of your e-filing system? *None*

VI. Access to electronic documents

- a. Do you provide access to electronically filed documents?
 - i. For filer and litigants? *Yes*

- ii. For the public? *No*
- iii. For data mining purposes (media, marketing, legal research, etc.)? *No*
- b. Do you charge for access to electronic documents? *No*

VII. Data Management

- a. How do you utilize e-filing to manage data coming into the court? *Not sure what this refers to. We are managing documents and workflow rather than what I consider data. We have guidelines for how documents can be filed and named. Once the clerk accepts the filing, there are a number of automated workflow processes that may be triggered (e.g. new case opened; case number assigned; judge assigned; accounts receivable set up and fees receipted; case sent to queue for scheduling or for judge signature, etc.)*
- b. Is there a way that you categorize the data? *Again, not sure what you are referring to by "data". We know who is filing and how often; I reasonably certain we could do a query to determine what types of documents are being filed if we wanted to.*
- c. How do you determine how the data is shared or who has access to it? *Our electronic information is treated the same way as our paper information. Administrative Rule 41 covers access to information. AR 41: <http://www.ndcourts.gov/rules/Administrative/frameset.htm>*
- d. How do you ensure the quality or integrity of the data? *Aside from clerk review of documents before accepting them, we don't.*

VIII. Next Gen: Nuts and Bolts

- a. Did you have to enhance your technology infrastructure to enable e-filing (hardware, software, network, facilities etc.)? *NO*
- b. What technical standards did you employ, or require of your vendor(s), in your e-filing system? (e.g., LegalXML ECF 4.0) *It was part of our 2007 RFP process for a case management system and the standard was XML.*
- c. How did you analyze your business process in light of implementing e-filing? *We didn't do any formal analysis of business process.*
- d. Is e-filing required? If so, required of whom and in what types of cases?
- e. Did you follow any published guidelines or best practices when implementing e-filing? *NO*
- f. Did any technology decisions along the way impact your business process? *Only to the extent of allowing electronic signatures and stamps on documents.*

- g. To what degree did your business process impact the technology you chose? *It didn't.* What were some of those business processes and how did you address that with the technology? *Not applicable*
- h. What were the questions that, with hindsight, were most important? *If I were to implement e-filing today, I would spend more time on the automated workflow processes that should be part of the system. There are a lot of "e-filing" vendors out there whose product is simply delivering the documents to the electronic threshold of the clerk's office. From the filer's perspective, they look like they are accepting documents and receipting payments, etc. but in actuality, the clerk is having to go in and set up cases, attach documents to the case, and manually apply the payment to the case.*
- i. Any lessons learned? *Nothing that stands out*

JTC Electronic Courts Subcommittee E-filing CTF Profile Interview Protocol

I. Who?

- a. Interviewer: *O. John Kuenhold*
- b. Interviewee: *Steve Prisoc*
 - i. Title: *New Mexico Judiciary Chief Information Officer*
 - ii. Email address: *sprisoc@nmcourts.gov*
 - iii. Phone number: *505-476-6901*
 - iv. State: *NM*
 - v. Unified? : *Yes (it's all relative, right?)*
 - vi. Jurisdiction (Statewide? General? Limited?): *statewide*

II. E-filing - For purposes of this effort, e-filing will be defined as the transmission of legal documents from an attorney, party or self-represented litigant to a court for filing of a new case or subsequent pleadings in an existing case.

- a. Stage in the e-filing process (fully implemented, partially implemented, gathering information): *Almost fully implemented and will be fully implemented on April 15, 2013.*
- b. For what case types have you implemented e-filing? *Civil (non-domestic), attorney-filed cases.*

III. Policy and Governance

- a. What if any statute changes did you make? : *Succeeded in getting signed into law an e-filing fee bill.*
- b. What if any court rule changes did you make? : *Created e-filing Supreme Court Rule.*
- c. What if any policy changes did you make? : *Lots of policy changes, but I suspect that our changes are similar to those other e-filing states have made.*
- d. Who oversaw/oversees the project? *Judicial Information Systems Council, which is the New Mexico Judiciary IT governance body.*
- e. Were there any cultural barriers to consider in the project? *Not sure what you mean by cultural, but inertia was the primary roadblock. Once attorneys were acclimated to the system, acceptance went up significantly. Strong Supreme Court support was critical to attorney acceptance.*
- f. How do you measure performance of the project? *No formal performance measures were implemented.*

IV. Who provides your services?

This section refers to two major components of an electronic court filing solution:

- E-filing Service Provider (EFSP) - An EFSP is a third party providing features that allow filers to prepare and submit e-filing transactions. These features are often provided as a value-add service for a fee. This component is referred to as the Filing Assembly MDE in OASIS LegalXML e-filing standards (ECF), but more often is simply referred to as an EFSP. If a court so chooses, an e-filing implementation can support multiple EFSPs. Other government entities may also act as an EFSP to enable submission of electronic filings from their systems directly to a court.
 - E-filing Manager (EFM) - An EFM is a software application, usually hosted by a court, that receives and processes e-filing submissions and facilitates interactions between EFSPs and the court's internal systems (CMS and DMS). This component is referred to as the Filing Review MDE in ECF, but is more commonly referred to as the court's EFM.
- a. Is your EFM programmed in house, from a vendor or a combination? *Vendor*
 - i. If a vendor, whom did you use and why: *We selected the vendor, Tyler Technologies, Plano, TX, for its robust e-filing integration with our case management application.*
 - b. What changes did you make to ensure successful implementation (additional resources?): *Due to resource and funding constraints, we did not apply additional resources.*
 - c. If your system is a combination of in-house and vendor, what did you keep in house and why? What did you out-source and why? *The entire application is outsourced.*
 - d. Tell me about how your e-filing system is designed?
 - i. Does the design allow for multiple service providers (EFSPs) to submit filings? Or does your vendor relationship call for exclusivity as the e-filing service provider? *Exclusivity.*
 - ii. If multiple, how do you certify or approve EFSPs? *N/A*
 - iii. Is your e-filing system integrated with your case management system? If so, what CMS is used? *Yes, very tightly.*
 - iv. Is your e-filing system integrated with a document management system? If so, what DMS is used? *Yes, Tyler Technologies Odyssey Case Manager and Document manager*

- e. How do you go about sharing data from the e-filing system internally? *All general jurisdiction courts have access to all filings, but only the jurisdiction in which the filing is received can process filings*
- f. How do you go about sharing data from the e-filing system externally? *Registered attorneys have complete access to all documents (filed and scanned) and citizens have the same access at kiosk computers in courts. We do not provide internet access for citizens except in the lobby areas of courthouses.*

V. Funding Model

- a. What funding model does your e-filing system employ?
 - i. Transaction fee for filings? *Yes*
 - ii. Free filing, but charge for access to electronic documents? *No*
 - iii. Completely free (cost covered by taxpayers)? *No (but this would be our preferred model).*
 - iv. Etc.
- b. If you do charge a transaction fee:
 - i. Does your e-filing vendor retain the fee (or a portion of the fee)? *Vendor retains approx. 2/3 of the fee.*
 - ii. If you also allow multiple e-filing service providers, can they also charge a transaction fee? *N/A*
- c. What issues/challenges have you encountered relating to funding of your e-filing system? *Legislative resistance.*

VI. Access to electronic documents

- a. Do you provide access to electronically filed documents?
 - i. For filer and litigants? *Yes*
 - ii. For the public? *Only through courthouse kiosks*
 - iii. For data mining purposes (media, marketing, legal research, etc.) *NO*
- b. Do you charge for access to electronic documents? *No*

VII. Data Management

- a. How do you utilize e-filing to manage data coming into the court? *All filings create filing events that have associated documents in our CMS.*
- b. Is there a way that you categorize the data? *Well, yes. I'm unsure of what you mean.*
- c. How do you determine how the data is shared or who has access to it? *See above.*
- d. How do you ensure the quality or integrity of the data? *Training to mastery and random auditing.*

VIII. Next Gen: Nuts and Bolts

- a. Did you have to enhance your technology infrastructure to enable e-filing (hardware, software, network, facilities etc.)? *Yes, significantly.*
- b. What technical standards did you employ, or require of your vendor(s), in your e-filing system? (e.g., LegalXML ECF 4.0) *Our system was provided by a vendor, thus OASIS, LegalXML, NIEM, etc. weren't factors in our selection process.*
- c. How did you analyze your business process in light of implementing e-filing? *Not sure what you're asking, but the analysis was done in association with our CMS implementation.*
- d. Is e-filing required? If so, required of whom and in what types of cases? *Yes, it is mandatory.*
- e. Did you follow any published guidelines or best practices when implementing e-filing? *While published material is available from COSCA and NCSC, nothing really exists (or did exist when we began) that adequately guide a statewide, mandatory e-filing implementation.*
- f. Did any technology decisions along the way impact your business process? *Sure.*
- g. To what degree did your business process impact the technology you chose? What were some of those business processes and how did you address that with the technology? *The e-filing business process that we developed with Tyler very closely followed our paper filing process; however, we improved the process when possible.*
- h. What were the questions that, with hindsight, were most important? *Not sure what you're looking for here.*
- i. Any lessons learned? *Lots! Mainly, we learned that selecting a capable, flexible vendor was extremely important. Not just any vendor will do. A formal, but adaptive, project management method is absolutely essential. Of course, a bit of luck helps.*

JTC Electronic Courts Subcommittee E-filing CTF Profile Interview Protocol

I. Who?

- a. Interviewer: *Jerry Marroney*
- b. Interviewee: *Snorri Ogata*
 - i. Title: *Chief Information Officer*
 - ii. Email address: *sogata@occourts.org*
 - iii. Phone number: *657-622-7617*
 - iv. State: *CA*
 - v. Unified? : *Yes*
 - vi. Jurisdiction (Statewide? General? Limited?): *County*

II. E-filing - For purposes of this effort, e-filing will be defined as the transmission of legal documents from an attorney, party or self-represented litigant to a court for filing of a new case or subsequent pleadings in an existing case.

- a. Stage in the e-filing process (fully implemented, partially implemented, gathering information):

Fully implemented: Civil (Limited, Unlimited, Complex), Small Claims and Probate

Partially implemented: Family, Criminal (DA filings only), Traffic

- b. For what case types have you implemented e-filing?

See above

III. Policy and Governance

- a. What if any statute changes did you make? : *CA Assembly Bill 2073 (AB2073) authorized Orange County to be a “pilot” court for mandatory e-filing.*
- b. What if any court rule changes did you make? : *None. We had to undo some “local” rules that authorized e-filing for a portion of case types. AB2073 superseded those rules.*
- c. What if any policy changes did you make? : *Prior to e-Filing going live our Court had made a policy decision to make the electronic record the “official” record for Civil cases. This was key to ensuring we’d achieve the promised benefits of e-Filing (which presumed there would be minimal paper handling).*
- d. Who oversaw/oversees the project? *A combination of Technology and Operations. We run a fairly formal “executive checkpoint” process to manage big/complex*

- projects that require LOTS of coordination between Technology, Operations, Fiscal and the Judges. We met every 6-8 weeks for over a year (facilitated by Technology).*
- e. Were there any cultural barriers to consider in the project? *Sooooo many...*
- 1. The biggest one was around the Judges getting used to the idea that paper was bad. We ended up accommodating them with something we called the “skinny file.” This essentially has us printing the documents for the particular hearing for the day and then throwing away the paper afterward. It was cheaper for us to print and toss then to manage the paper.*
 - 2. The Legal community had 2 years to get ready for the change. E-Filing had been mandatory in Complex civil for many years. We made it available for all of Civil in June 2010 and then started “marketing” efforts (Bar associations, Legal Secretary meetings, ...) to drum up support. By the time we got to “mandatory” they were ready. The only people that pled ignorance were the bulk collections filers. But they are on board now.*
 - 3. Attorney Service firms that made their living (in part) by filing paper documents at the Court on behalf of their customers were the biggest headache. While the first EFSP was selected based on an RFP and the 2nd through 4th EFSPs worked their way in via existing relationships with the Court, the Attorney Service industry was crying foul that we were unfairly putting them out of business. To accommodate, we offered ANY company that wanted to e-File with the Court the ability to do so if they covered the associated Court costs. We estimated that it cost approximately \$75,000 to on-board an EFSP. 10 companies paid us \$75K.*
 - 4. Self Represented Litigants. As written (AB2073) SRLs are required to e-File but can “opt out”. To accommodate the indigent population we made it a contractual requirement with the EFSP community that Filing AND Convenience fees were waived for anyone granted a “fee waiver”. This is a difficult pill for the “for-profit” EFSP community to accommodate. They don’t have a choice but we are contemplating different approaches.*
- f. How do you measure performance of the project?
- Financial: We had determined that we would save approximately \$2.00/document in labor. When we mandated e-Filing, we reorganized staff and eliminated positions. We have largely achieved the labor savings.*
- Operational Turnaround: We have some operational goals around the turn-around time for e-Filed documents. While there is an unwritten expectation of immediacy in an “e” world, it simply isn’t practical for the vast majority of documents. The majority of documents are checked for completeness, accuracy and consistency. Some documents require judicial review. In general our turn-around goals (RIGHT NOW)*

are:

- 40% of all documents filed are processed (accepted/rejected) within 4 hours of receipt
- 60% within 24 hours (inclusive of the 40% above)
- 85% within 72 hours (inclusive of the 60% above)

Prior to mandatory e-filing we were targeting much higher numbers (50%, 80%, 95% respectively) but we're still working through the kinks!

We believed this was a key metric in overcoming concerns in the legal community about "speed".

Overall: 95% of all Civil filings are done electronically. We track this. The "other" 5% is almost exclusively attributable to individuals (mostly indigent) that were granted an exception to mandatory e-Filing.

IV. Who provides your services?

This section refers to two major components of an electronic court filing solution:

- E-filing Service Provider (EFSP) - An EFSP is a third party providing features that allow filers to prepare and submit e-filing transactions. These features are often provided as a value-add service for a fee. This component is referred to as the Filing Assembly MDE in OASIS LegalXML e-filing standards (ECF), but more often is simply referred to as an EFSP. If a court so chooses, an e-filing implementation can support multiple EFSPs. Other government entities may also act as an EFSP to enable submission of electronic filings from their systems directly to a court.

Orange uses multiple EFSPs. At this time (3/2013) we have 7 active vendors, with 7 more in development. This is about 10 more than is optimal but it was one of the cultural barriers we had to fight through (see above). The EFSPs handle:

- Marketing
- Training
- User portal
- Payment services
- Data translation services

One of the EFSPs created a "value priced" offering for government agencies. All the e-Filing you wanted for \$200/year. They are hopeful that they'll eventually make money on other value added services such as e-service.

- E-filing Manager (EFM) - An EFM is a software application, usually hosted by a court, that receives and processes e-filing submissions and facilitates interactions between EFSPs and the court's internal systems (CMS and DMS). This component is referred to as the Filing Review MDE in ECF, but is more commonly referred to as the court's EFM.

The EFM is part of our Case Management System, as is "Clerk Review" – the process where the Clerk can visually inspect the documents submitted for consistency/accuracy with the data and the existing case file.

- a. Is your EFM programmed in house, from a vendor or a combination?
 - i. If a vendor, whom did you use and why: *Our EFM is part of our CMS. Our CMS was provided by the State.*
- b. What changes did you make to ensure successful implementation (additional resources?): *We had the luxury of time since we started with mandatory e-filing in Complex (approximately 7% of our overall Civil case load). We eventually added voluntary e-filing and grew our overall adoption to 25%. In the process we made tweaks to how we managed the inflow of cases. We established some work queues to allow for specialization (e.g., Collection cases handled by Mary, Probate cases by John). We eventually identified a series of documents that required no clerk review (e.g., proof of service) and made a modification to allow those to be "auto-filed."*
- c. If your system is a combination of in-house and vendor, what did you keep in house and why? What did you out-source and why? *CMS (including EFM and Clerk Review) are in-house. EFSP services (data and document assembly, fee handling, ...) are out-sourced.*
- d. Tell me about how your e-filing system is designed?
 - i. Does the design allow for multiple service providers (EFSPs) to submit filings? Or does your vendor relationship call for exclusivity as the e-filing service provider?
Multiple
 - ii. If multiple, how do you certify or approve EFSPs?
We have a fairly rigorous process. It takes about 6 calendar months start to finish to certify an EFSP.
 - iii. Is your e-filing system integrated with your case management system? If so, what CMS is used?
Yes. We use CCMS V3, the now defunct California Court Case Management System.

- iv. Is your e-filing system integrated with a document management system? If so, what DMS is used?

Yes. We use IBM/FileNet.

- e. How do you go about sharing data from the e-filing system internally?

Everything is available in our Case Management System (the primary method for sharing). In addition we built a Judicial Viewing tool called ELF (Electronic Legal File) to aid document viewing for Judicial Officers.

- f. How do you go about sharing data from the e-filing system externally?

Civil documents are available for purchase on our web-site and are available for free viewing at our court house.

V. Funding Model

- a. What funding model does your e-filing system employ?

- i. Transaction fee for filings? *The EFSPs set the price. It ranges from \$5-10/filing transaction.*
- ii. Free filing, but charge for access to electronic documents? *We also charge for on-line access to civil document, although the filer can view the documents they filed for free via the EFSP. We are currently contemplating letting parties to a case view all case documents for free via their EFSP.*
- iii. Completely free (cost covered by taxpayers)?
- iv. Etc.

- b. If you do charge a transaction fee:

- i. Does your e-filing vendor retain the fee (or a portion of the fee)? *They retain all the fee. We did take 20% of the fee for the first several months but then realized that we were actually saving money through e-Filing so we had no basis to justify a “cost recovery” model.*
- ii. If you also allow multiple e-filing service providers, can they also charge a transaction fee? *Yes. Each EFSP sets their own price.*

- c. What issues/challenges have you encountered relating to funding of your e-filing system? *None. We embarked on the project when we had sufficient funding to pay for it. This allowed us time to work out the kinks and optimize the flow for mandatory e-Filing.*

VI. Access to electronic documents

- a. Do you provide access to electronically filed documents?

- i. For filer and litigants? *Yes. Currently it is the same as access to the public.*

- ii. For the public? *Yes. You can view documents for free AT THE COURTHOUSE. For Civil, you can view/print documents by purchasing them on-line.*
- iii. For data mining purposes (media, marketing, legal research, etc.) *They are treated like the public.*
- b. Do you charge for access to electronic documents? *Yes. We follow the pricing model implemented by Los Angeles County 5 years ago. \$7.50 minimum per document, inclusive of the first 10 pages. All additional pages \$0.07 up to a maximum of \$40. A 5 page document costs \$7.50. A 12 page document costs \$7.64. A 110 page document costs \$14.50. A 1,000 page document costs \$40.*

VII. Data Management

- a. How do you utilize e-filing to manage data coming into the court? *The data and documents are filed with our EFM. The EFM checks for integrity and compliance with the Court Policy file and then passes both to the Clerk Review module which manages the accept/reject function. If accepted, the data populates the CMS and the documents are stored in the DMS.*
- b. Is there a way that you categorize the data? *Data is primarily organized by Case Number. But, we track many attributes about a case to enable searching and reporting. The two primary “categories” are: Case Category (e.g., Small Claims, Limited Civil, Unlimited Civil, Complex Civil, Probate); and, Case Category (e.g., Breach of Contract, Collections, Asbestos, ...).*
- c. How do you determine how the data is shared or who has access to it? *The CMS and DMS have the ability to “secure” the case/document at a case level or a specific document level. Those attributes are requested at the time of filing, and if granted, are recorded in the CMS and DMS systems. Case/Document security is then built into all applications (e.g., CMS, ELF, Kiosks, ...). Depending on your role (judge, clerk, public) you are granted different access to the record.*
- d. How do you ensure the quality or integrity of the data? *The EFSP is the first line of defense. We spend a lot of time in certification to ensure that their user interface and business rules are consistent with the Court’s desire. The EFM is the second line. It checks for consistency of the filing with the Court Policy file. The Clerk Review is the final line of defense. A clerk has the ability to review everything submitted and accepting, rejecting or partially accepting a filing.*

VIII. Next Gen: Nuts and Bolts

- a. Did you have to enhance your technology infrastructure to enable e-filing (hardware, software, network, facilities etc.)? *Not really. I guess you could argue*

- that when we implemented CCMS we enhanced our technology infrastructure since we had an expectation from the beginning that e-Filing was part of our solution. If you were to compare our technology infrastructure with a court that does not e-file, then you'd certainly see a difference as we have servers that handle the duties of the EFM and Clerk Review functions. We have "load balancers" that ensure the incoming volume is handled (distributes between multiple EFM servers). We have sizable "pipes" out to the Internet to accommodate e-Filing (and other things) so it's probably larger than a typical court. But, saw those as CMS implementation costs since the CMS was justified (in part) by the ability to accommodate e-Filing.*
- b. What technical standards did you employ, or require of your vendor(s), in your e-filing system? (e.g., LegalXML ECF 4.0) *Unfortunately CA has a standard called 2GEFS. The CMS was only capable of working with 2GEFS. Consequently, we implemented with 2GEFS. All EFSPs were advised that the Court would eventually switch to ECF when we moved to a CMS that was capable of support it.*
 - c. How did you analyze your business process in light of implementing e-filing? *Loaded question. More than I can do justice to in a paragraph. Suffice it to say that we studied how work was being done in the paper world AND the e-Filing world. In anticipation of a 4-fold volume increase when AB2073 passed, we reorganized the Clerk's office moving people who had historically been "counter" filers into some sort of "e-Filing clerk" role based on skills and knowledge. We had previously implemented the "electronic record is the official record" policy which dramatically changed our work processes around paper case file handling/management.*
 - d. Is e-filing required? If so, required of whom and in what types of cases? *Mandatory for Civil (Limited, Unlimited, Complex). Available and optional for Small Claims and Probate through the EFSP community. Family Law has an optional "smart forms" method of e-Filing as well.*
 - e. Did you follow any published guidelines or best practices when implementing e-filing? *Not really. CA was in the process of authoring these types of documents when Orange was implementing e-Filing. What really happened was OC implemented and then the AOC documented in part based on OC's experience.*
 - f. Did any technology decisions along the way impact your business process? *Nothing comes to mind. Choosing a new CMS (which was capable of supporting e-Filing) changed our business processes but that's a little "chicken and egg". Did the technology change the business process or did the business process change the technology. The answer is "yes"! ☺*
 - g. To what degree did your business process impact the technology you chose? What were some of those business processes and how did you address that with the

- technology? *See prior answer. I think it's much more fluid than that. I think Business →technology →Business->Technology →Business →...*
- h. What were the questions that, with hindsight, were most important?
- 1. Electronic Record as the official record. This was key. It helped ensure we'd capture the savings and influenced our approach to the overall project.*
 - 2. EFSPs. We firmly believed that EFSPs were critical to our overall success (e.g., marketing, training, accuracy, ...). We were also convinced that the "marketplace" would ensure no pricing abuses and would ultimately select the winners from the losers.*
- i. Any lessons learned? *Everything above was a lesson learned! ☺ But, since I haven't touched on it yet... DO NOT UNDERESTIMATE THE IMPORTANCE OF INVOLVING YOUR FINANCE FOLKS. Millions of dollars are moving around electronically as part of our e-Filing initiative. Every penny needs to be accounted for. With 7 (soon to be 14) EFSPs involved, that's 8 (or 15) possible points of failure (if you include the Court). Make sure you involve Finance/Accounting from the beginning and make them an integral part of your overall project.*

A second lesson. It's great that 10 EFSPs paid us to become "certified." I wish we would have established an annual on-going "administration" cost as well. It's clear that it takes a lot of care and feeding to keep all the EFSPs in sync and operating as expected.

A third lesson. Figure out your Indigent Filer strategy out of the gate. We were fortunate that AB2073 allowed us to mandate e-Filing with a provision for "opting out". This has led to a HIGH level of adoption. The CA Judicial Council is imminently making a decision to go the other way, making it "optional" to e-File if you are "self represented." This is a shame because the majority of our SRL population is financially able to e-File, they just choose not to hire an attorney. The Court needs to save every penny. We want EVERYONE to e-File but certainly understand the challenges with the indigent population. Clarify up front the different between self-represented and indigent (a subset of SR).

JTC Electronic Courts Subcommittee E-filing CTF Profile Interview Protocol

IX. Who?

- a. Interviewer: *David Slayton*
- b. Interviewee: *Casey Kennedy*
 - i. Title: *Director, Information Services*
 - ii. Email address: casey.kennedy@txcourts.gov
 - iii. Phone number: *512-463-1603*
 - iv. State: *Texas*
 - v. Unified? : *No*
 - vi. Jurisdiction (Statewide? General? Limited?): *Statewide*

X. E-filing - For purposes of this effort, e-filing will be defined as the transmission of legal documents from an attorney, party or self-represented litigant to a court for filing of a new case or subsequent pleadings in an existing case.

- a. Stage in the e-filing process (fully implemented, partially implemented, gathering information): *fully implemented*
- b. For what case types have you implemented e-filing? *Civil, Family, Probate, criminal, both permissive – mandate schedule begins on 1/1/14 in civil, family and probate for all attorneys*

XI. Policy and Governance

- a. What if any statute changes did you make? : *Made change to allow for documents to be electronic*
- b. What if any court rule changes did you make? : *Implemented via local rules. Statewide rules currently in development.*
- c. What if any policy changes did you make? : *Implemented policies regarding the technical specs of what can be eFiled through the Judicial Committee on Information Technology (JCIT). Other policy aspects such as eFiling mechanics, timeliness and eService accomplished through local rule.*
- d. Who oversaw/oversees the project? *Office of Court Administration and JCIT*
- e. Were there any cultural barriers to consider in the project?
 - *Elected clerks did not want to maintain two systems (paper AND electronic)*
 - *Elected clerks did not want to print out paper and deliver to the judges*
 - *Some judges continue to resist the adoption of technology*
- f. How do you measure performance of the project?

Performance is measured against the implementation project plan. Since eFiling has been mandated, all are required to use it.

XII. Who provides your services?

This section refers to two major components of an electronic court filing solution:

- E-filing Service Provider (EFSP) - An EFSP is a third party providing features that allow filers to prepare and submit e-filing transactions. These features are often provided as a value-add service for a fee. This component is referred to as the Filing Assembly MDE in OASIS LegalXML e-filing standards (ECF), but more often is simply referred to as an EFSP. If a court so chooses, an e-filing implementation can support multiple EFSPs. Other government entities may also act as an EFSP to enable submission of electronic filings from their systems directly to a court.
 - E-filing Manager (EFM) - An EFM is a software application, usually hosted by a court, that receives and processes e-filing submissions and facilitates interactions between EFSPs and the court's internal systems (CMS and DMS). This component is referred to as the Filing Review MDE in ECF, but is more commonly referred to as the court's EFM.
- a. Is your EFM programmed in house, from a vendor or a combination? **Vendor**
- i. If a vendor, whom did you use and why: *Tyler Technologies Odyssey File and Serve – selected through a competitive bid process. (Previously, BearingPoint and subsequently NICUSA).*
- b. What changes did you make to ensure successful implementation (additional resources?): *Used standard project management concepts*
- c. If your system is a combination of in-house and vendor, what did you keep in house and why? What did you out-source and why? **N/A**
- d. Tell me about how your e-filing system is designed?
- i. Does the design allow for multiple service providers (EFSPs) to submit filings? Or does your vendor relationship call for exclusivity as the e-filing service provider? *Design allows for multiple EFSPs*
 - ii. If multiple, how do you certify or approve EFSPs? *OCA certifies EFSPs through an established certification process. This includes OCA performing published test cases to ensure that the APIs are connected properly.*

- iii. Is your e-filing system integrated with your case management system? If so, what CMS is used? *The EFM can be integrated to any ECF 4 compliant CMS. Texas has engaged with many of the CMS vendors operating in the state.*
- iv. Is your e-filing system integrated with a document management system? If so, what DMS is used? *The EFM can be integrated to any ECF 4 compliant CMS. Texas has engaged with many of the DMS vendors operating in the state.*
- e. How do you go about sharing data from the e-filing system internally? *N/A*
- f. How do you go about sharing data from the e-filing system externally? *With the use of the ECF 4 standard – the EFM can share data with any other system that is compliant.*

XIII. Funding Model

- a. What funding model does your e-filing system employ?
 - i. Transaction fee for filings?
 - ii. Free filing, but charge for access to electronic documents?
 - iii. Completely free (cost covered by taxpayers)?
 - iv. Etc.
In Texas, eFiling has been historically paid via a transaction fee for filings. Beginning in September, eFiling will be paid through a per-case fee included in the filing fee, and thus somewhat free to users – the EFSPs charge their own fee for services. As part of the EFM agreement, Tyler is also providing an EFSP choice that is no cost. Clerks are able to have a local \$2 transaction fee to recoup costs (fee expires when cost of integration recovered)
- b. If you do charge a transaction fee:
 - i. Does your e-filing vendor retain the fee (or a portion of the fee)? *Currently, yes. In September, no.*
 - ii. If you also allow multiple e-filing service providers, can they also charge a transaction fee? *Yes*
- c. What issues/challenges have you encountered relating to funding of your e-filing system?
The main challenge has been the lack of understanding with how software systems are funded and cared for. Most think that there are no operational costs beyond the one-time implementation cost. The transactional fee has been a barrier to widespread implementation.

XIV. Access to electronic documents

- a. Do you provide access to electronically filed documents? *No*
 - i. For filer and litigants?
 - ii. For the public?
 - iii. For data mining purposes (media, marketing, legal research, etc.)
- b. Do you charge for access to electronic documents?

XV. Data Management

- a. How do you utilize e-filing to manage data coming into the court?
Clerks can review/update meta data prior to consumption by the CMS/DMS
- b. Is there a way that you categorize the data? *Yes, by case type then filing type*
- c. How do you determine how the data is shared or who has access to it? *Each clerk's office can determine which users have access to read/write parts of the meta information*
- d. How do you ensure the quality or integrity of the data? *Human intervention*

XVI. Next Gen: Nuts and Bolts

- a. Did you have to enhance your technology infrastructure to enable e-filing (hardware, software, network, facilities etc.)?
Main enhancements had to do with Internet bandwidth needed to support a mandatory eFiling environment.
- b. What technical standards did you employ, or require of your vendor(s), in your e-filing system? (e.g., LegalXML ECF 4.0) *Required vendor support ECF in APIs that support the bi-directional communication link with EFSPs (front) and CMS/DMS (back)*
- c. How did you analyze your business process in light of implementing e-filing?
At appellate level, worked with the clerks to determine what changes were needed. Encouraged district/county clerks (elected) to do the same.
- d. Is e-filing required? If so, required of whom and in what types of cases?
eFiling is required in all civil starting 1/1/14 for the top 10 most populous counties. From there, a deadline comes every 6 months until 7/1/16, when it becomes mandatory statewide.
- e. Did you follow any published guidelines or best practices when implementing e-filing? *We are the best practice ☺(No)*
- f. Did any technology decisions along the way impact your business process?
No, we strive to not let technology drive the business process. Automating makes a process fast. Automating a bad process gets you nowhere, fast.

- g. To what degree did your business process impact the technology you chose? What were some of those business processes and how did you address that with the technology?

The business processes were considered when evaluating the responses to the RFP. They drove the project.

- h. What were the questions that, with hindsight, were most important? *Texas should have mandated eFiling sooner. The change issue would have been present for clerks and judges then and now. However, attorneys have not reacted at all to the mandate, and presumably have been ready for years. Texas should have considered how to fund the system without a toll road model, so that adoption and revenue for the system would have been higher.*

- i. Any lessons learned?

You should over communicate to everyone about everything.

JTC Electronic Courts Subcommittee E-filing CTF Profile Interview Protocol

I. Who?

- a. Interviewer: *Dave Byers*
- b. Interviewee: *Ron Bowmaster*
 - i. Title: *Director, IT Division*
 - ii. Email address: *ronb@utcourts.gov*
 - iii. Phone number: *801.578.3872*
 - iv. State: *Utah*
 - v. Unified? : *Yes*
 - vi. Jurisdiction (Statewide? General? Limited?): *Statewide*

II. E-filing - For purposes of this effort, e-filing will be defined as the transmission of legal documents from an attorney, party or self-represented litigant to a court for filing of a new case or subsequent pleadings in an existing case.

- a. Stage in the e-filing process (fully implemented, partially implemented, gathering information): *Fully implemented for all general civil, domestic, and probate. Partially implemented for criminal e-filing. Fully implemented for criminal defense e-filing.*
- b. For what case types have you implemented e-filing? *All general civil, domestic, probate, criminal, and citations. Juvenile court has a two year plan to move to e-filing in all juvenile cases.*

III. Policy and Governance

- a. What if any statute changes did you make? : *Civil cases. None. Title 46, Chapter 4 (<http://le.utah.gov/UtahCode/section.jsp?code=46-4>) already recognized the legitimacy of electronic signatures. Court procedures are governed by Supreme Court rules. Criminal cases. Legislation was enacted this year to require citations to be electronically filed. SB 111 (<http://le.utah.gov/~2013/bills/static/SB0111.html>)*
- b. What if any court rule changes did you make? :

URCP 11(<http://www.utcourts.gov/resources/rules/urcp/urcp011.html>) was amended to permit "any form of signature recognized by law as binding." And to recognize notarization of an electronic signature.

URCP 10 (<http://www.utcourts.gov/resources/rules/urcp/urcp010.html>) was amended to describe "electronic papers."

URCP 5 (<http://www.utcourts.gov/resources/rules/urcp/urcp005.html>) was amended to recognize electronically filing a document with the court as satisfying the requirement that the document be served on any party with an electronic filing account in the case.

CJA 4-503 (<http://www.utcourts.gov/resources/rules/ucja/ch04/4-503.htm>) was adopted making electronic filing mandatory in most circumstances.

- c. What if any policy changes did you make? : *The only policy change was the decision by the Judicial Council and Supreme Court to make electronic filing a reality. Time and money were ushered that direction.*
- d. Who oversaw/oversees the project? *IT Division managed the project. Several working committees were formed to advise the IT Division. Committees included an E-filing Consistency Committee composed of clerks whose purpose was to establish consistent statewide filing policies. A committee of AOC management evaluated the impact of e-filing on the workload of the courts and made recommendations concerning future staffing requirements. Advisory groups composed of clerks and/or judges made recommendations regarding the workflow associated with e-filing.*
- e. Were there any cultural barriers to consider in the project? *There were several cultural barriers, most of which centered on the transition to a paperless records system. Barriers included redefinition of clerical workload and reassignment/retraining of clerical staff, access to electronic documents and the workflow associated to a paperless records system. This included changing the way hearings are managed in a paperless environment. Other barriers included changes in the way electronic document are signed and issued.*
- f. How do you measure performance of the project? *The IT Division produces several reports that show the numbers of documents filed electronically, the number of attorneys participating in e-filing, number of help desk calls and their resolution, and modifications to weighted case-load to reflect the change to a paperless records system.*

IV. Who provides your services?

This section refers to two major components of an electronic court filing solution:

- E-filing Service Provider (EFSP) - An EFSP is a third party providing features that allow filers to prepare and submit e-filing transactions. These features are often provided as a value-add service for a fee. This component is referred to as the Filing Assembly MDE in OASIS LegalXML e-filing standards (ECF), but more often is simply referred to as an EFSP. If a court so chooses, an e-filing implementation can support multiple EFSPs. Other government entities may also act as an EFSP to enable submission of electronic filings from their systems directly to a court.
 - E-filing Manager (EFM) - An EFM is a software application, usually hosted by a court, that receives and processes e-filing submissions and facilitates interactions between EFSPs and the court's internal systems (CMS and DMS). This component is referred to as the Filing Review MDE in ECF, but is more commonly referred to as the court's EFM.
- a. Is your EFM programmed in house, from a vendor or a combination?
 - i. If a vendor, whom did you use and why: *Utah's EFM is a vendor supplied product that has been modified to meet the needs of the Utah courts.*
 - b. What changes did you make to ensure successful implementation (additional resources?): *Utah's EFM first provided e-filing for a very limited case type. The EFM was expanded to allow different case types to participate.*
 - c. If your system is a combination of in-house and vendor, what did you keep in house and why? What did you out-source and why? *Utah out-sourced both the EFSP and the EFM but retained the interface between the EFM and the court's case and document management systems. In this way, Utah controlled the court record. Utah outsourced the EFSP because we believed we could not support attorneys given existing staffing levels.*
 - d. Tell me about how your e-filing system is designed?
 - i. Does the design allow for multiple service providers (EFSPs) to submit filings? Or does your vendor relationship call for exclusivity as the e-filing service provider? *Utah allows multiple vendors to file electronically. Currently there are three vendors certified to provide EFSP services to attorneys.*
 - ii. If multiple, how do you certify or approve EFSPs? *Utah's EFM service provider publishes the API that allows a vendor to develop e-filing services. Vendors*

agree to develop their systems to API specifications. The court developed four use case test protocols that vendors must successfully complete before they are certified. The IT Division administers the use case test to ensure the filings submitted by the vendor met court requirements.

- iii. Is your e-filing system integrated with your case management system? If so, what CMS is used? *Utah's e-filing system is fully integrated with the court's case management system. That system was created in-house.*
 - iv. Is your e-filing system integrated with a document management system? If so, what DMS is used? *Utah's document management system is fully integrated with the e-filing system and with the court's case management system. Utah's document management system was developed in-house using a Windows directory structure.*
- e. How do you go about sharing data from the e-filing system internally? *The only information shared internally by the e-filing system is clerk and judge review of documents filed electronically. Data that is processed through the e-filing system is shared through the court's case management system. The court's electronic docket system includes access to electronic documents.*

Utah uses the e-filing system to return service and courtesy notices to the filers on cases to which they are a party. Documents and scheduling information that is recorded in the case management system is shared electronically with filers.

- f. How do you go about sharing data from the e-filing system externally? *Utah does not share data from the e-filing system externally. Filings that are processed through the e-filing system are stored in the court's case and document management systems. Utah's case management system generates electronic notices that are sent to all parties on a case. All documents, public and private, are made available to the parties on a case.*

Utah provides a subscription service that allows individuals to search for and access the case histories of district and justice courts. Electronic documents that are public records are available through this subscription service.

V. Funding Model

- a. What funding model does your e-filing system employ?

- i. Completely free (cost covered by taxpayers)? *Utah uses General Fund appropriations to fund the e-filing system. No additional fees are charged to the filer. Fees for electronic payment processing are not passed on to the filer.*
- b. If you do charge a transaction fee: *N/A*
- c. What issues/challenges have you encountered relating to funding of your e-filing system? *The only issue encountered is the cost associated to credit card processing fees that are paid by the court.*

VI. Access to electronic documents

- a. Do you provide access to electronically filed documents?
 - i. For filer and litigants? *Yes. All public and private documents are made available to the filer and litigants.*
 - ii. For the public? *Yes. Only public documents are made available.*
 - iii. For data mining purposes (media, marketing, legal research, etc.)? *Yes, but with very limited data so as not to identify parties.*
- b. Do you charge for access to electronic documents? *Documents are made available to all parties on a case at no charge. Public documents are available in an electronic format to the general public for a \$2.50 fee per document.*

VII. Data Management

- a. How do you utilize e-filing to manage data coming into the court? *Filings are routed based on actions required of the court based on the type of filing submitted.*
- b. Is there a way that you categorize the data? *Data received through the e-filing system are categorized by case and document type. This allows the system to determine and collect the appropriate filing fees. Case and document type is also used to route filings to the appropriate clerk or judge if that filing initiates an action required of the court. Utah's e-filing system uses work queues to assign work that is initiated by the system to appropriate court staff.*
- c. How do you determine how the data is shared or who has access to it? *Utah follows the same basic rules as were established for paper files, and follow the same court rules that governed paper records.*
- d. How do you ensure the quality or integrity of the data? *Utah's EFM has established quality control and clerk review work queues. Electronic filings are routed to these queues for review by court staff.*

VIII. Next Gen: Nuts and Bolts

- a. Did you have to enhance your technology infrastructure to enable e-filing (hardware, software, network, facilities etc.)? *First, Utah's wide-area-network was expanded to a level necessary to support an electronic records system. Second, new and faster servers were deployed. Third, the court's data storage systems were expanded to store vast amounts of data and documents. Finally, a redundant data center was created to mirror Utah's primary data center to ensure no loss of data and to create a secondary data center that could be used to recover from a catastrophic failure of the primary data center.*
- b. What technical standards did you employ, or require of your vendor(s), in your e-filing system? (e.g., LegalXML ECF 4.0) *Utah's EFM relies on LegalXML ECF 1.1.*
- c. How did you analyze your business process in light of implementing e-filing? *The AOC established a committee composed of court managers. This committee was charged with the responsibility to analyze the impact of the implementation of a fully electronic records system. The committee made recommendations on the future operation of the courts, including personnel, staffing patterns, retraining, and changes to measures used by the weighted caseload.*
- d. Is e-filing required? If so, required of whom and in what types of cases? *Beginning April 1, 2013 all attorneys are required to file electronically on all general civil and domestic cases except probate. Effective July 1, 2013 all probate filings must also be electronic.*
- e. Did you follow any published guidelines or best practices when implementing e-filing? *Utah has published best practice guidelines internally for court staff and externally for filers. Filer information can be found at: www.utcourts.gov/efiling.*
- f. Did any technology decisions along the way impact your business process? *No, just the opposite. The business practice drove technology decisions.*
- g. To what degree did your business process impact the technology you chose? What were some of those business processes and how did you address that with the technology? *Creating a totally electronic case record is the business process that drove technology. E-filing is only one component of technology that is used to create the electronic record. Creation of an electronic record is one part of the process. The other, and perhaps more important, is how does the court conduct its business when all of the records are electronic. The technological response to the adoption of an electronic record was to create systems to access, retrieve, process, edit, and manage cases electronically. Document security rules were adopted and implemented. Systems to allow public access to electronic records were created. Internal work flow management systems were created. The IT Division created*

judicial work space that created a private electronic working environment that allows court staff and judges to manage cases and hearings.

- h. What were the questions that, with hindsight, were most important? *The creation of an electronic records system affects all aspects of court operations. Implementation, therefore, requires the court to address all aspects of court operations. E-filing is not an end in-and-of-itself. It is simply a means to an end. Addressing the culture and business processes of all aspects of court operations is the most important issue to be addressed.*
- i. Any lessons learned? *Yes. There can be and there is life after paper. Getting there is half the fun and all of the work.*

JTC Electronic Courts Subcommittee E-filing CTF Profile Interview Protocol

I. Who?

- a. Interviewer: *Jerry Marroney*
- b. Interviewee: *Jean Bousquet*
 - i. Title: *Chief Information Officer*
 - ii. Email address: *jean.bousquet@wicourts.gov*
 - iii. Phone number: *608-267-0678*
 - iv. State: *WI*
 - v. Unified? : *Yes*
 - vi. Jurisdiction (Statewide? General? Limited?): *Statewide*

II. E-filing - For purposes of this effort, e-filing will be defined as the transmission of legal documents from an attorney, party or self-represented litigant to a court for filing of a new case or subsequent pleadings in an existing case.

- a. Stage in the e-filing process (fully implemented, partially implemented, gathering information): *Partially implemented*
- b. For what case types have you implemented e-filing? *Civil, Family and Small Claims cases*

III. Policy and Governance

- a. What if any statute changes did you make? : *The Wisconsin Supreme Court created Wis. Stats. § 801.17 authorizing electronic filing, effective July 1, 2008. The court also created Supreme Court Rule §70.42, authorizing the use of electronic signatures by court officials.*
- b. What if any court rule changes did you make? : *Courts may have created local rules, but there have been no uniform rule changes across the circuit courts for eFiling cases. We recently implemented a new Supreme Court Rule allowing scanned documents to be discarded after 24 hours (although all electronic documents are considered “originals” in eFiled cases so paper can be disposed of immediately for eFiled cases).*
- c. What if any policy changes did you make? :
 - i. *All courts are required to scan filed documents that are submitted in paper format.*
 - ii. *An electronic file must exist for eFiled cases that contain all case file documents.*

- iii. *In the eFiling system we allow filers to temporarily seal or mark documents confidential until a judge makes a decision on them.*
- iv. *Other policy changes vary from county to county. For example, we have a county who gave appearance preference to eFiled cases for return dates.*
- d. **Who oversaw/oversees the project?** *An eFiling committee was convened for the purpose of creating the rules authorizing eFiling. This group consisted of court staff, clerks of court, judges, defense counsel, district attorneys, DOJ attorneys, private bar, court commissioner, and register in probate. Design groups helped to create the user interface. The CCAP Steering (IT Advisory committee) committee now oversees this project.*
- e. **Were there any cultural barriers to consider in the project?** *Yes! Most judges are used to working with paper files. Moving to an electronic file (or paper on demand) was a culture change that required updating the tools judges use on the bench. A new Judicial Dashboard was created to address this issue and has been well received throughout the state. We've also had to increase hardware that we supply to the circuit courts (dual monitors for judges and court commissioners on the bench, scanners and additional work stations for part time court commissioners)*

Not all members of the justice community are prepared to accept electronic signatures. We have had sheriffs announce they will not accept documents that do not have a hand signature on them. We have set up meetings with those justice partners to discuss this issue, and the statutes that allow these signatures. We've been successful moving beyond this barrier as it has arisen.

Attorneys also do not see a "true benefit" with eFiling. Generally, their office staff type their documents into their "case management system" and then they need to re-type some of this information into the eFiling system. They also do not like to pay the credit card or the convenience fee and have complained about that. Until the bulk of their case load is electronic, they are managing both paper files and electronic files – not overall as efficient as it could be for them if eFiling was mandated.

- f. **How do you measure performance of the project?** *Participation with using eFiling is a measurement tool for us, as eFiling is not mandatory in Wisconsin. We also work closely with filers, judges and clerks of court to gather feedback on what works well and what doesn't. We make modifications to the system based on this*

feedback. Surveys/ evaluations and feedback by participants and increased participation are the two main measurements we are currently focused on.

IV. Who provides your services?

This section refers to two major components of an electronic court filing solution:

- E-filing Service Provider (EFSP) - An EFSP is a third party providing features that allow filers to prepare and submit e-filing transactions. These features are often provided as a value-add service for a fee. This component is referred to as the Filing Assembly MDE in OASIS LegalXML e-filing standards (ECF), but more often is simply referred to as an EFSP. If a court so chooses, an e-filing implementation can support multiple EFSPs. Other government entities may also act an EFSP to enable submission of electronic filings from their systems directly to a court.
- E-filing Manager (EFM) - An EFM is a software application, usually hosted by a court, that receives and processes e-filing submissions and facilitates interactions between EFSPs and the court's internal systems (CMS and DMS). This component is referred to as the Filing Review MDE in ECF, but is more commonly referred to as the court's EFM.

- a. Is your EFM programmed in house, from a vendor or a combination? *Our entire eFiling system has been created in-house.*
 - i. If a vendor, whom did you use and why:
- b. What changes did you make to ensure successful implementation (additional resources?): *We augmented some development staff with in-house contract staff to develop a system that we could support long-term.*
- c. If your system is a combination of in-house and vendor, what did you keep in house and why? What did you out-source and why?
- d. Tell me about how your e-filing system is designed?
 - i. Does the design allow for multiple service providers (EFSPs) to submit filings? Or does your vendor relationship call for exclusivity as the e-filing service provider? *Our design could allow for multiple EFSPs*
 - ii. If multiple, how do you certify or approve EFSPs? *EFSPs will be required to write to our file specifications. We will validate filings as they are received to ensure they follow the posted standards.*

- iii. Is your e-filing system integrated with your case management system? If so, what CMS is used? *Yes, the system is integrated with the custom developed circuit court application used statewide and the appellate court system also developed and implemented statewide.*
- iv. Is your e-filing system integrated with a document management system? If so, what DMS is used? *Yes the systems are integrated with the document management system. That too is an in-house developed component of the case management application.*
- e. How do you go about sharing data from the e-filing system internally? *We bring all filings into a single server which then sends the filing to the proper circuit court queue for processing by clerk staff.*
- f. How do you go about sharing data from the e-filing system externally? *All data and documents that are filed with the court system are maintained in the case management system. Once any document is added to a case whether through eFiling or scanning, the eFiling server then triggers an email to all eFiling parties to notify them about the event and the documents that have been filed in court. The documents are available for viewing from the eFiling website. The links are embedded in the email message.*

V. Funding Model

- a. What funding model does your e-filing system employ?
 - i. Transaction fee for filings? *Yes, \$5.00 per case per filer.*
 - ii. Free filing, but charge for access to electronic documents? *No charge for access to documents.*
 - iii. Completely free (cost covered by taxpayers)?
 - iv. Etc.
- b. If you do charge a transaction fee:
 - i. Does your e-filing vendor retain the fee (or a portion of the fee)? *N/A*
 - ii. If you also allow multiple e-filing service providers, can they also charge a transaction fee? *N/A*
- c. What issues/challenges have you encountered relating to funding of your e-filing system? *Currently our eFiling revenues are not high enough to support the eFiling system. We are leaning on our in-house development team (which is responsible for many other web applications and circuit court systems) to tune and enhance the system as we currently don't have the designated funding base to totally support this project on its own. As volume picks up, we expect to shift the development and support costs to staff funded by eFiling fees.*

VI. Access to electronic documents

- a. Do you provide access to electronically filed documents?
 - i. For filer and litigants? *For filers, not litigants.*
 - ii. For the public? *No*
 - iii. For data mining purposes (media, marketing, legal research, etc.) *No*
- b. Do you charge for access to electronic documents? *No, not for filers.*

VII. Data Management

- a. How do you utilize e-filing to manage data coming into the court? *The eFiling system requires filers to select the county for filing. Based on this information, data and documents are sent to the county's queue for processing.*
- b. Is there a way that you categorize the data? *Not sure what you mean.*
- c. How do you determine how the data is shared or who has access to it? *The clerk of court determines which staff have access to the queues and case types. This is handled by role-based security within the case management application.*
- d. How do you ensure the quality or integrity of the data? *We created the eFiling system and have included required fields (to ensure complete information and proper file routing), data validation (to ensure cases can be created based on information provided by the filer), the ability to reject filings and document certification to ensure the case management system contains authentic copies of all filed documents.*

VIII. Next Gen: Nuts and Bolts

- a. Did you have to enhance your technology infrastructure to enable e-filing (hardware, software, network, facilities etc.)? *We've added additional scanners, and additional workstations in some courts. We also created the entire eFiling system and made changes to the case/document management system to accommodate eFiling.*
- b. What technical standards did you employ, or require of your vendor(s), in your e-filing system? (e.g., LegalXML ECF 4.0) *We utilize a Wisconsin court XML schema for eFiling, which is the same schema used for interfaces with various state departments (DOJ, DOT, DOR etc.).*
- c. How did you analyze your business process in light of implementing e-filing? *We work with each court that decides to implement eFiling through a series of pre-site visits. We focus on moving to paperless (paper on demand) files, how judges will access documents and file information, scanning procedures, electronic signatures, draft orders submitted from filers, monitoring eFiling queues etc.*

- d. Is e-filing required? If so, required of whom and in what types of cases? *Not required.*
- e. Did you follow any published guidelines or best practices when implementing e-filing? *No. We started our eFiling pilot in 2005, and there were not many published guidelines/best practices available at that time. We did based a lot of our functionality on the federal court eFiling system.*
- f. Did any technology decisions along the way impact your business process? *No, eFiling works pretty much the same as many data sharing interfaces that are already in place for clerks, so most business processes for handling electronic information/documents were already in place.*
- g. To what degree did your business process impact the technology you chose? What were some of those business processes and how did you address that with the technology?
 - i. *Notarization. Currently there is no electronic notary for Wisconsin. This paper-based process had a major impact on how filers could keep their filing electronic, and not require them to print out a document, get it notarized and scan it back in for filing.*
 - ii. *Service to the defendants. Many eFilers want electronic service as an option, although the courts don't and the rule doesn't require it.*
 - iii. *Judges who work away from their computers – Judges in some counties sign documents in an alternate location. They take the paper files with them and don't have access to computers in these locations.*
 - iv. *Acceptance of eSignatures – Both judges needed to be trained and accepting of using eSignatures and justice partners needed to recognize eSignatures as valid.*
 - v. *Timely scanning of documents*
 - vi. *Coverage of monitoring eFiling queues in small counties when assigned staff are on leave*
- h. What were the questions that, with hindsight, were most important?
 - i. *Electronic payment and how to establish a convenience fee. In hindsight, we should have either charged for "not eFiling" or just raised the filing fee altogether to augment the cost to develop and maintain the system. The convenience fee for eFiling is not popular to the filing community.*
 - ii. *Should eFiling be mandatory? Wider usage would provide more funding and an "all electronic" case load would be an easier shift for attorneys than the piecemeal system currently in place.*

i. Any lessons learned?

- i. The funding base should be created with a mindset that there will be large support costs downstream. Not only is development funding necessary, but support needs to be considered for the long-term.*
- ii. Hardware costs will also increase as judges become more paperless. Demands for dual monitors, tablets and additional scanners increase with eFiling.*
- iii. Self-help centers are key for pro-se filers using the eFiling system. Without these centers in place, more direction and support for these filers needs to be absorbed somewhere in the system.*
- iv. Long term staff needs to be considered if eFiling is developed and supported in-house. Our user community will grow from 3000 court users to include over 20,000 attorneys who will become active filers in the appellate and circuit courts. Their needs and requests will need to be integrated in our court system strategic plan if eFiling will be successful in Wisconsin.*