

**Electronic Filing Committee
Technology Subcommittee
Meeting Minutes
November 13, 2009**

Subcommittee Members Present:

Greg Cox, Co-Chair
Stephanie Theel, Co-chair
Tim Mulcahy
Kathie Garman
Kevin Beckwith
Larry Zimmerman

E-Filing Committee Members Present:

Justice Marla Luckert
Kelly O'Brien
Steve Berndsen
M.J. Willoughby

Subcommittee Members Absent:

Todd Heitschmidt
Tyler Adams

The meeting commenced at 9:00 a.m.

Topics for Discussion

- I. Discuss reference call results and work on demonstration requirements and scheduling demonstrations.
- II. Discuss RFI suggested changes.
- III. Discuss changes made by Policy and Procedure Subcommittee on e-signature issues.
- IV. Discuss EFC4 standards.

Recommendations

No recommendations.

Discussion Notes

- I. Reference calls were made to states with statewide e-filing. Three states responded: Utah, Delaware, and North Carolina. By coincidence all three are using Tybera products.

Utah: They are running Tybera for EFM (Electronic File Management) only. Basically they interface to their case management system, leaving the customer side open to multiple vendors. Tybera is supplying the court's and acceptance pieces, and the state is providing the API, programmer's interface, that allows multiple vendors from the outside to connect and submit electronic filings to their system. Tybera is also providing the quality assurance if any vendor wants to supply API documents. Utah does not dictate one vendor for users. The user develops their own API, but they must be certified by the state for use. The cost structure allows the users e-filing vendor to charge as they see fit. The bar is charging \$275 a year for unlimited e-filing and they use Tybera's e-filing interface. A couple of other vendors participate in API's for bulk submission. The cost for bulk submissions is left up to the user. There is not electronic filing revenue for the state. The vendors supply the staff, so the state staff is only providing technical support. The system is used statewide, but is centrally located. Public access is \$30 per month for 200 searches and then 10¢ per search over that; or \$2.50 per document if downloaded and they have to be a party to the case to obtain a document; for case data they do not. Utah also has a system called Procap which is free, online forms for *Pro Se* litigants. They are PDF forms that are printed and filed manually with the court. For e-signatures they used to have a USB key fob with signatures on it, but they discontinued that and changed the rules to accept the ID/password with /s method. PDF court documents will have an added court seal watermark over the /s. All documents are submitted as searchable PDFs. The documents requiring signature are RTF, which are converted to PDF after they are signed. Utah had only one concern with Tybera, which is they may be a little small. All states using Tybera felt they did a good job of doing in-house training.

Delaware: Uses Tybera E-flex for e-filing and ACS as their case management system. Tybera was brought in as part of ACS's bid for the state case management system. Originally, they chose the data baseline method that Nevada uses to go live with. Then they spent 14 months creating their own version to mimic Lexis Nexis, which has not worked well because it's too complicated. They charge a 50¢ per document technology fee when e-filing. Delaware made e-filing mandatory for attorneys and special certified agents that practice in that state. The service on a case is by traditional means. They use the ID/password type login and their e-signature is the /s method. Their payment method uses court escrow accounts. Their local equivalent of OJA provides support for the users. All three users have size limits that include 2mg per document, 10-16 mg per transaction. These size limits did create educational issues for PDF users. Documents must be in PDF. Their ACS case management system is public, but not images. The Delaware representative said some things they would do differently include not making it mandatory for attorneys so quickly, having consistent statewide rules, being more careful about document types and naming conventions, and they would make the case caption remain the same throughout the life of the case.

North Carolina: They were in a rush to do e-filing and implemented in three counties in four months with no interface. The clerks have to do the data conversion manually for everything that is e-filed. Their assembly required them to do this and now they have no money for the interface. They use Tybera E-flex because it works with their case management system. They don't have an imaging system. The vendor has e-pay

through credit card of \$1.00 plus 2.25% and there is an e-check for \$1.00, but there is no court charge, so there is no revenue coming in. They will have to wait until the state is able to fund the interface. Training is held by Tybera through GoToMeeting who charges from \$25 to \$40 per training session. They accept PDF or TIFF for filings that do not require a signature. For documents requiring a judges' signature, they accept Word or WordPerfect. The sign on is the standard ID/Password and they use s/ for signatures. The file is date stamped by the clerks electronically. One complaint they are getting from filers is that they have to reenter payment information each time they filed with the Tybera system.

None were completely automated like Shawnee County's where it sends the document immediately to the document management system where the clerks don't touch it. It was thought that Kansas would want this type of system. Everything that's been talked about by this subcommittee regarding signatures is on track with what other states are doing. The question about how to handle notarized documents was brought up. The Secretary of State's office is looking at E-notary and there is a name and number to contact. However, the Kansas notary statute is inconsistent with federal law in the e-filing world and will need to be amended. It was felt that using tokens for electronic signatures was too unmanageable and that the ID/password system is better.

It was mentioned that Tybera is built more for attorneys and courts whereas TurboCourt is built more for the self-represented. Some felt there would some benefit to maybe tie in some of TurboCourt's forms into another e-filing system.

The committee decided to release the RFI before scheduling any demos.

II. Discussion of changes to RFI included the following:

Section E, Paragraph 1: Add Information Technology professionals to the list of people on the E-filing committee.

Section F, Paragraph 1: Add court document management system as one of the exchange systems for e-filing. Change it to court case/document management systems. Plus it needs to be mentioned that not only is it for different systems but also different courts, *i.e.* district and appellate courts.

Section G, #1: Request that the company include their staffing levels and whether they are privately or publicly owned.

Section G, #2: Added bullet point (d) – Ask if vendor has experience with a distributed case management system. How would you do it? What kind of security system would be used? What kind of support services would be used? Move #16 to this bullet point (Please list the pricing model for your system, and any associated costs related to implementing and maintaining your system.) Also add, What is your preferred costing model to the userbase? How can data be accepted through a single portal? How do you handle electronic service for document creation?

Section G, #3: Ask what level of integration does the vendor have experience with. Also ask about experience with batch filing.

Section G, #6: Ask for examples of the types of court cases the vendor can accommodate.

Section G, #10: Change to read “Can your system process incoming documents of various industry standard formats and convert them into a PDF standard?”

Section G, #11: Change it to read, “Are you willing to accept that the court maintains ownership of data and documents submitted via the system and where will the data reside?”

Section G, #13: Change to ask if their product will support the s/ e-signature system.

Add Section G, #18: Do you have the ability for your product to be modified to comply with and integrate with the courts website standards? Can you customize your software for an individual state?

Add Section G, #19: How will your system accommodate public access?

- III. There is a PKI state committee that has e-standards. It was felt that it would be beneficial for this subcommittee to read these standards.
- IV. Next step is to get the RFI out, preferably in December. Get the PKI standards distributed to the entire E-filing committee. Then ask a representative from the PKI committee to speak to the committee about them via conference call. Coordinating this with the Policy and Procedure subcommittee was agreed upon. Redistribute the EFC-4 standards to subcommittee members.

Items for January 8, 2010, Agenda:

- I. Review RFI responses.
- II. Review EFC-4 standards.
- III. Review PKI Committee document and subsequent conference call results.
- IV. Discuss personnel budget numbers.

Next meeting:

Friday, January 8, 2010, at 9:00 a.m., in the OJA conference room, 3rd floor of the Judicial Center.