

New Hampshire e-Court Project

e-Court Issues and Choices

Part 1



&



Administrative Office of the courts

Prepared by: Peter Caradonna
NH e-Court Project Manager
NH Judicial Branch
Administrative Office of the court

Assisted by: James McMillan
National Center for State Courts

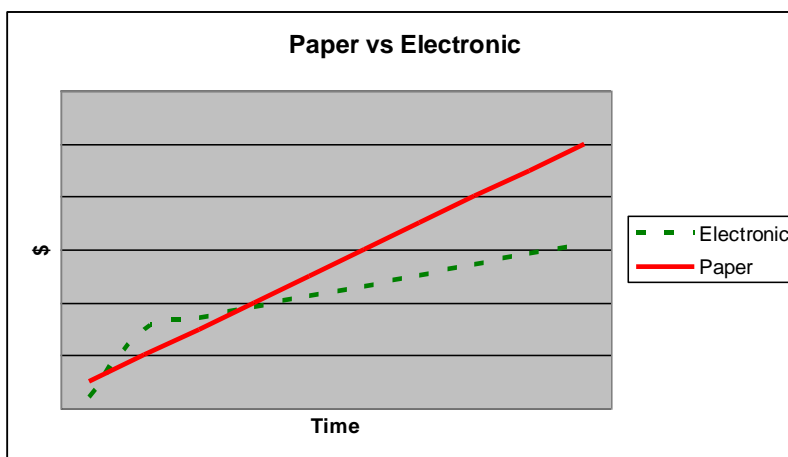
Contents

Introduction	4
Background.....	6
Relevant New Hampshire Demographics.....	6
Existing Information Systems in the NH Courts.....	7
E-Filing General Architecture.....	7
E-Filing Across the Nation	10
Transactional Filing Fees.....	14
Abstract of the Issue.....	14
Alternatives	16
Alternative 1 – State/Court Funded Free to Use	16
Alternative 2 – Impose Transactional Fees.....	18
Recommendations.....	19
Voluntary or Mandatory E-Filing.....	21
Abstract of the Issue:.....	21
Alternatives	24
<i>Alternative 1 – Mandatory</i>	<i>24</i>
<i>Alternative 2 – Permissive.....</i>	<i>24</i>
Recommendations.....	26
Vendor or Court Provided e-Filing Services.....	28
Abstract of the Issue.....	28
Alternatives	28
Alternative 1 – Multi-Vendor EFPS	28
Alternative 2 – Single Vendor EFPS.....	29
Alternative 3 – Court Provided e-Filing	32
Recommendations.....	33
Appendix A - E-Filing Systems Examples and Approaches	35
HOSTED MODEL	35
Lexis-Nexis File and Serve	36
eFilingforCourts.....	36
USCourts.com (On-Line Information Services, Inc.).....	37

e-Filing.com (Image-X)	37
COMMERCIAL OFF THE SHELF (COTS) APPLICATIONS	38
Tybera	38
nCourt.....	39
Vista Solutions Group	39
Wiznet.....	40
SIGNIFICANT COURT DEVELOPED SYSTEMS	40
US Federal Courts.....	40
Wisconsin Court System	41
State of Arizona Appellate Courts.....	42
New York State Court Electronic Filing (NYSCEF)	42
SUCCESSFUL INTERNATIONAL COURT E-FILING SYSTEMS	43
England and Wales	43
Austria	44
The Israel judicial system.	45
Singapore Comprehensive Internet Based Approach	46
Appendix B – Court Automation Funding	48

Introduction

The e-Court Project presents the citizens of New Hampshire with a great opportunity to both increase access to the courts and save money. These savings will accrue from business process improvements (that is, changes in the ways members of our staff record, store, manage, and exchange information about cases and case events) that are supported by current technologies that are part of everyday life in most corporations. Much of these efficiencies and savings are expected due to a radical reduction in paper handling within the court. This makes the entry point of a document to a court critical. The best way to get the value of reduced paper handling is to have all documents and forms enter the court system electronically. The graph below is an industry standard model used to illustrate the typical cumulative costs of operating a paper based business process versus implementing and operating an electronic document equivalent.



This chart compellingly illustrates the potential value in transitioning to electronic documents. To maximize the savings it makes sense to set the entry point of the electronic document into the court at the point of origin. For the courts this point is where a party files. Rather than the court taking in paper filings at the clerk's counter and scanning them to make an electronic document, we need to focus on e-Filing.

Therefore, there is a significant value to implementing e-Filing in a way that maximizes its use as soon as possible. E-Filing is defined as the automated transmission of legal documents;

1. from an attorney, party or self-represented litigant to a court,
2. from a court to an attorney, or

3. from an attorney or other user to another attorney or other user of legal documents.

Although the NH e-Court Project scope includes more than e-Filing, the e-Filing functionality is the heart of the system.

Research by the New Hampshire Judicial Branch Administrative Office of the Courts (NHJB AOC) and the National Center for State Courts (NCSC) has shown that for many jurisdictions, successful adoption, use, and resulting return on investment from e-Filing can be attributed to policies that become part of the design and implementation. This makes it imperative that before we rush to design and implement we understand the underlying issues and craft reasonable policies that fit our needs and will help lead to success in New Hampshire.

It is important to note that although the policies discussed in this document will drive or constrain the technical choices and design, the policies and underlying issues are not technical. Therefore, it is essential that the court take the lead in addressing any concerns of the stakeholder community related to these policies.

We have consolidated these into 6 key issues to formulate policies. They are;

1. **Transactional Filing Fees** – Under what situations should we charge transaction fees above the filing fee? Should we fund the construction and operation of e-Filing (to some extent) through user fees?
2. **Voluntary or Mandatory e-Filing** – Should e-Filing be mandatory under some conditions?
3. **Vendor or Court Provided e-Filing Services** – Should the NH e-Filing system be designed to support multiple independent vendors who provide e-Filing services to litigants, a single vendor that will service litigants, or should the NH court provide the e-Filing services?
4. **Architecture of Document Management** – Should the case files be stored centrally? Can the documents be stored in a vendor hosted system?
5. **Implement by Whole Court or by Case Type** – Should the system be implemented by case type or should entire courts be implemented at once?
6. **Implement Day Forward or Ingest Active/Legacy Documents** – Should the implementation start with new cases filed or include active cases? What about closed cases?

Background

Relevant New Hampshire Demographics

Recent analysis by the NHJB AOC determined that the 2011 estimated annual caseload (cases initiated) for all NH State Courts is about 170,000¹. About 63% (107,000) of these cases are State initiated (criminal, motor vehicle and other). About 37% (63,000) of the caseload is initiated by the general public (Civil, Small Claims, Family and other). It should be recognized that although the caseload is small compared to national averages², the e-Filing functional complexity is about the same regardless of the state size.

Court	2008	2010	2011	Average Annual Growth Rate
Superior	24,921	26,311	22,828	-3%
District	177,433	176,528	166,208	-2%
Probate	10,171	9,572	10,076	0%
Family	18,787	21,495	21,566	5%
Total	231,312	233,906	220,678	-2%

Table 1 NH Caseload Distribution and Growth

¹ The reader will note a discrepancy in the case count. Before 2011 criminal cases with multiple complaints or charges were counted as once case per complaint. With the implementation of the Odyssey Case Management system a case now can contain one or more complaints. To calculate the caseload growth we maintained consistency by using the prior count method.

² New Hampshire Judicial Branch reported receiving 16,152 cases per 100,000 population versus a national average of 36,577 per 100,000 population as calculated from states where total statewide caseloads were identified from the 2008 NCSC Court Statistics Project, Table 2 (http://www.ncsconline.org/D_Research/csp/2008_files/Table%202_08.xls). However, New Hampshire ranks close to the national average caseload per general jurisdiction judge position with 1,312 compared to 1,585 for the national average (http://www.ncsconline.org/D_Research/csp/2008_files/EWSC_Overview.pdf).

The percentage of self-represented litigants participating in the New Hampshire courts is significant. The table below presents the results of a 2004 study showing the distribution of cases where at least one party is self represented:

Court	Self-Represented
District	85%
Superior	48%
Probate	38%
Family	70%

Table 2 Self-Represented Civil Caseload³

Existing Information Systems in the NH Courts

The NHJB has recently completed the deployment of the Tyler Technologies Odyssey case management system (CMS). This system is used to manage the case workflow in all Superior and Circuit Courts. The LT Court Tech C-Track system is the CMS used in the Supreme Court. Neither of these systems currently provides for management of electronic documents. When a party fills out a form and presents it to the court, the Clerk's staff enters the data into the CMS, and then files the paper version of the form. Likewise, when pleadings and other documents arrive, information about the document is entered in the CMS and the paper document is filed. The same pattern is repeated for documents flowing outbound from the clerk's office. The communication is recorded in the CMS and then the documents like notices and orders are prepared, copied, and mailed.

There are some scanning projects underway. But these are ad hoc and not centrally managed by the AOC. The electronic documents resulting from these projects are not integrated into the case data in the CMS.

E-Filing General Architecture

³ Challenge to Justice--A Report on Self-Represented Litigants in New Hampshire Courts--Findings and Recommendations of the New Hampshire Supreme Court Task Force on Self-Representation," January 2004). <http://www.courts.state.nh.us/supreme/docs/prosereport.pdf>

E-Filing can be understood in five components illustrated in Figure 1 (below). The self-represented, attorneys, or others will access a web site to initiate a case, file documents, and pay fees. The court staff and judges will access case information and documents from a separate web site. Both of these applications or portals interact with the case management system for workflow information (like the schedule) and the document management system (to view the case file). To allow access by state agency users of the courts, a separate portal is provided by the court. These customer service oriented portals (for public, and state agency) can be thought of as analogous to the courthouse clerk's counter. In a few jurisdictions⁴, instead of a state agency portal, just the application programming interface (API) is provided. The agencies then build a connection on their own.

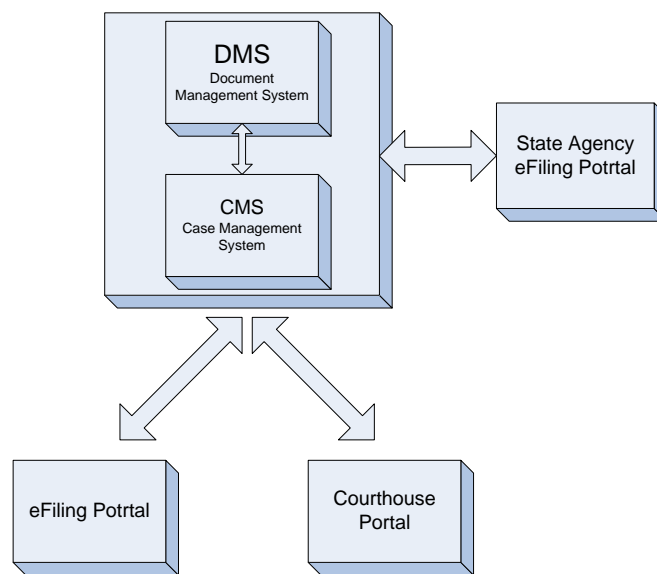


Figure 1 e-Filing General Architecture

One of the notable architectural variations is to implement an open standard to allow multiple vendors to offer e-Filing services illustrated in Figure 2 (below). This multi-vendor architecture is implemented in Texas and California⁵. In this scenario the public party could choose to use any of the vendors. The vendors could offer varying functionality above and beyond the core e-Filing functionality. The state specifies the standard interface and certifies the vendors.

⁴ The NCSC estimates that there are less than twenty direct e-Filing interfaces implemented. Of those, most are part of larger integrated criminal justice systems projects.

⁵ This architecture is defined in detail in the OASIS ECF 4 standard see [7 Steps to e-Filing](http://www.ncsconline.org/d_tech/standards/Documents/ECF%20Quick%20Start%20Guide%20-%20rev%2011172008.pdf)
http://www.ncsconline.org/d_tech/standards/Documents/ECF%20Quick%20Start%20Guide%20-%20rev%2011172008.pdf

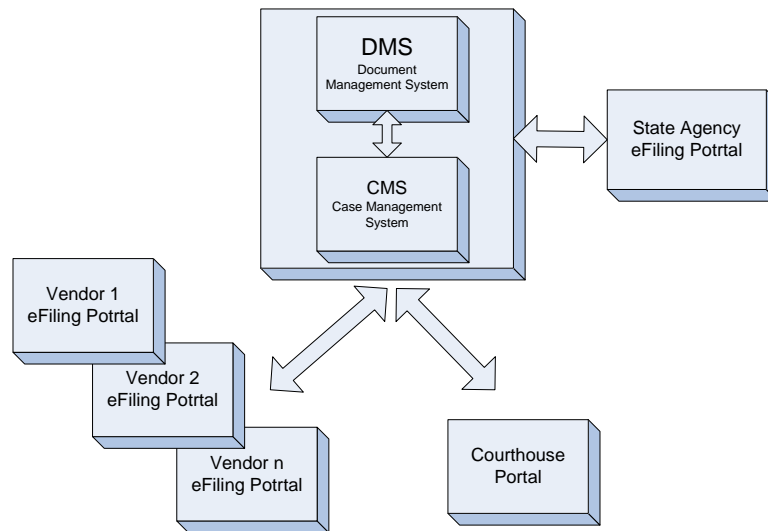


Figure 2 e-Filing Multi-Vendor Architecture

The key factors of timing and organizational capabilities (technological and funding) have determined how courts have implemented e-Filing. Organizations that have little or no electronic document management capabilities have outsourced the technology to e-Filing service provider(s). The service provider, in every case known to NCSC staff, is allowed to charge a service fee for either e-Filing or service of process.

The US Federal Courts, New York, New Jersey, and many others, that are centrally funded and have technical resources, have developed their own systems. In these instances the electronic document management resides centrally in their IT infrastructure.

About half of the nation's state court systems are locally funded. Many of these general jurisdiction courts previously implemented document imaging systems to replace their physical file rooms. Many of these state courts support their own separate case and document management systems. Courts in these situations have either purchased an e-Filing application or developed the application themselves. For example King County, Washington connected to the state CMS with a local FileNet DMS and is now adding e-Filing. This style is also true for courts that have implemented a separate CMS for criminal and civil case types. Pennsylvania is an example where the state provides the criminal system but the local court must provide the civil and calendar/scheduling systems.

Texas is a huge system with literally thousands of courts (their constitution designates each judge as his/her own court) and tens of case management systems. There is also very little state funding available. Texas hired a vendor to build a multi-vendor portal based on a standard interface. The (multi-vendor) Electronic Filing Service Providers (EFSP) built to the specified interface and provide the application that supports the attorney filers. After each EFSP vendor passed a certification phase and was accepted, that vendor was allowed to offer e-Filing. Courts then independently join the portal when they can. California also attempted to create a distributed multi-vendor solution with little success. Only one court, Sacramento Superior Court, was able to attract two EFSP vendors. All other courts either didn't participate or only attracted one vendor.

E-Filing Across the Nation

This long passage is an excellent summary of e-Filing across the country. It is contained in a document presented by David Schankler, Clerk of the Wisconsin Supreme Court and Court of Appeals on behalf of National Conference of Appellate Court Clerks⁶. This investigation published in 2010 was focused at the appellate level yet provides one of the most comprehensive summaries of e-Filing at the appellate and trial level available.

E-Filing in the Regions

The East. Among the 11 eastern states (Connecticut, Delaware, Maine, Maryland, Massachusetts, Pennsylvania, New Hampshire, New York, New Jersey, Rhode Island, and Vermont) and the Virgin Islands, only Connecticut and Delaware have appellate e-Filing as of January 1, 2010.

Connecticut's appellate e-Filing requirement was effective March 1, 2009. All counsel-represented parties who file a paper brief in the Connecticut Supreme Court must also file an electronic copy of the brief. Briefs must be e-filed using the e-Filing interface available on the judicial branch website and must be in PDF, though text-searchable PDF is not required.

Delaware began e-Filing in 2006 using LexisNexis's "File & Serve" system. This system, managed by LexisNexis and funded by fees charged to filers, provides the Delaware courts with electronic filing of any document on appeal, automatic docketing (integrated with the court's existing case management system), and real-time online access to e-filed documents.

A number of eastern states have begun e-Filing on the trial court level, but none of these programs is significantly developed. In 2009, the New Jersey Supreme Court issued an RFP for a comprehensive e-Filing and case management system for its trial and appellate courts that would replace all existing stand-alone systems.

Rhode Island currently does no e-Filing at the lower court or appellate court levels, and budgetary

⁶ This very comprehensive white paper E-Filing in State Appellate Courts: An Appraisal passage can be found p6-9 http://www.appellatecourtclerks.org/NCACC_E-Filing_White_Paper.pdf

constraints make it unlikely that progress toward a statewide e-Filing system will occur within the next four to five years.

The Midwest. Among the 12 Midwestern states (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin), only Wisconsin, North Dakota, and Michigan have appellate e-Filing as of January 1, 2010.

Wisconsin began a concerted effort in 2007 to create an appellate e-Filing system and implemented its system on July 1, 2009. The amended Wisconsin rules of appellate procedure require an electronic copy of all briefs, no-merit reports, and petitions for review to be filed using the court's e-Filing interface. See "E-Filing on Appeal in Wisconsin" in the Appendix.

Since 2004, North Dakota has had a voluntary e-Filing program in which parties e-file documents by sending them to a court e-mail address.

South Dakota does not expect to have e-Filing at any level before 2013 at the earliest. The state's Unified Judicial System is working with Tyler Technologies on implementing the Odyssey case management system at the trial court level and anticipates that it will eventually include e-Filing, but an application at the appellate level is not on the horizon.

Illinois has had pilot e-Filing projects in several counties since 2003, but the policy authorizing those projects explicitly does not authorize e-Filing in the state's Supreme and Appellate Courts. Indiana's appellate courts have been interested in initiating e-Filing since 2006, when the Indiana Supreme Court authorized a working group to begin discussing how an appellate e-Filing system should work and what it might look like in Indiana. It became apparent, however, that an overall evaluation of the state's appellate IT structure and the systems it runs on, including case management, document management, database management, and e-mail, would need to be performed before appellate e-Filing could be considered. That process of evaluation, undertaken with the technical assistance of the NCSC, occurred in 2007 and 2008, and as of this writing, Indiana has reorganized its appellate IT structure and is in the process of soliciting e-Filing proposals from vendors.

The Iowa Judicial Branch is working on an Electronic Document Management System (EDMS) for the entire court system, and it is expected to be installed in its first pilot county in January 2010. The plan is for EDMS, which includes e-Filing functionality, to be implemented in the appellate courts in summer of 2010, but this depends on budget considerations and the impact of furlough days on the IT staff's ability to complete the work. Participation in EDMS will be mandatory. Electronic documents will replace paper, and the system is expected to encompass all documents filed in the trial and appellate courts and all orders and opinions filed by the courts.

In 2009, Kansas appointed a committee to make recommendations to the Supreme Court with regard to e-Filing in the trial courts. The long-range plan is to have e-Filing fully implemented in the trial courts over the next five years, but the timetable for implementation in the appellate courts remains uncertain. In Nebraska and Ohio, the appellate courts are looking to implement e-Filing sometime in the next 2 to 3 years. In Missouri, the state court administration is currently evaluating systems for the trial courts.

The South. Among the 14 southern states (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia), North Carolina stands out as a pioneer in appellate e-Filing, having begun an optional e-Filing system in 1998. More recently, Alabama and Georgia have implemented pilot appellate e-Filing programs, and Florida's 5th district Court of appeals has been doing some e-mail e-Filing of briefs. West Virginia, Oklahoma, Kentucky, and Tennessee are currently evaluating systems. Texas has been working on the creation of an in-house e-Filing system that it hopes to implement in May 2010. The system will be mandatory for attorneys, will include all documents, and is likely to include all case types on appeal.

Virginia began an e-Filing program limited to petitions for rehearing in 2005; its appellate courts require that all petitions for rehearing be filed as an attachment to an e-mail sent to an address created specifically for that purpose. See “E-Filing on Appeal in Virginia” in the Appendix.

Beginning in 2005, the Mississippi Supreme Court began a measured and comprehensive move to evaluate, test, and implement electronic filing and case management in Mississippi courts. Through a federal grant and an arrangement with the Administrative Office of the federal courts, Mississippi adapted the federal case management and electronic filing system for use in its trial courts. The system (called the Mississippi Electronic Courts (MEC) system) was introduced on a voluntary basis in one county in 2008, where it became mandatory in September 2009, and in a second county in November, 2009. Mississippi currently has no e-Filing in its appellate courts.

In North Carolina, the Rules of Appellate Procedure were amended in 1989 to permit the filing of documents by electronic means in lieu of paper filing. e-Filing is optional, and when an attorney e-files a document – any document on appeal – it need not be filed conventionally. e-Filing also provides the attorney with extra time; documents may be e-filed up to 11:59 PM on the due date. Effective May 15, 2009, North Carolina adopted supplemental rules to govern an e-Filing pilot in its circuit courts. The pilot is initially restricted to civil cases and foreclosures in three North Carolina counties.

The Alabama appellate courts have had a pilot appellate e-Filing program for several years through its Appellate Court E-Filing System (ACES) website. The system is optional for attorneys and unavailable to pro se litigants, and all electronic filings are in addition to the currently required paper copies. The system includes a component for the electronic dissemination of the court’s orders, notices, and opinions and it accommodates e-service of opposing counsel.

The West. Of the 13 western states (Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming), only Colorado, Arizona, Wyoming, Oregon, and Nevada were e-Filing on appeal as of January 1, 2010. In July 2008, the Colorado appellate courts joined the vendor-hosted system, LexisNexis’s “File & Serve,” that had been implemented in Colorado’s trial courts in 2006. See “E-Filing on Appeal in Colorado” in the Appendix. The Arizona appellate courts currently use a variety of programs to receive and transmit electronic documents. See “E-Filing on Appeal in Arizona” in the Appendix. In 2009, Wyoming and Nevada each implemented vendor-created, court-hosted systems: LT Court Tech’s C-Track system in Wyoming and Tybera’s eFlex system in Nevada. See “E-Filing on Appeal in Wyoming” in the Appendix. Due to budgetary concerns, New Mexico is not even considering e-Filing, and Alaska, Idaho, Montana, and Utah are currently evaluating systems.

California has had pilot programs in individual districts of its courts of appeal since 2002, when the Second Appellate District began to accept the voluntary e-Filing of briefs and records. Rather than using e-mail or an e-Filing interface, the system asked parties to file a single CD-ROM containing the reporter’s transcript, a joint appendix, copies of all cited authorities, and all briefs, hyperlinked to each other, to the record, and to the full text of all cited authorities. In 2009, however, the California courts issued a request for information to begin the process of establishing state-level contracts aimed at standardizing electronic filing services for all courts. This request was issued in conjunction with a statewide initiative to create a case management system for all case categories.

The Oregon appellate courts began providing electronic filing and electronic payment services early in 2009. The system is Internet-based and allows Oregon attorneys to file documents with the court and pay filing fees 24 hours a day, 7 days a week. To use the system, attorneys must register online, obtain a user ID and password, and complete free online training prior to using the system.

Hawaii is in the beginning stage of implementing a comprehensive case management system/e-Filing solution for trial court criminal cases and for all cases in the courts of appeal. The e-Filing component is being developed by Wirevibe, a Texas-based technology consulting company. The state’s courts

plan to begin e-Filing with all cases in the appellate courts in June 2010 and criminal cases in the trial courts in December 2010. The system is designed to automatically docket each document that is submitted, generate electronic notice to all parties who are system users, and generate the required notices to court personnel. It will accommodate all documents on appeal and all case types; filing fees will be payable electronically; electronic documents will replace the paper copies; and orders and opinions of the courts will be disseminated electronically.

Transactional Filing Fees

Abstract of the Issue

Although e-Court and e-Filing (the first step) could lead to great annual savings, the initial investments to gain these savings could be significant. The costs to build e-Courts implementations (including new case management, document management system and e-Filing) vary widely from \$6 million dollars in South Dakota to a recent announcement of a \$31M system in Oregon. In most states costs for e-Filing only systems (and less than statewide scope) have been lower. For example, in November 2010 the State of Arkansas announced a two year \$1.5 million dollar contract to install and implement e-Filing in their largest county, Pulaski (Little Rock)⁷. Despite the challenging economic times states across the country continue to invest in court technology systems⁸.

To defray this investment many jurisdictions charge transactional fees for certain types of cases. Typically these cases are non-State initiated (not criminal, juvenile, violation, etc). Fee-based e-Filing has been in operation in state courts since 1991⁹. Fee-based e-Filing has even provided systems and services for courts where funding is not available through government budgets.

The cost savings from e-Filing go beyond the operational costs of the court. Law firms and others that use e-Filing stand to save money. A cost/benefit analysis done by Westlaw showed a potential \$25¹⁰ per filing is saved by law firms e-Filing over traditional methods¹¹. More recently, a study based on data collected by a survey in the Texas Paralegal Journal examined the detailed

⁷ <http://www.tybera.com/Arkansas%20E-Filing%20RFP%20announcement.pdf>

⁸ <http://knowledgecenter.csg.org/drupal/content/state-courts-and-budget-crisis-rethinking-court-services>

⁹ http://courts.delaware.gov/superior/news_prev.stm

¹⁰ *A Guidebook for Electronic Court Filing*, p. 124

http://www.ncsconline.org/d_tech/archive/guidebook/PDF/efiling.pdf

¹¹ The New Jersey Attorney General's office reported a savings of \$22 per filing and "that on average they are saving approximately \$200-\$400 per case for small and medium cases and much more for larger cases because of e-Filing." <http://www.judiciary.state.nj.us/notices/efile.pdf> - page 34.

costs of traditional paper versus e-Filing and found that law firms saved about \$75 per filing.¹² The fact that these savings are derived from the court's investment can be seen as additional justification to charge transaction fees in non State initiated cases.

Transaction fees range from \$3.50 to \$12¹³ with the majority charging \$6. The fees have generally not been a barrier to acceptance of e-Filing systems in other states and jurisdictions.¹⁴ In fact, the 2009 NCSC E-Filing Survey found that the majority of state systems have implementations where a transaction fee is collected. In some jurisdictions having high transaction volume, this can result in zero cost to the court to implement the e-Filing portal.

E-Filing revenue potential is determined by the volume of documents filed with the court and the caseload. A recent study by the NHJB AOC found that the annual non State initiated caseload was about 63,000 or 37% of the total cases filed annually in NH courts. Hypothetically, if that caseload had an average of 5¹⁵ filings each at a \$5.00 transaction filing fee then the total potential annual revenue could yield \$1.65M. This assumes 100% coverage of all non State initiated case types and 100% utilization of the e-Filing system statewide.

Jurisdictions that charge fees use two main models;

1. Vendor Collected – This is where independent vendors offer e-Filing services. The vendor has some flexibility to set the fee and also determines what courts, case types, and users are serviced.
2. Court Collected – This is where the court provides e-Filing by developing, buying off commercial off the shelf software (COTS), or contracting with a development vendor. The court maintains control, management, and operation of the e-Filing system.

¹² <http://www.casefilexpress.com/EfilingSavesTimeandMoney.asp>

¹³ <http://cincinnatilaw.blogspot.com/2010/10/georgia-courts-citizen-e-Filing-access.html>

¹⁴ Based upon overall results of the NCSC 2009 E-Filing Survey that was provided separately to NHJB project staff.

¹⁵ The NHJB AOC e-Court Team has a study underway to determine the document count associated with that case load.

Although the services may be delivered through third parties, they are not operating independently from the court.

These are discussed in the Vendor or Court Provided e-Filing Services section. They are presented here because they can affect the perception and control of setting transaction fees.

Alternatives

Alternative 1 – State/Court Funded Free¹⁶ to Use

In this scenario the court would provide a system to use for free for all case types for all litigants. This could be provided by development, acquisition, or by a commercial vendor as a contracted service. This same or a very similar system could be provided for use on State initiated case types.

Advantages –

1. This model most closely represents the current function of the court. The user of the e-Filing portal would have one fee at case initiation and then no additional fees for each filing. This gain of benefit with a perception of no cost may serve to accelerate the widespread use of the system by those who would otherwise not need specialized services in the courthouse. The State/Court return on funds invested would be the reduced operational costs and efficiency gains both within the court and by the state agencies that conduct business in the court.
2. Eliminating the segmented user base (State versus Non State initiated cases) could result in reducing the construction and operational cost. When fees are charged it often results in using an entirely different system and different vendor. This could result in the need for more complex interfaces, additional support cost, and reduced reliability.
3. There is no data to suggest that transaction fees act as a barrier that reduces access to the court.¹⁷ Yet this is a perception held in some jurisdictions where transaction fees are assessed. This model would eliminate the possibility of that perception.

¹⁶ “Free” in this context means no additional charge other than the current filing fee.

¹⁷ Since Montgomery offers alternatives to e-Filing, McPeters did not suffer any violation to her due-process and equal-protection rights, according to the ruling. LexisNexis and Montgomery County had said litigants may choose to bring computer disks to the clerk's office in the city of Conroe, or they can upload court documents themselves through a free computer terminal office.
<http://www.courthousenews.com/2011/09/23/40030.htm>

4. Due to the need to accommodate everyone under any circumstance, there will always be a need to allow a significant percentage of the court's caseload to be filed free of charge. For example, criminal cases are a very large segment of the caseload. These need to be transitioned to e-Filing for the court to see a reasonable reduction in operating costs. Criminal defendants (both represented and self-represented) most likely could not be charged a transaction fee for filings in their cases. An argument can be made that since the system has to be provided anyway, it is reasonable for it to be used free of charge.
5. As an alternative to a per transaction fee, the court could adjust the one time filing fee to recoup the cost of constructing an e-Filing system. This is a much simpler strategy that could yield the same result as the transaction fee model. Yet it would feel the same to someone accustomed to dealing with the court. Since some courts under some circumstances already waive fees, this variation of the "Free" model would also eliminate the need to create a new fee waiver process.

Risks -

1. Vendors who process card transactions (Visa, AMEX, Mastercard) charge the merchant (The court in this case) a fee. These fees typically are 2.5% but vary. Since we want parties to pay fines and fees on-line, this transaction fee would reduce the net fee revenue to the court.
2. In challenging economic times even initiatives that show great promise of reducing costs may not be adequately funded. State initiatives that are to some degree self funded through user fees tend to secure legislative investment funding with more ease than initiatives that return no revenue. Offering system use for free in all cases would eliminate this advantage.
3. Foregoing transaction fees could lead to a higher initial investment and longer return on investment. Transaction fees can attract vendors. In some jurisdictions where the filing volume is high vendors have provided the e-Filing system to the court at no cost¹⁸. If the NH filing volume is high enough, it could attract vendors interested in collecting revenue through transaction fees. This would in turn greatly discount or eliminate the cost to implement the e-Filing portal or provide integration to the CMS and/or other systems.

¹⁸ The role of vendors in collecting transaction fees is complex and discussed in this document in the Vendor or Court Provided Services e-Filing section

Although this method of vendor participation is by no mean certain, the decision to not charge transactional fees would eliminate this possibility¹⁹.

Jurisdictional Experiences – Although there are transactional fees to search and view documents, PACER is an example of a government funded free e-Filing system. PACER covers more than 500 federal courts. Although the New York Times said “PACER is cumbersome, arcane, and not free... everything that Google is not”²⁰, it is the largest and most successful court e-Filing system in the world. According to the NCSC, PACER generates annual revenues of \$40M. The previously cited New York Times article reported that since going live PACER has generated \$150M in excess of costs. US Federal Courts started their e-Filing efforts in 1996 in Northern District of Ohio District Court for specific asbestos injury related court cases.

Alternative 2 – Impose Transactional Fees

In this scenario, certain case types and certain users are charged a transaction fee for each filing. This is a model used by the majority of jurisdictions where e-Filing is implemented. The most common policy is to impose a fee of about \$5 per transaction on those who file documents in non state initiated types of cases, such as family, civil, and probate. This fee is either collected by the court or by a vendor certified by the court. Most often court collected fees are used to fund additional implementations or operational expenses. Most often vendor collected fees are kept by the vendor.

Advantages - The courts have always charged fees for services.²¹ Fee based e-Filing for appropriate cases provides funding support for operational, help-desk, and technical needs. However, since these fees may revert to the general fund, the direct connection between

¹⁹ Fee setting and vendor participation are somewhat intertwined. Various vendor participation models are presented in the section Multi/Single Vendor Versus Court Provided e-Filing. There are significant benefits and risks to having vendors participate.

²⁰ John Schwartz (February 12, 2009). "An Effort to Upgrade a Court Archive System to Free and Easy". New York Times. <http://www.nytimes.com/2009/02/13/us/13records.html?pagewanted=all>.

²¹ <http://courtechbulletin.blogspot.com/2011/03/courts-have-always-charged-fees.html>

program needs and funding will need to be addressed with the legislature. Systems that can generate revenue to cover their own support and maintenance have historically been easier to justify.

Additional advantages include;

1. E-Filing vendors are attracted by fees. Transaction fees are required if NH chooses to rely on commercially available e-Filing vendors. If supported by the caseload and fee amounts, this could result in a speedy and low cost implementation.
2. This fee model provides that those benefiting most by e-Filing pay the most fees. Given the previously cited studies showing the attorney saving of \$75 per filing, if transaction fees are not charged then attorneys will gain a significant savings at the cost of the taxpayer. Even though the NH bar is weighted to small or single attorney practices, medium to large firms will benefit disproportionately.

Risks –

1. Transaction fees can be perceived as a barrier to court access. This can be mitigated through careful selection of the fee amount, case type, and user. This worry is most commonly mitigated with a waiver process and/or free filing at the courthouse. Baltimore City County Circuit Court, Plymouth County, Iowa and Montgomery County, Texas provide free filing via courthouse PC or scanner.
2. In some jurisdictions where e-Filing is provided by a vendor²², the vendor collects the fee directly from the user. If there is only a single vendor by design or as a result of a competitive bidding process, this model can lead to the perception that they have a court sanctioned monopoly.

Recommendations

1. Empower an authority to set transactional fees.
2. Guide that authority to set transaction fees that reflect the national norms.

²² For details, please see the section Vendor or Court Provided e-Filing Services.

3. These fees could follow national norms to apply to case types that are non State initiated or other case types for public policy interests.
4. The fees should be charged both to attorneys and self represented filers.
5. The court should remain in control of setting and collecting transactional fees.

Advantages –

These fees could give us an engine to drive the needed cost savings and efficiency gains in the courts. It is well established that (in NH) tolls result in better constructed and maintained roads. Likewise e-Filing transaction fees will lead to better service for those in the legal profession and the self represented. The fees will increase legislative support for continued investment and that will result in reducing the taxpayer burden of operating a paper based court. If the court sets and collects fees, we can manage public perception about fees and we can ensure that e-Filing goals and administration are aligned with court goals.

Voluntary or Mandatory E-Filing

Abstract of the Issue:

When implementing any significant technological change there is a distribution of the population that will adopt it. This is commonly represented in the below chart.

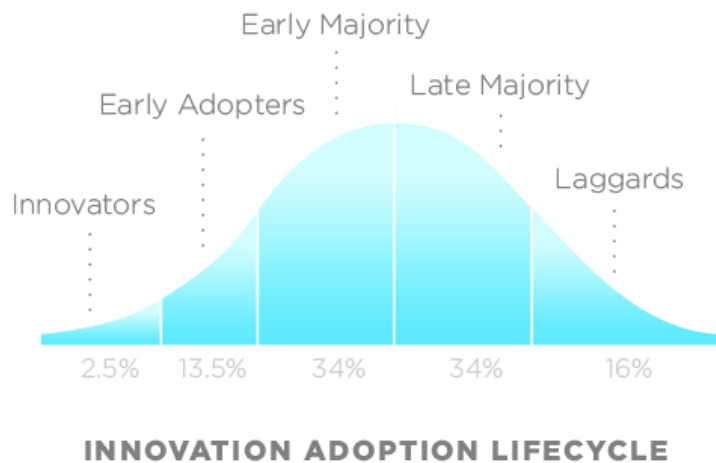


Figure 3 graph of Everett Rogers Technology Adoption Lifecycle model²³

E-Filing will not be an exception. To deal with this, courts commonly use three main levels of compulsory use to support the adoption of e-Filing systems²⁴. They are;

- Voluntary – This is normally when a system is first activated. Some filers are anxious to use the new system right away and others do all they can to avoid it. There are many training events and direct assistance of those brave enough to be the first users.
- Permissive – This is a phase noted for having systematic encouragements to file electronically. This sometimes includes implementing courthouse systems to scan or load documents and fill out electronic forms. For some case types, attorneys may be

²³ The reader should not underestimate the cultural change required for the successful implementation of eCourt. It is a critical success factor for our team to understand our role in supporting the adaptation process. An introduction can be read here http://en.wikipedia.org/wiki/Technology_adoption_lifecycle

²⁴ General commentary on e-Filing rules in Iowa provide additional information at: <http://www.iowacourts.gov/wfdata/files/EDMS/GeneralCommentarywithchangesforStory.pdf>

required to file electronically. This is the earliest time that the court can expect that all documents will be received electronically. It may be this is accomplished in the courthouse.

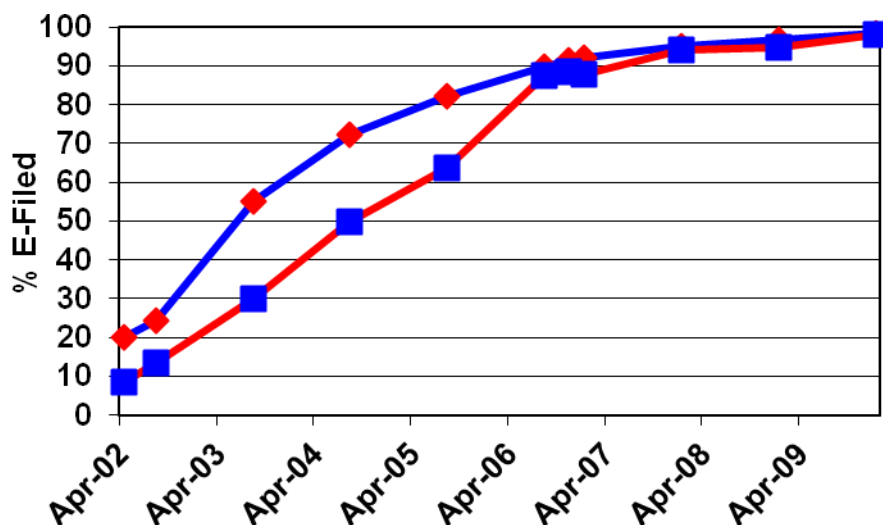
- **Mandatory** – This is when all documents within a case type or court must be filed electronically. There will always be a need to have capability in the courthouse to load documents or fill out forms (electronically). Even in the worst case, when direct assistance is needed by the court staff, this is still better than today because the result is elimination of paper from that point on in the process.

As always, there are exceptions. Even when the court e-Filing policy is voluntary for a specific case if both parties agree it could be mandatory for that case. In fact, it is important that the decision be made by case instead of by filing so that the case file be either all paper or all electronic. Likewise there are exceptions under mandatory rules to accommodate the situation. The difference is during the permissive to mandatory phase even though the party may not file electronically, the court staff will transform it so from that point on in the workflow it will be electronic like everything else.

The path from voluntary to mandatory is an important issue because court operational cost savings will be reduced or delayed if the system use is slow to catch on or fails to become ubiquitous.

Jurisdictional Experiences – Colorado state courts provided permissive e-Filing for civil cases for many years before implementing limited mandatory submission. As shown below in **Figure 1 - Colorado Courts Civil Case Percent of All Cases E-Filed from 2002-2010**, Colorado's system has grown from 20% in 2002 to more than 95% of all civil case documents. The Colorado system has been provided through a contract with LexisNexis and limited to civil litigation and has charged a \$4 to \$6 service fee for each filing.

Figure 3: Colorado Courts Civil Case Percent of All Cases E-Filed from 2002-2010



Legend: Blue Line is incoming and Red Line is outgoing documents from the courts

Source: Dr. Robert Roper, CTO for the Colorado Courts

A typical experience is reported from Colorado where specific locations have made e-Filing mandatory in specific case types. Another example is King County, Washington which only required e-Filing by attorneys as of 2009.²⁵ On September 1, 2011 the Florida Supreme Court directed the Florida Courts Technology Commission along with the Florida Courts E-Filing Authority Board of Directors to submit a plan for a phased-in implementation schedule for mandatory e-Filing by attorneys.

There are several hundred courts with some manner of mandatory e-Filing for specific case types²⁶. The first court was an individual judge in Houston, Texas who mandated e-Filing in the late 1990's. In 2011, Maricopa County in Arizona finally made e-Filing a civil case mandatory, although the system had been in place for more than 7 years.

Key factors include;

1. The number of filers,

²⁵ <http://www.kcba.org/pdf/superiorcourt.pdf>

²⁶ See mandatory systems noted in the NCSC compilation of e-Filing information at: <http://www.ncsc.org/topics/technology/electronic-filing/state-links.aspx>

2. Whether the filers are attorneys or self-represented litigants, and
3. The availability of scanning resources in the courts, in the private sector, and in state agencies.

Also the timeframe in which the court wishes to achieve the transition to a completely electronic record and the ability of system participants to produce and access information electronically are additional factors.

Alternatives

Alternative 1 – Mandatory

Advantages – Mandatory use of e-Filing maximizes the savings due to reduced paper handling in the courts. All documents and forms are e-filed or scanned and submitted and stored electronically. This greatly reduces court staff workload for maintenance of the docket record and case files. In addition to labor savings, it also results in reduced need for floor space, equipment like fax machines and copiers, and various supply and facility expenses. Electronically stored documents can also offer additional functionality such as search and cut and paste. Jurisdictions that implement e-Filing report voluntary or permissive participation levels peak at 15% while under mandatory rules participation goes up to 97%.

Risks –

1. A majority of the cases filed in New Hampshire courts involve Self-Represented Litigants. Therefore the court will have to provide an elevated service level to support e-Filing for these citizens. This could lead to a higher initial investment.
2. If e-Filing is compulsory, the court must provide robust functionality and services to deal with all forms of non electronic evidence. For example, providing a courthouse scanner to load a paper rental agreement in a tenant landlord case.
3. If the system is not embraced by the NH self represented, the benefit of mandatory e-Filing may not be significant as compared to that realized by the mandatory policy of the Federal Courts.

Alternative 2 – Permissive

Advantages – Most e-Filing system implementations have initially used a permissive approach. This strategy allows parties to choose the filing method. This allows for organizational and process transformation. Permissive e-Filing can lessen end-user resistance to change. The following quote from the State of Maryland in their Phased Plan is indicative of the typical permissive policy;

“To provide for the greatest level of success in the quickest time period we recommend a phased approach. This methodology minimizes risks and spreads costs over several budget cycles. It also allows reasonable modifications to the plan based on experience. The case volumes will gradually grow, beginning with a modest number of cases by willing participants in the early pilot stages but then requiring widespread participation after overcoming inevitable growing pains. As knowledge and acceptance grows a carefully managed program to introduce support technology will enhance the adoption of the business and technology court program in the business, technology and legal community.”²⁷

Risks –

1. Permissive e-Filing policy may prolong the change and limit the adoption rate. As a result the e-Filing system may never fully be implemented statewide. The long term affect of supporting a dual system will be increased inefficiency and cost.
2. The e-Filing system is never fully adopted by the user community resulting in increased workload for court staff to scan and register paper documents. Even though the capability for the court staff to file documents may always be part of the system, the priority should be to minimize this manual process.
3. Judicial resistance to adoption of electronic documents has been identified as a major impediment to e-Filing success. If the dual paper/electronic system is maintained, often for judicial use, then workload increases. However, where courts have aggressively

²⁷ Maryland Business and technology Case Management Program Implementation Committee Final Report, Page 32 - <http://www.courts.state.md.us/b&t-ccfinal.pdf>

created useful electronic interfaces (Washoe County²⁸, Philadelphia Municipal Court²⁹ for example) they report that the judges are more effective and efficient without the paper file.

Recommendations

The court needs a comprehensive change management plan that transitions both courthouse staff and the court user to working with electronic documents. The court staff needs support which enables document review, acceptance, and electronic case file workflow³⁰. Court users, including influential judges must buy into the newly designed work flow and unified processes by sign-off or other direct involvement based method to ensure support and commitment to compliance with the new system. Court staff that creates workarounds will create havoc for centralized help desk call center staff attempting to answer case questions on cases processed by court case processors. The people who use the court need a user interface that offers an appropriate service level. Dr. Bob Roper, former CIO of the Colorado Courts, identified benefits of the permissive approach (along with other lessons learned from their pioneering e-Filing system)³¹.

Other recommendations include;

1. It is imperative that the e-Filing system have the functionality, usability, and support to accommodate attorneys as well as the vast majority of the self represented litigants.

²⁸ Presentation made by Chief District Court Judge, Hon. Connie Steinheimer at the 2010 E-Courts Conference documented at: <http://courttechbulletin.blogspot.com/2011/07/eight-rules-of-e-Filing-rule-3.html>

²⁹ Initial Philadelphia Municipal Court E-Filing article from 2001: http://www.ncsconline.org/d_tech/ctc/showarticle.asp?id=10 and http://www.oshrc.gov/ALJP/PDF/Judge_Rooney_Procedures.pdf - see comment on e-Filing on page 2; and video interviews of Texas Supreme court Justices, Hecht, Johnson and Wainwright on their use of e-filed briefs.

³⁰ See presentation by Dr. Bob Roper, former CIO of the Colorado Courts at: http://www.narucmeetings.org/Presentations/ssis0703_roper.pdf

³¹ <http://www.docstoc.com/docs/47194256/Courthouse-Research-Companies> - slide #28

Although some self represented parties will require direct support, the system should not under any circumstances increase the court's staff current burden.

2. There should be a clear path from voluntary to permissive to mandatory e-Filing for all areas implemented. This means planned activities and tasks to ensure a smooth adoption of the system.
3. There should be a specific measurable criterion that indicates readiness for the transition to mandatory e-Filing. This criterion should be developed to measure percent use, user satisfaction, cost, or amount of assistance required. This will be used as a clear indicator to justify the shift to mandatory e-Filing.
4. Mandatory e-Filing will not in any way restrict access to the courts. The court will make accommodations for special situations. While internet based e-Filing is the preferred method for entering documents, the courthouse needs to have the capability to capture all the exceptions so that the system is fully electronic from the clerk's counter in.
5. The courthouse system needs to extend beyond the clerks office to support the Judge and parties at trial. If there is resistance to using electronic documents in the courtroom that will weaken the justification to support mandatory filing.

Vendor or Court Provided e-Filing Services

Abstract of the Issue

There are several different models for public/private partnerships used to provide e-Filing. These put e-Filing vendors and the court in different roles. In deciding which option to choose, factors to be considered include cost, functionality, and control.

Other issues, such as fees and compulsory use, discussed in this document are interwoven when these models are chosen. The models presented here are;

1. Multi-Vendor Electronic Filing Service Provider (EFSP)
2. Single Vendor EFSP
3. Court Provided e-Filing

Alternatives

Alternative 1 – Multi-Vendor EFPS

In this model the court provides an interface to the case management system. This interface is based on an industry standard. Various commercial vendors have systems that will integrate using that standard. After the system is connected, tested, and certified, the vendor offers the e-Filing services via an internet portal like the diagram below.

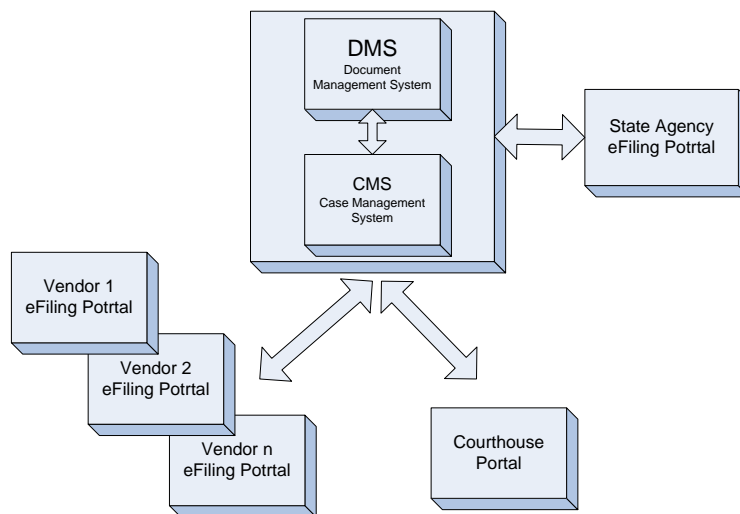


Figure 4 Multi-Vendor Architecture

The vendors may or may not offer a Courthouse portal. It would be unlikely that they would offer a State agency portal. They may integrate to a court provided document management system. If not then the court would access the filings using a system they provide. The vendors normally have some flexibility to set fees and offer users additional services or functionality. The vendors in this model collect the court's filing fees when appropriate and those are transferred to the court. Subsequently, fees are collected for every filing that becomes their revenue stream. In addition, depending on volume, some vendors will connect to the court and provide the court access to the documents at no charge.

This model is very similar to that used by Intuit Turbo Tax for e-Filing tax forms to the IRS. There are several vendors like Intuit that offer this service. The user's tax filing is presented to the IRS who accepts or rejects it. The vendor collects the fee per filing or for the use of their software.

Alternative 2 – Single Vendor EFPS

This is similar to Alternative 1 only there is one vendor portal for all filers. This generally runs the same way except it is far less complex because the documents are coming from one place. Usually this single vendor will provide courthouse staff and judges access to its system. The result is that the document management system is actually hosted and maintained by the vendor. Fee collection is the same as Alternative 1. This can be a significantly less complex system.

Advantages – The Vendor provided web based systems (e-Filing portal) are well tested. In several cases they have more than 15 years of experience in implementing court e-Filing. As a result, some local courts have been able to implement e-Filing in a few months and statewide in under one year. In 2006, Alabama was implemented by its vendor in all 67 counties in one year³². In other courts, specific cases or case types have been implemented in months. In addition the service is often free for court use. The New Hampshire courts have previous

³² See the Alabama Judicial Branch presentation from the CTC-2009 conference at: www.ctc2011.org/Other-Pages/~/_media/.../Super_Session_1.ashx

experience in using this model although not integrated to the case management systems and the use was limited to a specific complex civil litigation case³³.

Risks – In general it is a significant and dangerous risk if the Vendor's priorities drift out of line with those of the court.

1. Many courts are concerned that the vendor-service-fee system creates a potential barrier for use of the e-Filing system since it is an additional cost above normal filing fees. This issue is true for court implemented service-fee systems as well. Both approaches provide the system or the funding for e-Filing system adoption and maintenance costs. These concerns are alleviated by allowing exceptions for alternate filing methods. This can be accomplished as in such diverse jurisdictions as Baltimore City County Circuit Court, Plymouth County, Iowa and Montgomery County, Texas by providing free filing via courthouse PC or scanner.
2. Vendor e-Filing interest is linked to the volume of court case documents filed, the complexity of the case workflow, the level of service needed by the user, as well as how many other vendors are competing for the same filers. Like all commercial enterprise the vendor wants to minimize its cost and maximize revenue. This dynamic can result in unacceptable misalignments of goals and priorities between the vendor and court.
3. Control – Political issues have arisen that have involved the Legislative Branch of government in one state. In this case, inability to come to agreement resulted in the state court deciding to terminate its statewide contract. The vendor then lobbied the legislature to reverse this decision and maintain a monopoly on e-Filing services. Eventually the Legislative decision was reversed and the state court embarked upon implementing a court provided e-Filing application.³⁴

³³ <http://www.nhbar.org/publications/archives/display-news-issue.asp?id=245>

³⁴ Colorado Judicial Branch - <http://www.lawweekonline.com/2011/07/chad-cornelius-named-judicial-departments-acting-cio/>

4. Fee Setting – While most courts have maintained some control of fee amounts this is another area that could become a risk due to market dynamics or politics.
5. Coverage – Commercial e-Filing vendors have traditionally not been interested in State initiated case types or providing services for self-represented litigants because those case types may not generate adequate service fee revenue. This reduction in utilization can result in less than the potential cost savings for the court. The above cited state court wished to terminate their vendor contract in order to expand their e-Filing to other case types. Only 20-25% of the caseload was in their system.
6. Abandonment – The vendor may fail, either the corporation or technically. If the vendor corporation dissolves, the application software may not use the court's technical standards or even be available. If it is the only vendor then e-Filing stops for all non State initiated case types.
7. Cost Control – Most of these risks can be controlled through contract terms with the vendor. The risk is that concessions that increase control or coverage or even the fee amount will be met with demands to subsidize the vendor. If that is the case this could result in a short term gain from (speed of implementation and initial cost) at a steep long term cost (control, coverage, or vendor subsidies).

Jurisdiction Experience - The first vendor provided e-Filing system was launched in 1990 in the State of Delaware Chancery Court. The Colorado statewide system has used this model (offered through a single vendor Lexis/Nexus) since 2001. It is estimated that Lexis/Nexus received nearly \$9 million in fees for the Colorado courts e-Filing system in 2009. The Alabama statewide vendor system is provided by US Courts.com and was implemented in 2008. Several states, Texas, Florida and California, have taken the multi-vendor portal approach. Texas is the only state to successfully implement this model.

Vendor EFPs have been among most successful within the narrow scope of civil attorney litigation. The NCSC reports that these vendors have not provided services for state agency

initiated cases. Further, it has been reported that several vendors are asking new court clients to make e-Filing mandatory before they will sign a contract for the service.

Delaware State Courts use the vendor provided model. They implemented three e-Filing systems for different levels of court. Chancery Court is supported by the paid LexisNexis File & Serve while the Justice of the Peace Court has purchased the Tybera e-Filing application to support the e-Filing functionality for their case management system. The Delaware Superior Court receives e-Filing through a connection with the DELJIS integrated criminal justice system that meets FBI and interstate security and access standards.

The Single Vendor EFSP model was the first e-Filing system implemented by courts starting in 1990. Since that time more than 500 courts have used commercial e-Filing services. A list of those commercial services with descriptions is contained in Appendix A.

The majority of the courts that use the Vendor EFSP model contract with a single vendor.

Alternative 3 – Court Provided e-Filing

This approach involves the courts developing or purchasing a commercial off-the-shelf (COTS) e-Filing application either as a separate “front-end” or as an “add-on” (integrated) to an existing case management system.

E-Filing COTS are well established and tested applications with support and training. COTS are designed to be configurable to work with many different case management systems. COTS can be rapidly implemented for the filers because they are established applications.

Jurisdictional Experience

State developed e-Filing portal development has been done by New Jersey, New York, North Carolina, Texas, and Virginia. Recent implementations include Utah with Tybera in 2009 and Arizona with Intresys TurboCourt in 2010. New Mexico is currently implementing the Tyler Wiznet e-Filing component of their statewide Tyler CMS. Minnesota has also taken this approach. Taking this approach, Arizona was able to implement statewide e-Filing in one year.

Most of the recent implementations of statewide e-Filing systems have used the court provided e-Filing approach. In other words the state courts buy, install, integrate, and operate the e-Filing system themselves³⁵. The vendors provide software maintenance and updates. All of the services can be provided directly by court staff or outsourced. The states taking this approach include Arizona, Utah, Minnesota, and Wyoming. Although the initial investment to implement this style may be higher, it puts more control of the fee structure and case type coverage, in the hands of the courts.

Risks –

1. Forgoing the EFSP vendor means following this model could increase the initial capital investment needed to get e-Filing. But this is only if the caseload volume motivated the vendor. In addition, the court would still need to address the State initiated case types and other case types the vendor is not willing to service.
2. Forgoing the ESFS vendor could result in slower deployment. Although the deployment can be fast, is it a very limited scope. If you measured time to deploy over a comparable scope you would arrive at a different conclusion.
3. This model requires the court to support the e-Filer. This is accomplished either directly or outsourced. This might result in higher operational and/or support costs. This would depend on the scope of the cases serviced by the vendor. If the vendor was only addressing a small scope then the additional cost to cover that scope could be minimal.

Recommendations

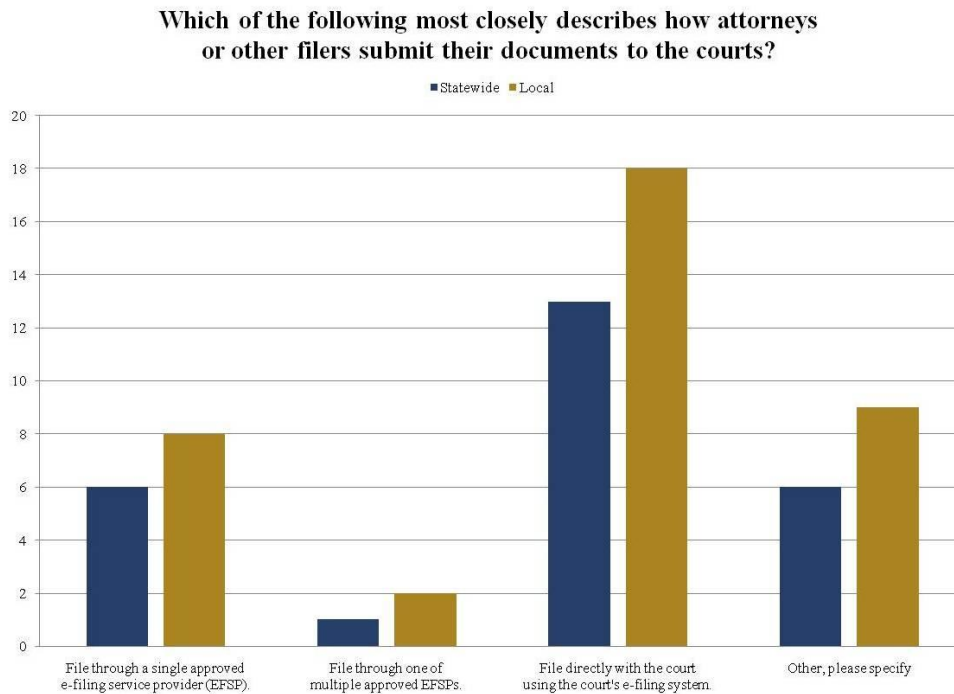
Explore the Feasibility of Vendor EFSP and Prepare for Court Provided e-Filing

1. Since our preliminary finding is that the NH case load is 65% State initiated, in both models the court needs to provide e-Filing for State agencies that use the courts. These case types represent a majority of the courts' work and therefore that is a high priority target to solve. If that functionality needs to be provided and can not be provided through the use of an EFSP, it may be better to provide a more generalized e-Filing solution to meet the needs of all.

³⁵ eCourt is tasked with minimizing the increase in permanent staff. The vision to accomplish the court provided model would be to buy Commercial Off the Shelf Software (COTS) and integrate using outsourced resources.

2. If the scope addressed by EFSP vendors is small it does not justify the added complexity to the system.
3. The NHJB has commenced a Lean Six Sigma effort that will gather information about the NH caseload and the cost of paper handling related to each case type. This should continue. Some of the information from this will allow us to measure how much of the problem a vendor would address should we use that model.
4. If the court provides the e-Filing portal it will allow the court to best control the rate and coverage of the implementation. This will prevent the risk other jurisdictions experience when the portal vendor's priorities became unaligned with the goals of the court. Although this choice may require an additional initial investment, it will secure the maximum cost savings by allowing us to cover the whole problem scope.

Appendix A - E-Filing Systems Examples and Approaches



As noted in the graphic above from the NCSC 2009 electronic filing survey, there are basically three approaches provided by the private sector e-Filing solution providers.

Those approaches are:

- Hosted
- Commercial Off The Shelf (COTS)
- Custom application (court developed or contract)

However, there are additional solutions approaches that have been successfully developed internationally that should also be mentioned and they are included at the end of this section.

HOSTED MODEL

The e-Filing system hosted model is one of the most successful approaches to date. Courts will contract with an e-Filing hosting system that provides most if not all of the following:

1. An e-Filing internet website interface for the court
2. User sign-up and payment collection

3. Electronic file upload, hosted storage, and 24/7 document access
4. Automated docketing when integrated with CMS; otherwise case management is done on the host.
5. Electronic file conversion (primarily from word processing formats to PDF)
6. Electronic and other forms of service of process
7. Electronic copies are sent to the court for backup and archive purposes

The primary benefit to the courts is that there are no set-up costs to provide electronic filing to the litigants. Hosting companies primarily specialize in civil cases where the costs of the services are charged by the hosting company to the E-filers. For example, a hosting service may charge a flat rate per document or a flat rate and per page charge. All court fees that would have been collected by the court are made by the hosting company and forwarded on without additional charge. Thus the government receives all legally required revenue as if the filing were done in-person on paper.

Many courts have been able to quickly implement the hosted system solution when either faced with a major civil litigation or set of cases such as Asbestos or Silicosis product liability matters that involve a large number of litigants.

Major e-Filing hosting companies include:

Lexis-Nexis File and Serve – notable customers: Colorado and Delaware judicial systems. LNFS is the longest term and largest private electronic filing service provider having been the pioneer of services starting in 1990 in Delaware. <http://www.lexisnexis.com/fileandserve/default.asp>

LNFS provides a single portal that is often customized for the court and the particular case type that is being serviced. In that sense they are the single electronic filing service provider. This allows for LNFS to develop case collaboration capabilities for specific complex litigations. They have also developed a direct CMS integration for customers such as the Colorado judiciary.

eFilingforCourts – notable customers: 35 Texas courts via a statewide portal.

eFilingforCourts has developed a portal for the Texas courts with multiple e-Filing service provider (EFSP) as listed below. In this model there is a division of labor. The EFSP vendors are charged with providing direct services to the attorneys and others who wish to E-file with the

state courts while the host provides the compilation of data/documents and connections with the courts. There are 35 locations in Texas (with an additional 7 noted for future service) listed as participating in the system as well as Broward, Florida Circuit Court and the Washington DC Superior Court.

Texas Vendor

1. eFilingforCourts – <http://www.efilingforcourts.com/>

Texas Approved EFSP

1. American LegalNet – <http://www.americanlegalnet.com/>
2. CaseFileXPress – <http://www.casefilexpress.com/>
3. CourtFile America – <http://www.courtfileamerica.com/>
4. eLawServices – <http://www.elawservices.com/>
5. MyFileRunner – <http://www.myfilerunner.com/>
6. OneLegal – <http://www.onelegal.com/>
7. ProDoc eFiling – <https://www.prodocefile.com/>

USCourts.com (On-Line Information Services, Inc.)

This company has developed a suite of systems for the Alabama Courts at no cost to government. These include the AlaFile e-Filing system, AlaCourt CMS, AlaVault, eAppellate, eTranscripts and eCitations applications. Alabama has embraced this fee supported approach and has been able to rapidly develop and deploy this technology. For example, the e-Filing capability was implemented in all courts in one year for a specific civil case type as the initial deployment. Additional case types have been added since then.

The Alabama Courts made one of the Super Session presentations at the CTC-2009 conference in Denver, Colorado. Video of the presentation that describes the systems that have been developed can be viewed online at: <http://rso6k.rmxpres.com/webcast/data/ctc2009ssaaea/msh.htm>

The PowerPoint slideshow can be downloaded at: http://www.ncsc-ctc.org/websites/ctc2009/File/pdf/sessions/Super_Session_1.pptx

e-Filing.com (Image-X)

E-Filing.com is headquartered in Santa Barbara, California. They hold Patent Number 7,035,830 for electronic filing that was issued to Image-X in 2006.

<http://www.google.com/patents/about?id=NCukAAAAEBAJ&dq=patent+no.+7,035,830>

The patent seems to cover submission of the documents and an “electronic stamping apparatus” that includes a digital certificate, filer ID number and “intelligent barcode” and then storage of the document after stamping. A fee payment mechanism is included.

E-Filing.com provides the LegalVault online document storage capability; a One Click e-Filing electronic forms solutions for collection firms; Child Support E-Filing that provides electronic forms for child support agencies; and the E-Fine online collection of court fines subsystem.

e-Filing.com provides services for some state courts in California and Washington State. The parent/related company, Image-X provides image and document management for courts.

COMMERCIAL OFF THE SHELF (COTS) APPLICATIONS

Tybera (www.tybera.com) – notable customers: Utah and Iowa courts

This company provides all forms of product implementation and pricing for their eFlex e-Filing system. As stated on their website they offer:

eFlex Software License

The court may purchase and own the eFlex license. Modifications may be made by the courts themselves or by accepting updates through a Maintenance Agreement.

Subscription Model

We have seen this model work whether the court purchases the eFlex license or not. In this model the court usually licenses eFlex and then charges attorneys an annual subscription fee to use the system. The revenue either pays for or reduces the cost of the system.

Transaction Model

This model has the filer paying a transaction fee for each filing or document, depending on what is negotiated. The transaction fee is collected by Tybera and may be shared with the court.

Tybera has developed interfaces for many of the major court case management vendors including Xerox-ACS, CourtView, Justice Systems, New Dawn, PCSS, Sustain; and the Datamaxx, IBM, and SIRE document management systems.

Of note, the principals with Tybera are also in possession of US Patent Number: 6990504 (<http://www.google.com/patents/about?id=GNd2AAAAEBAJ&dq=6990504>). The patent is for “a method for securely transmitting and electronic submission to a receiver in a distributed management system” including the generation of a “submission envelope” and “digitally signing the envelope”.

nCourt (www.ncourt.com)

nCourt is an e-Filing company that describes themselves as being formed “ in 2002 to address the needs of citizens who must interact directly with the judicial system. This primarily occurs in instances where small claims or landlord/tenant cases are filed with the court or when it becomes necessary to pay a traffic citation”. The nCourt system is designed for self-represented litigants to “provide the ability to file documents and pay traffic fines over the Internet with a credit card” via “easy to use websites that allow the public to transact their business, quickly and cost effectively, 24 hours a day, 7 days a week”.

They have provided electronic filing systems for courts in Delaware, Florida, Georgia, Missouri, New York, Tennessee and Texas.

Vista Solutions Group (www.vistasg.com)

Vista provides document management, workflow, calendaring, file conversion and other products as well as electronic court filing. They have developed two approaches for e-Filing with the courts. Their first product set, the eUniversa eFiling system is described as “an eFiling portal tightly integrated into Case Management and document management solutions utilizing industry standards and a unified methodology. With eUniversa, data flows between attorneys, clerks, and court personnel with ease, security, and reliance using industry standard ECF 4.0 architecture and a unified methodology.”

As of the writing of this report, they are currently the only private company that is supporting the OASIS LegalXML ECF 4.0 standard.

Their second e-Filing product set is the eUniversa Pro Se: eFiling for the Self Represented system that facilitates implementation of the Access to Justice (A2J)³⁶ open source tools with their e-Filing system.

Wiznet (www.wiznet.net)

Wiznet was purchased by the CMS vendor, Tyler Technologies (www.tylertech.com) in early 2010. The E-File & Serve product has been implemented e-Filing in Clark County, Nevada, Sacramento, California, DuPage County, Illinois, Maricopa County, Arizona and others. The Maricopa County system has been used to support criminal case e-Filing. They have also created a Document Access Program product supporting electronic information access. The Wiznet website contains interactive demonstrations of their e-Filing systems.

SIGNIFICANT COURT DEVELOPED SYSTEMS

US Federal Courts

Most successful e-Filing system in the USA is the Federal Courts that was built by their in-house programming team. The Case Management/Electronic Case Files (CM/ECF) system³⁷ started as an initial e-Filing pilot in 1996. Last year we received the following statistics from the Administrative Office of the US Courts:

Bankruptcy court totals to date:

23.9 million cases managed in CM/ECF (with 570 million docketed events);

298,000 registered (non-court) users, 179,000 have e-filed;

³⁶ The Access to Justice website can be found at: <http://www.a2jauthor.org/>

³⁷ The main CM/ECF website is: <http://www.uscourts.gov/cmecf/cmecf.html>

Bankruptcy court transactions for Sep'09:

58% of docket entries were entered by non-court users (attorneys);

89% of new cases were opened by attorneys via e-Filing.

District court totals to date:

10.6 million cases managed in CM/ECF (with 235 million docketed events);

784,000 registered (non-court) users, 492,000 have e-filed);

District court transactions for Sep'09:

28% of docket entries were entered by non-court users (attorneys);

6% of new cases were opened by attorneys via e-Filing (ranging from 0% to 71%, depending on the court).

Appellate court totals to date:

775,000 cases managed in CM/ECF (with 26 million docketed events);

54,000 registered (non-court) users, 30,000 have e-filed;

Appellate court transactions for Sep'09:

13% of docket entries were entered by non-court users (attorneys).

The CM/ECF system pioneered the use of the Internet/browser approach. They allow the filers to complete a considerable amount of information online that provides all or the majority of the docketing information for the case management part of the system. To learn how the system operates, a complete set of computer-based training modules is available online at:

<http://pacer.psc.uscourts.gov/ecfcbt/dc/>

Wisconsin Court System

The Wisconsin Courts System has developed and is implementing a statewide “eFiling” System (<https://efiling.wicourts.gov/pages/index.html>) to compliment their case management automation suite of applications known as CCAP³⁸. The initial implementation of their eFiling system was

³⁸ For more on Wisconsin CCAP see: <http://www.wicourts.gov/news/docs/ccap.pdf>

made for Small-Claims cases in 2005. This past summer they began implanting appellate court e-Filing. A demonstration of their system is available at the website address listed above. The system only accepts PDF files and the filer must have an e-mail address to receive receipts. A full FAQ on the system can be downloaded at:

<http://www.wicourts.gov/about/filing/docs/acefilingfaq.pdf>

Prior to starting their e-Filing project the Director of State Courts appointed a committee to examine the issues. A copy of their report can be downloaded from:

<http://www.wicourts.gov/about/pubs/supreme/docs/efilingreport.pdf>

State of Arizona Appellate Courts

The pioneers in appellate court electronic filings are the State of Arizona Appellate Courts. The court of Appeals, Division Two has been receiving electronic filings since the late 90's. Their home-grown system can be viewed at: <https://www.appeals2.az.gov/e-filer/>

A report on the system was made at CTC8 in 2003. The paper can be viewed at:

http://www.ncsconline.org/D_tech/ctc/showarticle.asp?id=67

New York State Court Electronic Filing (NYSCEF)

Project manager Jeffrey Carucci summarizes the project in a New York State Bar Association article³⁹ in 2009:

"The New York State Courts Electronic Filing System ("NYSCEF") permits the commencement of cases by filing of initial papers with the County Clerk or, in courts without a County Clerk, with the court by electronic means; the electronic filing of interlocutory papers; the payment of court fees electronically; and e-service of documents upon all participating counsel. e-Filing is now authorized: in commercial, tort, and tax certiorari cases in Supreme Court in Albany, Essex, Livingston, Monroe, Nassau, Niagara, Onondaga, Suffolk, Sullivan, and Westchester Counties and in the City of New York;

39

<http://www.nysba.org/AM/Template.cfm?Section=Home&Template=/CM/HTMLDisplay.cfm&ContentID=27350>

*in any case type in Broome and Erie County Supreme Courts;
in the court of Claims;
in the Surrogate's Court in Chautauqua, Erie, Monroe, Queens, and Suffolk Counties; and
in no-fault cases in the Civil Court of the City of New York.*

To date, almost 160,000 cases have been filed electronically in New York State using the NYSCEF program. Over 10,000 persons have registered as NYSCEF users. Between March 1 and April 29, 2009, there were approximately 127,000 distinct visits to the NYSCEF site, at which rate we will see an estimated 700,000 distinct visitors over the next year."

The NYSCEF project website can be found at: <https://iapps.courts.state.ny.us/fbem/mainframe.html>

There is a practice website along with a user manual, FAQ, forms, and rules available.

SUCCESSFUL INTERNATIONAL COURT E-FILING SYSTEMS

England and Wales allows for specific documents to be E-filed via e-mail⁴⁰ as long as a fee is not required to be paid to the court. The following are the specific rules for E-mail filing:

If you are filing a document by e-mail that contains a statement of truth you are reminded that you should retain the document containing the original signature. The version of the document which is filed by e-mail must satisfy one of the following requirements -

(a) the name of the person who has signed the statement of truth is typed underneath the statement:

OR

⁴⁰ http://www.hmcourts-service.gov.uk/infoabout/email_guidance/email_guidance_general.htm

(b) the person who has signed the statement of truth has applied a facsimile of his signature to the statement in the document by mechanical means; or

(c) the document that is filed is a scanned version of the document containing the signed original statement of truth.

Specific e-mail addresses are provided for particular functions including for family court and for hearings for each court. Attachments such as images, scanned documents, or zipped files are allowed.

Austria has developed their Electronic Legal (EVR) system since 1990.

As translated from their website:

“The electronic legal transactions system (ERV) provides secured paperless transmission of structured data and thus process able by the parties to the courts. The ERV replaced the conventional transmission of documents in compliance with the statutory provisions and therefore it differs quite significantly from a simple communication by e-mail and fax.

The ERV, which was developed by the Ministry of Justice in cooperation with the federal center, the Austrian Chamber of Lawyers and Telekom Austria, established in 1990 as an equivalent means of electronic communication between parties and the court in addition to paper communications.

The Austrian justice can be described as a world leader in this area, because so far no other country is known, which has set up an electronic legal system in this manner.

The electronic legal connections have been made available for the direct transfer of all types of documents in the database of automation and procedures for the annual press conference in the Companies Register. This saves the re-electronic capture of applications to the court and thus causes a real personnel savings and the avoidance of input errors. Procedures are performed more quickly by minimizing the time of

transmission compared to the conventional mail. The resulting savings in the final stage of project implementation has resulted in staff personnel savings estimated at 133 FTE.

In 2008, more than 85% of Mahnklagen and more than 65% of the execution of applications were submitted electronically together with other submissions in total 3.1 million entries for this year.

Since 1999, there is also the electronic path from the court to the parties (ERV return traffic), which is the electronic transmission of all types of documents from the court to ERV-users possible.

In 2008 3.9 million were performed electronic transmissions over the return traffic, which meant that some 3.6 million Euros were saved on postage alone (and growing).

Since 2000 the ERV system has been open to everyone including the original restriction to lawyers, notaries, churches, banks and insurance companies.”

The Israel judicial system⁴¹ provides an advanced system. As described in a UCLA Journal of Law and Technology article regarding the Israel e-Filing system is:

“A major improvement in terms of efficiency is realized through the NGCS’ e-Filing feature. The system allows for remote filing and online service of process of all court documents, twenty-four hours and seven days a week, through the internet. The NGCS is open to all users—judges, the court secretariat and other court personnel, attorneys and the general public, but different users enjoy varying levels of access to the system. An attorney who wishes to file documents online must use a smart card, which is distributed by the Israel Bar Association for a nominal sum of approximately \$30 for a period of three years and must have access to a “safe”—a secure email account

⁴¹ Beyond Efficiency: The Transformation of Courts Through Technology, Orna Rabinovich-Einy, UCLA Journal of Law & Technology, Volume 12, Issue 1, Spring 2008
http://www.lawtechjournal.com/articles/2008/01_080424_rabinovich_einy.pdf

administered under the Israeli e-government initiative. 62 Attorneys will be required to check their email account daily and will be deemed to have read communications received in the secure email account. With respect to two types of proceedings an exception has been made and access is granted to the entire file based on an identification number without use of a smart card: small claims court cases and actions for failure to pay wages at the labor court, both of which involve unrepresented parties who do not possess a smart card. This reduces somewhat the security level of these proceedings, but compensates with added accessibility for pro se litigants.

Since access to the system is, as a rule, restricted to those with a smart card, communication is secure. In fact, as former judge Okon remarked when presenting the system, communication under the NGCS is far more secure than the paper-based arrangement, where court files can be checked out by depositing an identification card and the secretariat has no way of ascertaining whether the file has been tampered with or not. Indeed, there have been a significant number of cases where documents, even entire files, disappeared. Conversely, the NGCS digitally records all actions taken in the file and is therefore, perhaps counter-intuitively, safer.”

Singapore Comprehensive Internet Based Approach

Finally there is the advanced legal network-based approach in Singapore known as LawNet (<http://www.lawnet.com.sg>) that includes their e-Filing sub-system (<https://www.efs.com.sg/>).

LawNet is described as follows:

“LawNet, a service provided by the [Singapore Academy of Law](#). It is a subscription portal that caters to the research and legal information needs of the global legal community. Since its inception in 1988 as a dial up network access provider, www.lawnet.com.sg has grown in leaps and bounds, adding information, applications and databases to suit the evolving needs of legal practitioners, corporate counsel, paralegals, law academics and law students.

LawNet is the authoritative focal point of legal information, combined with user-oriented functionality and data directly provided by [The Incorporated Council of Law Reporting](#) for

England & Wales under license from [Eastern Book Company](#), [AustLI](#), [Attorney-General's Chambers of Singapore](#), and the Singapore Judiciary, the [Supreme Court](#) and [Subordinate Courts of Singapore](#). Subscription information for each of the modules can be found below⁴²."

Currently, the modules under LawNet are as follows:

[Legal Research](#) currently contains "Legal Workbench"

[Due Diligence](#) (combines the Litigation and BizNet databases)

[Practitioners' ToolKit](#) (PTK)

[Integrated Legal Requisition System](#) (InteReq)

[Public Search Service - Integrated Land Information Service](#) (PSS-INLIS)

[Intellectual Property](#)

[Electronic Filing System](#)

Details regarding the operation and functional of the electronic filing system can be seen in their 340 page EFS User Guide that can be downloaded from:

<http://info.efs.com.sg/Download/FEWebUserGuide.pdf>

⁴² The full About LawNet web page including subscription fees can be viewed at:
<http://www.lawnet.com.sg/remweb/CommServlet.do?pTask=LawNet&com.crimsonlogic.cps.UI.personalize.jsSelectedTab=false>

Appendix B – Court Automation Funding

State	Fund name	Fund Type	Fee Amount (if applicable)	Year	Fund ⁴³ Balance
Alabama ⁴⁴	Court Automation Fund	Fee Revenue	\$5 from the \$30 Criminal History Processing Fee	2010	\$2,234,990
Alaska	Critical Courtroom and Case Management Technology	Appropriation		2010	\$2,153,300
Arizona	Automation Operations Fund	Appropriation		2010	\$19,636
				2011	\$18,838
				2012	\$18,850
	Document Storage and Retrieval Conversion Fund (includes Electronic Filing Fees)	Fee Revenue	Determined by Superior Court, Not to exceed \$15 per filing/appearance		
	Judicial Collection Enhancement Fund (includes e-Filing Fees)	Fee Revenue	Compilation of various fees	2008	\$14,808
Arkansas	Judicial Collection Enhancement Fund	Fee Revenue	1/2 of the \$5 installment payment fine, AOC access fee not to exceed \$10	2009-10	\$3,404,862
	Court Automation Fund	Fee Revenue	Local court access fee not to exceed \$10		
California	Trial Court Improvement Fund	Fee Revenue and Appropriations	2% of all fee/fine revenue, and 1% of judicial appropriations	2009-10	\$73,170
				2010-11	\$65,276

⁴³ Most court automation is done through non-reverting special funds. This column is either the appropriation or the fund balance that the special fees feed.

⁴⁴ States with Statewide e-Filing in Red

State	Fund name	Fund Type	Fee Amount (if applicable)	Year	Fund ⁴³ Balance
				2011-12	\$50,969
Colorado	Information Technology Cash Fund	Fee Revenue	Compilation of various fees from Electronic filings, network access and searches of court databases; Electronic searches of court records; and Any other information technology services.	2010	\$863,903
				2011	\$622,245
				2012	\$451,514
Connecticut	Judicial Data Processing Revolving Fund	Fee Revenue	Compilation of Various Fees	2004-05	\$5,731,569
				2005-06	\$8,523,611
				2006-07	\$6,895,520
Delaware	Technology Surcharge	Surcharge Revenue	50 cents per document in each e-file case	2008-09	
Florida	Public Records Modernization Trust Fund	Fee Revenue	Of the \$4 per page service charge, \$1.90 shall be retained by the clerk to be deposited in the Public Records Modernization Trust Fund	2009-10	\$4,303,000
Georgia	Increase Fund for IT equipment and electronic filing	Appropriation		2012	\$109,939
Hawaii	Judiciary Computer System Special Fund	Fee Revenue	Moneys collected from administrative fees pursuant to section 287-3(a) and fees pursuant to sections 607-4(b)(10) and 607-5(c)(32)	FY 2010	\$240,000
Idaho	ISTARS Technology Fund	Fee Revenue upon appropriation by legislature	Money from various fees pursuant to 31-3201, 31-3201A, 31-3201H and 31-3221	2009	\$3,373,600
Illinois	Court Automation Fund	Fee Revenue	the county board may require the clerk of the circuit court in their county to charge and collect a court automation fee of not less than \$1 nor more than \$15	2010	\$27,904,446
Indiana	Automated Information Management	Fee Revenue	Electronic filing fees to e determined by the County Board of Commissioners	2011-12	\$459,000

State	Fund name	Fund Type	Fee Amount (if applicable)	Year	Fund ⁴³ Balance
				2012-13	\$459,000
	Judicial Technology and Automation Project	Appropriations and Fee Revenue	Amount remaining after distribution of fee revenue according to IC 33-37-9-4(a)	2011-12	\$5,709,337
				2012-13	\$5,640,184
Iowa	Court Technology and Modernization Fund	Fee Revenue	Each month, 1 million dollars of money received from fines and fees by the district court clerk, as well as 10% of the sex offender penalty fine	2007	\$4,620,617
					\$1,000,000
					\$5,620,617
				2007	\$8,300,000
Kansas	Judiciary Technology Fund	Appropriations			
Kentucky	Electronic Filing Fund	Fee Revenue	\$for each transfer from district to circuit court and \$5.00 for each counterclaim or cross claim that exceed \$500 but is less than \$5,000	2008-09	\$2,989,800
				2009-10	\$2,522,400
Louisiana	Trial Court Case Management Information Special Revenue Fund	Fee Revenue	person convicted of a felony, a misdemeanor, or ordinance of any local government, including a traffic felony, a traffic misdemeanor, or a local traffic violation, shall be assessed an additional two dollars as a special court cost	2006-07	\$2,004,509
Maine	Government Operations Surcharge fund	Surcharge Revenue	Surcharges of 14% must be added to every fine, forfeiture or penalty imposed by any court in this State, which, for the purposes of collection and collection procedures, are considered a part of the fine, forfeiture or penalty	2010	
Maryland	Judicial Information Systems	Appropriations		2008	\$293,670
	Major Information Technology Development Projects	Appropriations		2011	\$13,447,400
Massachusetts	Electronic Access Fees	Fee Revenue	As established by trial court and appeals court		

State	Fund name	Fund Type	Fee Amount (if applicable)	Year	Fund ⁴³ Balance
Michigan	Direct Trial Court Automation Fund	Appropriations		2004-05	\$3,298,100
	Judicial Technology Improvement Fund (disbursed)	Appropriations		2005	\$1,000,000
Minnesota	IT Software Maintenance	Appropriations		2008,09	\$260,723
Mississippi	Comprehensive Electronic Court Systems Fund	Appropriations		2010	
Missouri	Statewide Court Automation	Fee Revenue	All moneys collected pursuant to section 488.027- in all civil cases filed in the circuit courts of this state and in all criminal cases including violations of any municipal or county ordinance heard by an associate circuit judge or any violation of criminal or traffic laws of this state, including an infraction a fee determined by the circuit courts shall be assessed.	2010	\$4,446,202
Montana	Court Information Technology Surcharge	Fee Revenue	\$10 user surcharge upon conviction for any conduct made criminal by state statute or upon forfeiture of bond or bail; on the initiating party in civil and probate cases, at the commencement of each action, proceeding, or filing; and on each defendant or respondent in civil cases, upon appearance.	2010	\$1,590,000
	Judicial Branch Information Technology-Rst/Bien/OTO	Appropriations		2009	\$3,935,000
	Judicial Branch IT Software Maintenance	Appropriations		2009	\$260,723
Nebraska	Court Automation Fee (goes to Supreme Court Automation Cash Fund)	Fee Revenue	A court automation fee of \$6 shall be taxed as costs for each case filed in each county court, separate juvenile court, and district court, including appeals to such courts, and for each appeal and original action filed in the court of Appeals and the Supreme Court.	2009-10	\$3,354,431

State	Fund name	Fund Type	Fee Amount (if applicable)	Year	Fund ⁴³ Balance
Nevada	Court Automation Fee	Fee Revenue	Court Automation fee of \$50 paid to the Supreme Court Clerk by the appellant, cross-appellant, or party bringing a special proceeding whenever an appeal is taken to the Supreme Court, or whenever a special proceeding by way of mandamus, certiorari, prohibition, quo warranto, habeas corpus, or otherwise is brought in or to the Supreme Court.	2010-11	\$44,850
New Hampshire	Judicial Branch Information Technology Fund	Fee Revenue	14 percent of each Supreme Court entry fee	2010	\$950,446
New Jersey	Court Technology Improvement Fund	Fee Revenue	Revenue derived from the increase in fees collected by the Judiciary pursuant to sections 25 through 32 of P.L.2002, c.34 (N.J.S.22A:2-1 et al.) and related increases provided by operation of N.J.S.22A:2-5 and section 2 of P.L.1993, c.74 (C.22A:5-1)	2008	\$13,591
				2009	\$14,694
				2010	\$14,475
New Mexico	Statewide Judiciary Automation	Appropriations		2009	\$8,313,300
New York	Judicial Data Processing Offset Fund	Fee Revenue	Fees from Data Processing Services	2011	\$19,167,697
North Carolina	Court Information Technology Fund	Fee Revenue	All monies collected by the Director pursuant to G.S. 7A-109(d) and G.S. 7A-49.5. (2) State judicial facilities fees credited to the Fund under G.S. 7A-304 through G.S. 7A-307	2009-10	\$3,908,239
North Dakota	Unified Case Management System Replacement Fund	Appropriation		2009-11	\$7,258,129
	IT Equipment	Appropriation		2009-11	\$109,098
Ohio	Ohio Courts Tech. Initiative	Appropriation		2010	\$4,850,000
Oklahoma	Oklahoma Court Information System Revolving Fund	Fee Revenue	Data processing service fees	2009	
				2010	

State	Fund name	Fund Type	Fee Amount (if applicable)	Year	Fund ⁴³ Balance
				2011	
Oregon	Judicial System Surcharge Account	Surcharge Revenue, Distributed by Dep. Of Revenue	Compilation of various fees	2009-11 biennium	\$39,568,396
Pennsylvania	Automation Maintenance Fee (goes to the Statewide judicial computer system fund)	Fee Revenue	\$5 per commencement of action and docket fee	2008 fees	\$134,100
		Appropriation		2008	\$61,074,000
Rhode Island		Apropriation		2010	
South Carolina	Case Management Services Fee	Fee Revenue	Support and hosting fees are paid by the counties for the statewide court case management system that is deployed in the Magistrate and Circuit Courts. The support fees for each county are based on their population and ranges from \$6K to \$50K per year. Hosting fees for the counties centrally hosted by South Carolina Judicial Department are \$30K per county.	2010-11	\$562,000
South Dakota	Unified Judicial System Court Automation Fund	Fee Revenue	Court Automation Surcharge- Supreme Court \$25, Small Claims Court \$6, \$40 surcharge in every other civil action	2006	\$3,607,825
				2007	\$3,914,775
				2008	\$4,233,434
				2009	\$4,083,342
				2010	\$4,334,247
Tennessee	Judicial Information Systems Fund	Appropriation		2006	\$15,300,00
				2007	\$17,300,000
				2008	\$10,300,000

State	Fund name	Fund Type	Fee Amount (if applicable)	Year	Fund ⁴³ Balance
				2009	\$12,300,000
	Court Automation Hardware Fund Replacement Revenue Reserves	Appropriation		2006	\$1,000,000
				2007	\$1,000,000
Texas	Municipal Court Technology Fund	Fee Revenue	Determined by the municipal court, not to exceed \$4		
	Information Technology-Automated Registry Fund	Appropriation		2009	\$421,069
	Judicial Information Technology Appropriations-automated registry and e-filing system	Appropriation		2008-09	\$11,800,000
		Appropriation		2010-11	\$10,400,000
	Texas Appeals Management and e-Filing System	Appropriation		2010	\$1,488,023
Utah	court technology, security, and training fund	Fee Revenue	12.5% of the 32 dollar security surcharge	2011 (est.)	\$1,105,000
	Justice Court Technology Fund	Appropriation		2010	\$100,000
Vermont	Court Technology Special Fund	Fee Revenue	\$12.50 administrative charge for each offense or violation where a fine or penalty is assessed according to 13 V.S.A. § 7252	2010	\$1,387,412
Virginia	Technology Trust Fund Fee	Fee Revenue	\$5 fee in each civil action	2208	\$9,100,000 (not all used for automation though)

State	Fund name	Fund Type	Fee Amount (if applicable)	Year	Fund ⁴³ Balance
Washington	Judicial Information System Account	Fee Revenue	According to RCW 2.68.040- Pursuant to the authority of *RCW 46.63.110(2), the sum of \$10 to any penalty collected by a court pursuant to supreme court infraction rules for courts of limited jurisdiction; Pursuant to RCW 3.62.060, a mandatory appearance cost in the initial sum of \$10 to be assessed on all defendants; and Pursuant to *RCW 46.63.110(5), a \$10 assessment for each account for which a person requests a time payment schedule.	2005-07	\$24,600,000
West Virginia	Electronic Filing Fees	Appropriation	No additional fee revenue to the state, service provider charges only	2011	
Wisconsin	CCAP Automated Information Systems	Fee Revenue	The clerk of circuit court shall collect \$21.50 from any person paying a fee for civil actions under 814.61(1)(a) or (3); administrative and municipal appeals under 814.61(8m); garnishment, wage earner, and small claims actions under 814.62; or forfeiture actions under 814.63(1) when judgment is entered against the defendant. Of this, \$6 to Wisconsin Supreme Court for court automation under 20.680(2)(j)	2010	\$4,177,400
	E-Filing Convenience Fee	Fee Revenue	\$5 for each case electronically filed		
Wyoming	Court Automation and Electronic Management	Fee Revenue	Court Automation Fee of \$10	2011-12	\$10,752,328
				2007-08	\$5,908,037