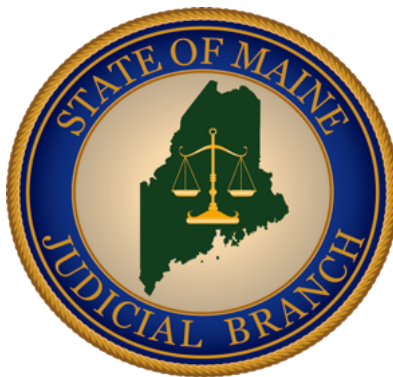


eFiling Maine

Improving Public Service and Access to Justice Through Technology



**A Report to the Joint Standing Committee on Appropriations and Financial Affairs
and
The Joint Standing Committee on Judiciary
From the Maine Judicial Branch**

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I. INTRODUCTION AND SUMMARY

The 125th Maine Legislature, recognizing that public access to justice would be greatly enhanced through an electronic court filing system and that planning for the necessary resources will be critical, requested that the Judicial Branch develop a proposal to implement electronic filing (eFiling). P.L. 2011, ch. 380, § OOOO-1 (as amended by P.L. 2011, ch. 477, § E-1).

We are pleased to submit this Report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Judiciary in response to that request.

The Report begins with a general description of electronic filing and the technological components necessary for the development and successful operation of an eFiling system. There follows a summary of current operational challenges facing Maine's Courts (e.g., customer service, access to justice, processing and retrieval of documents and information, operational costs, security, etc.), which are paired with the anticipated benefits and solutions that are expected to result from a fully functioning eFiling system. For context, we have also included an overview of the eFiling projects in several other states. The Report then offers a brief synopsis of a proposed biennial timeline and concludes with an overview of "next steps" in the development and realization of **eFILING MAINE**.

Electronic filing is not new. Various systems already exist and benefit many state and federal courts around the country. Those systems will be examined, and the experiences of those courts, successful and unsuccessful, will provide us with a great learning opportunity. We anticipate that the implementation of an electronic filing system, done correctly, will require significant time and resources; however, the benefits will be immeasurable.

This Report is intended to represent just the beginning of a challenging and rewarding process. It is a blueprint for the development of a modern delivery system for justice in Maine, one that we believe was envisioned by the 125th Legislature and the Governor.

We thank the Legislature for providing us the opportunity to describe our vision for this ambitious and critically important project.

II. OUR DEFINITION OF ELECTRONIC FILING

To undertake an Electronic Filing project for the Maine courts, careful planning and analysis will be necessary throughout the multiple stages of transition to ensure that eFiling improves public service and access to justice. That planning must begin with the development of a common definition of eFiling.

After careful consideration of the systems attempted and implemented in courts throughout the United States, we offer the following definition of an eFiling system, along with its benefits to the public.

An eFiling system is a publicly accessible electronic system that replaces, prospectively, all paper court files with electronic documents. It is more than just the filing of documents electronically with the courts. Electronic filing comprises an integrated system of document management, case and calendar management systems, and data gathering and retrieval. In a true eFiling system, the official court files exist only in electronic format, and are accessible through a web-based interface to parties, court staff, and judges. The public and the media also have access to all public information in the electronic files, and will have greatly enhanced access to calendar information regarding court events.

Any infusion of resources intended to create an eFiling system within the Judicial Branch of Maine must create a system that is readily accessible to all those who rely on the services that only the courts can provide.

Electronic filing introduces the advantages of technology to all aspects of the processing of court cases. It provides multiple benefits, including the electronic exchange of documents among parties; the availability of all public documents electronically; and improvements in the prompt and efficient scheduling, processing, and disposition of cases. An electronic filing system will include the electronic payment of all fines and fees, making it easier for the public to do business with the courts.

Implementing electronic filing will greatly enhance public service and transparency. With sufficient resources, it is the Judicial Branch's goal to complete the eFiling initiative in all courts within five to seven years of the initial funding for comprehensive planning. Upon final completion of this project, electronic filing will be available for all case types.

We recommend that significant planning begin in FY 2013 so that the appropriate human and financial resources are in place to actively begin the work in the FY 2014/15 budget cycle.

The public has come to expect that government data, information and services be made available through the internet. This is no less true for the courts. Indeed, as we enter the third century of statehood for Maine, it is crucial that we adapt to an ever increasing online world. But in adopting such technology we need to move carefully to ensure that its deployment enhances and supports greater access to justice, convenience for litigants, and cost effectiveness for Maine taxpayers.

Creation of an eFiling system for the Maine courts will require the commitment of all three branches of government. Beyond the obvious funding challenges, legislative changes will be required. Coordination with Executive Branch, law enforcement, and other agencies will be critical to a system that provides for the accurate and timely exchange of court orders and other legal documents.

III. COMPONENTS OF eFILING AND TRANSITION TO NEW SYSTEMS

A. Components of eFiling

There are four major components to an electronic filing system:

- a Database,
- a Case Management System,
- a Document Management System, and
- a Web or Internet Interface.

1. Database

A database stores all case information (names, addresses, events, etc.) and is closely tied to the Case Management System (it does not store documents). Any system intended to manage court information must have a database that is capable of reliable data storage and retrieval.

The Judicial Branch currently uses an Oracle database acquired in the late 1990s. It has worked well for many years; however, it was not designed for current demands such as the electronic exchange of information, and it may not be well suited to integration with a modern Case Management System. The Judicial Branch will have to determine whether the current database should be reconfigured or the

information in the current database should be migrated to a new type of database designed to meet modern Case Management System requirements.

2. Case Management System

A modern Case Management System is a fundamental requirement for eFiling. It provides a system through which all case-related information is entered into the database and provides the foundation for the Document Management System.

The Case Management System enables a court to manage its complex caseload. It provides both individual case information to the user and aggregated information to court management. The Case Management System facilitates case scheduling and the placement of case events on the court calendar, enables the scheduling of events within mandated and expected time frames, notifies staff when case events are due, and manages that information to ensure that cases proceed without delay.

A modern Case Management System also allows for the generation of various reports to assist in managing caseload. Such reports provide improved information to the staff who manage court resources and to various other interested entities, including the Legislature.

The Judicial Branch's current Case Management System is known as MEJIS (Maine Judicial Information System). It was designed in-house, with no significant infusion of additional resources, in the late 1990s. MEJIS is written primarily in an old computer language known as COBOL. Upgrades have been undertaken recently to replace the user interface, but the system remains fundamentally the same. MEJIS has served the courts well, and longer than would have been expected with an off-the-shelf system, but it was not designed with the requirements of electronic filing in mind.

Any Maine eFiling project, similar to the federal system and other states, will require a fully updated Case Management System.

3. Document Management System

The Document Management System allows the courts to manage documents electronically. The successful creation of a Document Management System provides what is essentially an eFiling cabinet. It is similar to, but distinct from, the database, which stores case *information* as data. The Document Management System stores documents (filings, briefs, orders, opinions, etc.) and organizes the electronic documents in electronic files. Those electronic document files are then indexed to the appropriate cases in the Case Management System. The Document Management System is integrated with the Case Management System so that users have instant access to all of the documents related to any specific case.

The Document Management System is ordinarily put into place after the successful installation of the Case Management System and the construction of the accompanying database.

Currently, the Maine Judicial Branch does not have a Document Management System.

4. Web or Internet Interface

Finally, a Web or Internet Interface provides the public link to the Document Management and the Case Management Systems. This is the component that the public experiences as the eFiling System. It is through this specifically designed website that attorneys and parties would file their documents and obtain information concerning their cases. The public and media would also have appropriate access to public court information.

The Maine Judicial Branch currently maintains a web site and is assisted in its web interface by InforMe. An expansion and new design of the Court's web site would be necessary to provide eFiling in Maine.

B. Planning

Having the benefit of the experience of other jurisdictions, we understand quite clearly that the choices, design, and implementation of the component parts of an eFiling system must be extensively planned, with broad stakeholder input, to avoid the failures and occasional disasters that have occurred elsewhere. The planning itself is not inexpensive. As we have seen with other states, it requires a major commitment of time. The Judicial Branch does not currently have the staff to

undertake this extensive planning effort, and funding for that effort would be required in order to initiate the project.

C. Transition to New Systems

In the initial phases of the electronic filing project, the capabilities of the court's current database and case management systems will need to be carefully evaluated to determine what updates or replacements would be necessary to accommodate eFiling.

Once established, the four basic components of electronic filing will support the functions that are necessary to the delivery of justice:

- **Electronic filing of documents with the court**
- **Electronic service of court documents on other parties**
- **Electronic access to court dockets and documents by the public**
- **Electronic workflow among judges and court staff**
- **Electronic payment of fines and fees**
- **Electronic notice of events**

This process, wherever undertaken, demands resources, time, and commitment. As set out in the next section, however, the benefits to the public, to resource allocations, and to improved management make the investment well worth it. Moreover, we are quickly reaching the point where the public's expectations that all services, including government services, can be accessed electronically, will require electronic filing in our courts.

IV. CURRENT CHALLENGES AND eSOLUTIONS

Challenge: Customer Service	
Court Challenges That Need To Be Addressed	The Benefits of Electronic Filing That Address Those Challenges
Staffing Limitations Limited staffing in an overwhelmingly paper-based system, which relies entirely on staff to physically handle that paper, significantly affects the time and cost of customer service.	Staffing Limitations Electronic filing will provide litigants and the public with a “self-service” approach for accessing court documents and records at any time from any location, which will allow the staff more time to deal directly with the public in the courthouses.
Internal and External Delays Litigants and the public currently experience delays related to filing, accessing, and retrieving documents and records from the court. The judiciary and the court’s staff also experience delays related to filing, processing, accessing, retrieving, transferring, and exchanging documents and records.	Internal and External Delays Electronic filing will allow the rapid, simultaneous filing, processing, accessing, retrieving, transferring, and exchanging of countless documents, records, and information, without regard to whether one file or many files are involved.
Standardized Filing Formats The court has developed many approved forms for commonly recurring events or orders. In theory, this standardization allows clerks and judges to quickly review the contents of untold numbers of like forms filed in untold numbers of cases. If necessary information is always located in the same place in a form, then the review process is greatly facilitated. Currently, litigants and attorneys frequently submit their own “home-grown” versions of those forms, which do not match the standardized forms, omit necessary information, and impede the efficient processing of those documents.	Standardized Filing Formats Electronic filing will ensure that, where applicable, only the most recent court-approved forms will be filed. As a result, the desired standardization will be achieved, all necessary information will be provided, and the documents can be processed more rapidly.

Challenge: Access to Courts	
Court Challenges That Need to be Addressed	The Benefits of Electronic Filing That Address Those Challenges
Access to Courts Access to the courts for filing and/or obtaining copies of files, documents, and records is routinely limited by factors such as the courts' hours of operation and the availability of staff to assist the public and retrieve files and documents.	Access to Courts Electronic filing will allow litigants and the public to access the courts, whether they are open or not, to remotely file documents and/or access documents and information in case files without clerk assistance.
Access to Court Files and Records Paper files, documents, and records can be accessed by only one person at a time at a court location unless copies are made by clerks, which is a time-consuming and expensive process for the public and the court.	Access to Court Files and Records Electronic filing will provide multiple authorized users with rapid, simultaneous access to case files and information at any time, from any location.
Retrieval of Court Files and Records Because paper documents and records are currently stored in case files in various court locations throughout the State, retrieval of that information requires a search by clerks, which can only occur during regular court hours of operation.	Retrieval of Court Files and Records Electronic filing will allow multiple authorized users to simultaneously locate and retrieve case files, documents, and records at any time, from any location.
Filing Documents and Records Currently, documents can be filed with the court only by mail or in person. Court staff must then physically handle the documents, open or retrieve the appropriate case files, make entries on the court's docket, and return the case files to their appropriate locations. Mindful of the thousands of court filings per year, this is a timely and potentially error-prone process.	Filing Documents and Records Electronic filing will allow simultaneous filing of countless documents and move them electronically and automatically through the system to their appropriate locations with minimal expenditure of staff time and without the need for duplicating the entry of information.

Challenge: Financial Benefits	
Court Challenges That Need to be Addressed	The Benefits of Electronic Filing That Address Those Challenges
Travel And Work Costs	Travel and Work Costs
Currently, litigants, their attorneys, and the public often must travel to court during their work or business hours in order to file or retrieve documents, or to conduct routine court business.	In most instances, electronic filing will allow litigants, their attorneys, and the public to remotely file or retrieve documents and information in case files without clerk assistance at times that are convenient for them.
Storage Costs and Loss of Space	Storage Costs and Loss of Space
Currently, the court’s paper-based system requires open-shelf filing, housing large numbers of case files in every courthouse. The attendant materials and supplies costs are extensive. In addition, valuable space in overcrowded courthouses is diverted to file storage.	Electronic filing will permit digital media storage, which will greatly reduce the footprint of file systems required to store paper case files. This will reduce future costs and provide space needed for other purposes.
Time and Cost of Data Entry	Time and Cost of Data Entry
Clerks must read filed documents in order to extract information and enter it into the case management system. This requires substantial data entry by clerical staff, which creates the potential for error and added costs to correct inaccurate information. It also diverts valuable clerk time from other important court functions.	Electronic filing will promote and require the use of standardized forms from which data can be automatically extracted and entered into the case management system. This will minimize data entry by clerks, ensure that required information is correctly entered into the court’s system, and allow clerks to spend more time on customer service.
Costs of Paper Handling	Costs of Paper Handling
Currently, courts must often send documents to other courts via mail or courier services at a substantial cost to the court system and those who use its services.	Electronic filing will allow the electronic transfer of the vast majority of court documents, thereby reducing or eliminating paper-related handling and mailing costs for the courts and their customers.

Challenge: Information Security	
Court Challenges That Need to be Addressed	The Benefits of Electronic Filing That Address Those Challenges
<p style="text-align: center;">Unintended Disclosure of Confidential Information</p> <p>Currently, the identification and management of confidential information, which must be done manually with paper files and documents, is unwieldy. It requires significant staff time to identify confidential information, separate it from public files and, where necessary and appropriate, produce redacted copies of the paper original. This also increases the possibility of error.</p>	<p style="text-align: center;">Unintended Disclosure of Confidential Information</p> <p>Electronic filing will allow confidential information to be more easily identified, segregated, and protected. The ability to search electronically will make redaction or sealing selected documents easier to manage.</p>
<p style="text-align: center;">Loss, Wear and Tear of Case Files</p> <p>Physical case files can be misplaced or damaged in a variety of ways. Pages can be written on or torn.</p>	<p style="text-align: center;">Loss, Wear and Tear of Case Files</p> <p>Digital documents are not subject to deterioration with use; no one has physical custody of documents so they cannot be lost; backup procedures ensure documents can be restored in the rare event of electronic loss or damage.</p>
<p style="text-align: center;">Providing Security for Records</p> <p>Tracking who has a paper file and where the file is physically located can be difficult.</p>	<p style="text-align: center;">Providing Security for Records</p> <p>By using system security features, user authentication will be required prior to access of files, providing increased security for court documents. No user ever has physical custody of a pleading.</p>
<p style="text-align: center;">Records Retention Schedules</p> <p>Purging paper records according to retention schedules requires manual archiving and destruction. This process requires significant time and attention, particularly in light of competing demands for limited staff time.</p>	<p style="text-align: center;">Records Retention Schedules</p> <p>Electronic filing will provide system-controlled record retention schedules that automatically ensure proper records management. Records will be maintained in a manner consistent with applicable statutes, rules, and administrative orders.</p>

V. CONTEXT—LESSONS LEARNED FROM OTHER JURISDICTIONS

The National Center for State Courts notes that some form of electronic filing is in place, in development, or in planning in jurisdictions in every State in the U.S. Some courts have had great success, and others have struggled in their efforts. California, for example, is understood to have spent as much as half a billion dollars on a new Case Management System that eventually could not be deployed and was abandoned.

Maine will benefit from knowledge of the experiences of other jurisdictions, both by adopting approaches that have worked well and by avoiding the pitfalls that some have encountered. We can learn from their experiences in evaluating systems for purchase, in estimating costs, and in establishing timelines. We have consulted with the National Center for State Courts, which has knowledge of these varied experiences and can provide the best available information for our use.

For context, we provide below a very brief overview of the costs and timeframes involved in the eFiling projects from a few other States that are similar in size or population to Maine, which has a current population of 1,328,188. The National Center for State Courts can provide more information if that would be helpful to the Legislature. The following, provided by the National Center for State Courts, is a synopsis of electronic filing initiatives in three other jurisdictions:

New Mexico—Population 2,082,224

Total Anticipated Costs of Case Management System and eFiling
\$9 million

Total Anticipated Time

Six years

Total time includes:

- 1 year for planning
- 5 years for implementation

eFiling Status

Anticipated statewide implementation of eFiling: spring of 2013. Its statewide Case Management System is in the final stage of implementation. New Mexico started the implementation in the fall of 2008 and will finish implementation in the spring of 2013.

Approach to eFiling

New Mexico purchased a Case Management System that included a Document Management System. The eFiling component is part of the system that they purchased, but the vendor charges and collects a fee for the use of the system.

Iowa—Population 3,062,309

Total Anticipated Costs of Case Management System and eFiling

\$22 million

- \$3 million for Case Management System
- \$19 million for eFiling

Total Anticipated Time

8 to 9 years

Total time includes:

- 3 years for the update of the Case Management System
- 2 years for eFiling planning and procurement
- 3 to 4 years for rollout

eFiling Status

Iowa's plan is to complete the statewide implementation over the next three to four years.

Approach to eFiling

Iowa's statewide Case Management System was built in-house.

New Hampshire—Population 1,318,194

Total Anticipated Costs of Case Management System and eFiling

\$10.4 to \$12.4 million

Total costs include:

- \$3.4 million for Case Management System
- \$7 to \$9 million for Document Management System and final eFiling management

Total Anticipated Time

7 years to pilot of eFiling

Total time includes:

- 4 years for the update of the Case Management System
- 3 years for eFiling pilot

eFiling Status

New Hampshire is planning to pilot eFiling in the Spring of 2013.

Approach to eFiling

New Hampshire purchased a new Case Management System. It has hired a full time Project Manager to assist in the incorporation of a Document Management System for full eFiling.

VI. COSTS AND TIMELINES

A. Planning, Planning, Planning

As we have learned from the work of other states, electronic filing is a complex and multifaceted undertaking. The State of New Hampshire has described it this way: “The e-Court initiative is a huge collection of projects.” For any state, it is a multi-year project that must be well planned. Done well in Maine, it will have a positive effect on public service, Judicial Branch resources, and stakeholder resources. Careful planning is the key to success; without that planning, the potential for wasting taxpayer dollars is a real risk, as they discovered in California.

We have therefore put heavy emphasis on planning in the early phases, just as our successful colleagues in other states have done. We focus here on the first biennium, with the understanding that the timeline and rollout of designs will be developed more thoroughly in the planning process.

B. Comprehensive Cost Estimates

The cost of a modern, comprehensive eFiling system for Maine will be measured in millions of dollars. Ultimately the final costs will be determined as the result of a request-for-proposals process. We have provided cost comparisons from other states to allow for a rough estimate for Maine. We will provide more detailed preliminary estimates in our September budget proposals.

To begin the process, the Judicial Branch will make a request for the initial funding, for both the planning and the Case Management System resources, in September of 2012, as part of the biennial budget request. The detailed cost analysis is still being researched and evaluated, and will be refined when we submit the initial request for the first phase of funding in our FY 2014/15 budget request. We will also address potential funding methods.

C. Preliminary Timeline

Although we cannot precisely predict the exact timing for completion of the project until much of that planning is done, we recognize that governmental leaders need an assessment of the likely duration of the project. Information provided by the National Center for State Courts and our colleagues in other states leads us to estimate that the completion of all phases, and the final availability of eFiling in all case types will likely take five to seven years.

We have focused here on the first biennium, to allow budget planning in the 126th Legislature.

D. FY 2013—Interbranch Collaboration, Planning, and Funding

The first year, that is, the fiscal year we are now in, will be used to develop interbranch collaboration. Initially, a detailed cost analysis and evaluation of funding sources will be explored. A final decision on funding the project will be the end result of this first year's effort, allowing the serious planning and initial contracting to occur in the 2014/15 biennium.

A funding request will be submitted in September 2012, as part of the Judicial Branch's FY 2014/15 biennial budget request. It will address the need to fund a detailed technological requirements analysis, to obtain the necessary staffing, including a full-time project manager, and to purchase the upgrade or replacement of the current Case Management System.

E. FY 2014/15—Project Manager, Case Management System Requirements, Purchase, and Beginning of Implementation

Assuming that funding for the Case Management System is provided, **FY 2014** will see hiring of the project manager, the development of system requirements, the preparation and issuance of a request for proposals, and the selection of a Case Management System. A contract will be negotiated and the system purchased. The project manager will focus full time on the progress of this initiative.

If progress occurs as planned, a contract for a new or improved Case Management System will be signed, and implementation will commence, by **FY 2015**. This implementation will include the conversion of data as necessary to

ensure continued operations as the project progresses. The completion of this phase for all case types is expected to take approximately two years. User training and testing in pilot courts would occur, followed by full implementation.

A funding request would then be submitted by September 1, 2014, for the FY 2016/17 biennial budget to fund the next components of the system, including the Document Management System and Internet Interface.

It may be possible in the first year to seek proposals for a combined Case Management System and Document Management System with the Internet Interface. Depending on the state of the art and product availability when we seek vendor input, the general timeline may change and a more rapid development may be possible. The ability to expedite the process will depend on available resources, including funding.

VII. NEXT STEPS

This Report lays out the Judiciary's vision for electronic filing in both its components and its benefits. It provides a sense of how other states and courts have approached electronic filing. The Report also provides a high-level view of a multi-year plan and some idea of the types of decisions that still need to be researched and resolved. Below are the "next steps" that are required and the order in which they need to happen.

- Prepare biennial budget submission for September 2012
- Contract with full-time project manager
- Write and promulgate Request for Proposals for an upgraded or replacement Case Management System
- Develop Funding Methods
- Collaborate with the other branches of government, the legal community, consumer representatives, and advocacy groups
- Review practices and procedures and generate business rules consistent with electronic filing parameters and next-generation electronic Case Management Systems
- Begin review of statutes and rules of court for conformance with electronic filing
- Develop a business workflow plan for creating more effective business processing in each case type

VIII. CONCLUSION

The Maine Legislature has asked the Judicial Branch to present a plan for the greatly improved access to justice that eFiling would achieve. The Judicial Branch is strongly supportive of the proposal to establish eFiling because it will further facilitate the Maine Judicial Branch mission, *“To administer justice by providing a safe, accessible, efficient and impartial system of dispute resolution that serves the public interest, protects individual rights, and instills respect for the law.”*

We are pleased to present this preliminary plan to provide eFiling, in every case type, for every person needing access to justice, whether represented or not, for statewide implementation. The plan would roll out over the next several years and would bring the Maine courts into the Twenty First Century. We look forward to working with the other branches of government and the users of the court system to create a user-friendly eFiling system that is responsive to the public’s needs.