

AGENDA
KANSAS ELECTRONIC FILING COMMITTEE
TECHNOLOGY SUBCOMMITTEE
Room 269, Judicial Center, 301 SW 10th, Topeka, KS
July 17, 2009, 10:00 a.m.

I. Discuss and review data elements used statewide with emphasis on data and procedure differences on case types outlined by the Policy and Procedure Subcommittee for Tier I. (Limited Action, Foreclosures, Traffic, Criminal/Juvenile Offender)

II. What should be allowed to be e-filed: initial filings only or all filings on a case?

Clarification based on feedback: The Policy Committee is tasked with determining what should be e-filed. Should we, the Technology sub-committee, decide if an e-filing system requirement is that the e-filing system allows some or all case filing types? Is it a system requirement or an option based on various work flows of various courts?

III. Discuss the technical aspects of Supreme Court Rule 122 (Electronic Filing and Transmission of District Court Documents). Included should be a discussion of Section D of this rule (E-Signatures).

Rule 122: Included at end of this document.

IV. Discuss setting a date and parameters for a public forum for feedback on electronic filing.

Clarification based on feedback: The full e-filing committee or the Supreme Court would initiate a consolidated public forum addressing issues from all sub-committees. Shall we request at that forum one of the issues for the public speakers to address is the recommendations of the Technology subcommittee; specifically, if a single portal is a critical issue, if the ability to file all case filings is a critical issue, is two way electronic communication desired and should it be mandatory that all parties accommodate electronic communication, etc?

V. Determine next meeting date, time, and location.

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Rules Adopted by the Supreme Court

Rules Relating to District Courts

Rule 122

Commencement of Actions, Pleadings, and Related Matters

Electronic Filing and Transmission of District Court Documents

A district court may, by local rule, require documents to be filed, signed, or verified by electronic means that are consistent with technical standards for electronic filing and transmission as approved by the Supreme Court. The local rule may impose a reasonable fee for electronic filing and/or remote access viewing, if available, to support the expenses associated with the e-filing system.

ORDER ADOPTING TECHNICAL STANDARDS

The following technical standards provide guidelines for implementation of electronic filing and transmission systems in Kansas district courts pursuant to Supreme Court Rule 122.

TECHNICAL STANDARDS GOVERNING ELECTRONIC FILING AND TRANSMISSION OF DISTRICT COURT DOCUMENTS

A. Technical Standards

The following technical standards are mandatory requirements which guide implementation of electronic document filing and transmission systems in Kansas district courts. The standards are phrased as functional requirements that any electronic filing and transmission system must meet; there may be a variety of technical implementations by which each functional standard may be met. The standards focus on ensuring the integrity of the court record and providing a capability for filing that is at least as good as existing paper systems.

B. Electronic Filing and Transmission

Electronic filing and transmission is the process by which information is delivered by electronic means rather than in the conventional paper form. This includes any documents which normally become part of the case file, whether submitted by the court or the litigants.

C. Document and File Format Standards

1. Documents filed electronically shall comply with all applicable rules of the Kansas Supreme Court and of the receiving court regarding form and content.
2. All documents filed electronically must be capable of being printed as paper documents without loss of content or appearance.
3. Electronic documents must be stored in, or convertible to, a format that can be archived in accordance with specifications set forth in Kansas Supreme Court Rule 108.
4. Electronic documents must be retained in the electronic format in which they are submitted. Documents submitted to the court in paper form may subsequently be imaged to facilitate the creation of an electronic case file after which the paper document does not need to be retained by the court.
5. Every implementation of electronic filing must accommodate submission of nonelectronic documents or exhibits in special circumstances as defined by local rule.
6. The appearance docket shall indicate the time of filing of every item and from whom it came and shall be electronically visible to those persons enrolled in the electronic filing system. This docket entry shall satisfy the duty of the clerk outlined in K.S.A. 60-2601 to file stamp and initial all filed documents.

D. Signatures

1. An electronic signature is defined under K.S.A. 2000 Supp. 16-1602(i) of the Uniform Electronic Transactions Act, K.S.A. 2000 Supp. 16-1601 et seq., as an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
2. A digital signature is defined under K.S.A. 2000 Supp. 16-1602(e) as a type of electronic signature consisting of a transformation of an electronic message using an asymmetric crypto system such that a person having the initial message and the signer's public key can accurately determine whether:
 - a. the transformation was created using the private key that corresponds to the signer's public key; and

b. the initial message has not been altered since the transformation was made.

3. A digital signature, per K.S.A. 2000 Supp. 16-1602(e), may be accepted as a substitute for, and, if accepted, shall have the same force and effect as, any other form of signature.

4. Digital signature standards based on public-private key encryption technology may be used to authenticate filer identity and to ensure the integrity of a document's content.

5. An electronic, digital signature contained in an electronic court filing will be treated as an original signature and has the assurances of a signature under K.S.A. 2000 Supp. 60-211. An electronic signature contained in an electronic document originating from a clerk of a court shall be treated as an original signature and has the assurances of a signature under K.S.A. 2000 Supp. 20-365.

E. Authorization of Electronic Filers

1. Persons intending to file documents electronically with a district court shall follow the district court's established procedures for enrolling in the electronic filing system. The district court may request information necessary to establish that person as an authorized system user. The information shall include:

a. the filer's public key which will serve to authenticate the filer's future electronic transmissions; and

b. the filer's full name, business address, phone number, e-mail address, and Kansas Supreme Court registration number if the filer is an attorney; and

c. the name and account number of the filer's financial institution, which will be debited to pay any required case and electronic filing fees (lack of funds for a bank draft will be treated the same as an insufficient funds check); or

d. (1) the name of the credit card system and the account number to which the fees shall be charged, (2) the signature of the cardholder authorizing the charging of the fee, and (3) the expiration date of the credit card.

2. Payment of bank charges for debit transactions will be paid by the court from interest earned on the court bank account per Supreme Court Administrative Order 30.

3. No person shall file documents electronically with a district court until the filer has received confirmation and registration approval from the district court.

4. Payment of court costs through the debit transaction referenced in E.1.c. or the credit transaction referenced in E.1.d. above shall satisfy the statutory requirements for payment of court costs as stated in K.S.A. 61-2501 and K.S.A. 60-2001.

F. Document and System Security Standards

1. A mechanism must be provided to ensure the authenticity of the electronically filed document. This will include the ability to verify the identity of the filer and the ability to verify that a document has not been altered since it was filed.

2. The authentication private key shall remain under the exclusive control of the filer. If security of the public-private key pair is compromised, the filer will promptly notify the district court, will discontinue use of the compromised key pair, and will replace the compromised key pair in the court authentication and registration process.

3. If a court implements an interactive electronic filing process, the court must control interactive access to the electronic filing system via a user authentication process.

4. Media capable of carrying viruses into court computers (e.g., floppy disks and electronic mail) must be scanned for computer viruses prior to processing.

5. It is necessary to isolate access to computers used for electronic filing from access to other court networks and applications.

6. Computer systems used for electronic filings must protect electronic filings against system and security failures during periods of system availability. In addition, they must provide normal backup and disaster recovery mechanisms.

G. Electronic Filing and Transmission Process Standards

1. Court computers shall be available on a 24-hour basis to receive electronic filings. This provision does not prevent the court from providing for normal repair and maintenance of the receiving computer.

2. All electronic document submissions must generate a positive acknowledgment or notice that is given to the filer and other parties in the case who have enrolled in the electronic filing system to indicate that the document has been received by the court. The positive acknowledgment must include the date and time of the

document receipt and a court-assigned document reference number (case number).

3. Electronic filings received by the court shall be deemed filed as of the time the transmission ends and the court computer provides acknowledgement to the sender of the successful transmission of the electronic document.

4. Electronic filing systems must provide a mechanism for quality assurance and quality control of the submitted documents and case management data by both the court and the filer. The court will provide notice to the filer if a transmission is received with errors.

5. Adequate public access to electronically filed documents must be provided.

6. Unless otherwise governed by local rule, electronic filings may be transmitted in successive transmissions, but no single transmission shall exceed 2 megabytes.

H. Pro Se Filings

The court may provide the ability for pro se filers to file electronically.

I. Possession of Documents

A person filing or transmitting court documents electronically shall retain, in his or her possession or control, a record of the transmission from which a full copy of the document can be made during the pendency of the action and shall produce such document upon request under K.S.A. 2000 Supp. 60-234 by the court or any party to the action. Upon failure to produce such document, the court may strike the electronically filed document and may impose sanctions under K.S.A. 2000 Supp. 60-211. Retention of electronic documents shall include all documents filed with the district court and any other electronic communication related to the action.

J. Service by Electronic Mail

1. A party consents to service by electronic mail by: (a) enrolling in the electronic filing system; (b) filing a document by electronic mail in that proceeding; (c) serving a document by electronic mail in that proceeding; or (d) serving a pleading which includes the party's electronic mail address on the pleading.

2. Service by electronic mail shall be made by transmitting the document to the party's designated electronic mail address. To insure that the document is transmitted in a readable format, any attachments transmitted as part of an electronic mail message must be formatted in a universal computer language or format such as American Standard Code Information Interchange (ASCII) text file or Rich Text Format (RTF), or Portable Document Format (PDF).

3. A court may serve notice by electronic mail if the notice may be served by regular mail. The notice may be served by electronic mail on the party's attorney, when represented by counsel, or on the party, if the party consents to electronic mail service under subsection (1) of this section.

4. Service by electronic mail shall be complete when the mail message is transmitted unless the message is returned to the sender as undeliverable.

[History: New order effective September 6, 2000; Am. effective September 8, 2006.]