

**Electronic Filing Committee
E-Filing Finance Subcommittee
Meeting Minutes
November 6, 2009**

Subcommittee Members Present:

Steve Grieb, Co-chair
Hon. James Fleetwood

Gordon Lansford, Co-chair
Mary Kadel

E-Filing Committee Members Present:

Justice Marla Luckert
Steve Berndsen

Kelly O'Brien
M.J. Willoughby

Others Attending:

Hon. Stephen Tatum
Deb Hipp – Courthouse News Service

General Discussion:

I. Updates on Denver Conference:

Steve Grieb noted that several presenters affirmed that if e-filing is handled correctly, it is very popular among users. States that have used it on a voluntary basis have seen usage increase dramatically over time. Steve also stated that a couple of vendors have demonstrated their products to members of the Technology Subcommittee through web-based programs.

Gordon Lansford observed that there were significantly fewer e-filing vendors at this conference than in previous years. He thought this was a good thing because those remaining should provide a more mature product from stable providers.

Justice Luckert said that one seminar she attended tried to estimate the cost for system users, i.e., delivery costs for attorneys, photocopy costs for attorneys, etc. In an effort for us to quantify some of that, her staff is using last month's docket and trying to calculate what the cost would be for e-filing that docket. They are trying to quantify what the overall cost to the system might have been just to process one week's worth of cases. That amount could be used to encourage people to use the new system.

Judge Fleetwood stated that it was his understanding that Justice Systems, Inc. (JSI) could interface with an electronic filing system. JSI has a web-based product called Enterprise and Kelly stated that he spoke with a JSI representative and they will be providing a quote for this product. JSI is also working with Oracle on licensing. Kelly explained that one database would likely be maintained in the Judicial Center and users would connect to that database and use the same fee table, etc., so when changes are made they are made in one place, not at each courthouse. There still could be issues with connecting if the location they're trying to connect from is down. JSI is building its "Enterprise System Bus" to allow connections to any number of locations, e.g.,

prosecutor's system, Department of Corrections, Kansas Bureau of Investigation, etc. All interactions will take place through that Bus.

JSI will be providing a couple of different proposals; statewide (single system) or individual servers in for, as an example, SG, SN, WY, and OJA, covering the rest of the state. Kelly stated that if we are going to do Enterprise within the next five years it's probably better to do so before we implement e-filing. Gordon stated that it's probably more financially efficient to do so now. Kelly thought if Enterprise was already installed then e-filing would be a lot less expensive.

II. Discussions on a possible recommendation or proposal for a charge structure to support on-going system costs:

Prior to this meeting, Steve Grieb sent committee members a rough draft memo of ideas on possible revenue streams. He suggested two possible recommendations, alone or in combination, to garner revenue to support the system. The first recommendation would be to increase all filing fees. The second recommendation would be increase attorney registration fees. The first recommendation is supported by the thought that the people in the state of Kansas will be reaping a benefit from the system, so a slight increase in filing fees would be appropriate. The latter recommendation was developed with the idea that attorneys will be the biggest users of the system, and so should financially support that system.

Kelly felt that the committee needed to make a recommendation soon because most e-filing companies would gladly come in and put the system in with no up-front money if there was an increase in filing fees dedicated to this project and a contract stipulating that this amount be paid to the selected vendor until the entire cost of the product was paid for. Using this funding scenario, less grant money might be needed. A filing fee could be used to partially fund startup of an e-filing system, and to fund future maintenance. Judge Fleetwood said it was his understanding that "do nothing to discourage" e-filing meant that you should not charge for use of the system unless you absolutely have to. It was noted that attorney registration fees in Kansas, compared to other states, are very modest. Kelly will research what attorney fees are in Missouri.

The second thing addressed in the draft memo was the possibility of using credit card, debit card, and ACH payments. There was discussion as to whether or not the fees for processing these types of payments should be assumed by the court. Kelly stated that these fees are currently paid by the user of the payment processing system. Payments are currently being taken online for traffic cases. Additional case and payment types will be available to be paid online soon, but to his knowledge there have not been any complaints from the public.

It was agreed that Steve Grieb will draft a memo for the consideration of the sub-committee, which, on review, modification, and approval by the sub-committee, would be submitted to Justice Luckert and Justice Biles regarding the above topics.

Gordon said he spoke with Tom Clark of the National Center for State Courts at the Denver conference. Tom is the architect of Justice Reference Architecture which is the

grand scheme for use of electronic systems throughout the justice systems in the United States. Gordon asked him about e-filing and he stated that it's the way of the future. He said that regardless of the state, filing fees are the predominant way things are financed. Mr. Clark was intrigued by the attorney registration fee idea because it hasn't been adopted by many that he was aware of, yet it was a reasonable method.

III. Updates on e-filing experiences of other states:

Gordon spoke with Janet Chubb from the Kansas Secretary of State's office regarding e-signatures. There is an overall governance structure for technology in the state of Kansas which is called ITEC (Information Technology Executive Council). The subset of ITEC is ITIMG (Information Technology Identity Management Group). Its whole purpose is to determine the best way to handle electronic signatures and similar issues. This group has been meeting for about six or seven years. Gordon distributed a manual on this group's recommendation of how to implement e-signatures. By using this manual the Court could determine the level of security or the kind of electronic signatures they would want to use. After that decision is made, ITIMG could recommend the best way to implement it.

Gordon inquired if the committee needed to move quickly after it gets the estimates from JSI to be on the same timeline as the rest of the subcommittees. Justice Luckert said the RFI (Request for Information) is scheduled to be released by the end of the year. Gordon reminded the committee that 2011 Justice Grants open in March and close in April. Justice Luckert said that if we have a scheme based on the consensus today, the committee could start to look a little more precisely at the numbers that might be required to drive it. She stated that having the RFI information and numbers before the subcommittee meets in January should give them something to discuss. She added that if you're going to go to the Legislature, you'd need to do it around that time. Kelly said the technology subcommittee meets next Friday and they will discuss the RFI information at that time.

Gordon stated that the process for e-citations for the state of Kansas is moving along nicely. The next two weeks they will be in four locations around the state talking to law enforcement about this process and to get input. The Sheriff's Association and the Chief's Association have done a good job of communicating the e-citation project.

Justice Luckert said other states that have e-filing systems have a "catchy" name for their systems. One suggestion she shared for the Kansas system is wE-Kan e-file.

IV. Next meeting date, time, and location:

The next meeting will be Friday, January 8, 2010, at 1:00 p.m. in the OJA conference room, 3rd floor of the Judicial Center.