

**Electronic Filing Committee
Policy and Procedure Subcommittee
Meeting Minutes
June 3, 2009**

Members Present:

Hon. Dan Biles, Subcommittee Chair	Hon. R. Wayne Lampson
Hon. Edward Bouker	John Steelman
Kathleen Collins	Angela Callahan
Alice Adams	Mark Kahrs
Tim O'Brien	Lisa Wilson
Ron Keefover	M.J. Willoughby
Tim Owens	

Justice Biles opened the subcommittee meeting by focusing on whether an electronic filing system should be mandatory or permissive, and at what level or time frame.

Angie Callahan stated that the system Shawnee County uses is permissive at this time. There had been discussion of making it mandatory, but the reason it is currently permissive is because not every type of limited action case falls into the stringent criteria currently required for e-filing. Steve Berndsen mentioned that other states vary the level of permissiveness based on the type of case.

Justice Biles asked the subcommittee if it thought the goal of having e-filing available should still be considered. All members agreed the state needs to move to e-filing. Next he asked if it should be phased-in or mandatory from the beginning. This led to further discussion regarding the clerks assisting filers using both electronic and paper processes. Training end users how to e-file was also discussed.

The necessity of public access terminal availability for people to be able to e-file was discussed. It was mentioned that most counties have at least one public terminal available in the courthouse.

The subcommittee recommended e-filing be mandatory at some point in the future, using a phased-in approach. It was agreed e-filing should be phased-in according to the following case types, with perhaps some leeway to phase-in pro se filings within each tier:

- Tier 1 consisting of limited action, foreclosure, traffic, and criminal/juvenile offender cases.
- Tier 2 consisting of civil and probate cases.
- Tier 3 consisting of domestic, adoption, and juvenile CINC cases.

Justice Biles will prepare a formal policy statement for review regarding the level of permissiveness for electronic filing consistent with the recommendations of the subcommittee for review by its members. The next meeting will be scheduled at the call of the Chair.

Subcommittee Discussion Notes:

Kathleen Collins – asked if the Shawnee County electronic filing system is mandatory or permissive.

Angie Callahan – stated that Shawnee County’s system is currently permissive.

Mark Kahrs – mentioned the importance of ensuring access to the courts for *pro se* filers and small law firms in a mandatory environment. He also highlighted the potential for process improvements in a permissive environment.

Tim O’Brien – the Federal Court’s electronic filing system is mandatory and did not see a significant drop in attorneys filing with the court post implementation.

Hon. Edward Bouker – discussed the use of form generation using HotDocs by *pro se* filers. Form generation online for *pro se* filers is being pursued by the Self-Represented Study Committee.

Tim Owens – highlighted the need to ensure access to the electronic filing system and commented on the necessity of training for users of the system. He also mentioned the consequences of electronic filing on staffing in the district courts.

Alice Adams – commented on the limited availability of in-house technology support on a statewide basis.

Lisa Wilson – noted the potential for resistance to change, and the need for effective change management.

Justice Biles – opened discussion on prioritizing case types for a phased-in approach to electronic filing.

Justice Luckert – mentioned the potential for Byrne grant funding for criminal and traffic cases.