

**REPORT OF THE  
SUPREME COURT SPECIAL COMMITTEE ON ELECTRONIC FILING  
TO CHIEF JUSTICE STUART RABNER**

**Submitted to Chief Justice on June 15, 2009**

## Table of Contents

### Executive Summary

|  |           |
|--|-----------|
| <b>I. Introduction .....</b>                                 | <b>1</b>  |
| <b>Recommendation Summary.....</b>                           | <b>3</b>  |
| <b>II. Creation and Structure of Special Committee .....</b> | <b>7</b>  |
| <b>III. Subcommittee Responsibilities.....</b>               | <b>9</b>  |
| <b>IV. Recommendations.....</b>                              | <b>11</b> |
| <b>A. Judicial Business Requirements .....</b>               | <b>11</b> |
| <b>B. Technology .....</b>                                   | <b>18</b> |
| <b>C. Finance .....</b>                                      | <b>32</b> |
| <b>V. Conclusion.....</b>                                    | <b>37</b> |

### Subcommittee Reports

**Judicial Business Requirements**

**Technology**

**Finance**

### Glossary

**REPORT OF THE  
SUPREME COURT SPECIAL COMMITTEE ON ELECTRONIC FILING  
TO CHIEF JUSTICE STUART RABNER**

**EXECUTIVE SUMMARY**

**Submitted to Chief Justice on June 15, 2009**

**I. INTRODUCTION**

In the view of this committee, this report is about nothing less than the future of New Jersey's nationally respected Judiciary. Its reputation has been earned over 60 years by the quality of the women and men who have served the Judiciary both as judges and as administrative staff. However, this is a critical juncture in the New Jersey court system's history, when, to retain and enhance its status, the automated systems required to support the excellence of those personnel must enable, rather than impede, the efficient delivery of justice, which after all is the ultimate goal of the system. The Special Committee applauds the initiative of the Chief Justice and the Supreme Court for undertaking the analysis reflected in this report.

The New Jersey state court system now processes almost 1.2 million trial court filings per year. That volume represents an increase of nine percent over the past three years and there is no reason to believe that upward trend will abate. About 4 million individual transactions are processed each day on the Judiciary's state and local systems. Yet the resources available to address this escalation have, in fact, declined with reduced staff positions, a considerably high vacancy rate in judicial positions, and fewer funds available for vitally needed information technology projects.

The committee is acutely aware of the unprecedented economic crisis today facing the nation and this state and the scarcity of revenues thus available to address even the most critical Judiciary needs identified in this report. That funding dilemma is reflected in the report of the Finance Subcommittee. That fiscal crisis should not, however, deter identification of the need for the greater

use of information technology to improve the efficiency of our courts, to reduce costs ultimately, and, most importantly, to enable the Judiciary to continue to meet its constitutional obligations to the state's citizens to provide effective and timely justice.

While the title of the Special Committee refers explicitly to "Electronic Filing," the scope of inquiry laid out by the Chief Justice rightly goes far beyond a simple system to convey court filings through an internet-enabled platform. That would be only an incremental improvement and would provide at best only an incomplete solution. The Special Committee thus examined issues around a comprehensive technology platform that would transform not just how documents are processed, but also the system for processing those cases, including case management, tracking, scheduling, and making decisions. A full set of the Special Committee's recommendations with key concepts highlighted follows this introduction.

If the Supreme Court elects to embark upon the journey suggested in this report, it will be launching a multi-year transformative process of bringing the systems that support our Judiciary to the same level of excellence that is now reflected in our judges and staff. Achieving that goal will dramatically enhance the ability of the Judiciary to meet its constitutionally embedded promise to the people of New Jersey. While it will be a difficult and lengthy journey, it is one well worth taking.

# Supreme Court Special Committee on Electronic Filing

## Report to Chief Justice Stuart Rabner

### Recommendation Summary

#### A. Judicial Business Requirements

##### 1. Comprehensive System

Recommendation 1: The e-filing solution must be **comprehensive**.

##### a. Front-End

Recommendation 2: The e-filing system must present a **uniform “look and feel”** to all front-end users, i.e., filers, the public, judges, and court staff.

Recommendation 3: A **standard file format** for submitting data and documents should be established.

Recommendation 4: The system must have a **filing and fee component**. Users covered by Rule 1:13-2 who do not need to pay a filing fee should also be accommodated.

Recommendation 5: The system should allow **communication with attorneys** and be able to generate notices.

Recommendation 6: The system must be able to **facilitate service of *mesne* process (process after initial process) and other documents electronically**, but will not serve initial pleadings electronically.

##### b. Case Management

Recommendation 7: The system should **populate data fields in the Judiciary case management systems**.

Recommendation 8: The system should be able to **(1) maintain notes made by judges and staff, (2) schedule events, (3) create calendars, (4) produce notices, and (5) produce case management reports**.

Recommendation 9: The system should allow for **remote access** by judges, law clerks, Special Civil Part Officers, and other judicial personnel, and by non-judicial personnel such as sheriffs or court officers to the extent feasible.

##### c. Records Management

Recommendation 10: The system should be able to **store, retrieve and purge data and document images**.

#### d. Public Access

Recommendation 11: The system should allow the **public to have ready access** to open court records.

Recommendation 12: The system should maintain the **security of documents and data** when appropriate and limit access consistent with the Rules of Court and policies of the Judiciary.

#### 2. Mandatory Use

Recommendation 13: **Attorneys who are filing documents with the Judiciary must use the electronic filing system.**

Recommendation 14: **Judges must use the electronic filing system.**

Recommendation 15: At the outset ***pro se* litigants must file paper pleadings**, but the system should allow them to register to receive electronic notices from the court in addition to mailed paper notices.

Recommendation 16: The Judiciary should **re-examine *pro se* electronic filing options** after an e-filing system has been in place for at least a year.

#### 3. System Implementation

Recommendation 17: Electronic filing systems should be implemented first for **General Equity/Foreclosure and Tax Court cases, followed by Dissolution and Criminal cases.**

Recommendation 18: **The implementation of the system should be comprehensive from the outset. The system should not be implemented with only the front-end complete.**

#### B. Technology

Recommendation 19: **Future electronic filing solutions should include multiple options** – involving either multiple vendor options or combinations of a single vendor with an in-house backup.

Recommendation 20: All electronic filing solutions should include **compliance with standards** including OASIS electronic case filing / Legal XML specifications.

Recommendation 21: **Third party vendor solutions that require extensive customization should be avoided.**

Recommendation 22: The Judiciary should ensure that **document viewing / handling requirements, including those of judges, are fully addressed by the document management solution.**

## 1. Attorney Front-End

Recommendation 23: The Judiciary should implement a **web browser interface for low volume attorney filers**.

Recommendation 24: The Judiciary should implement **web service interfaces for all key filing transactions and enable direct connections from law office systems**.

Recommendation 25: The Judiciary, **working with other states and vendors, should begin the initiative to develop a standards-based shared-source solution for e-filing**.

## 2. Business Rules

Recommendation 26: The Judiciary should implement a **business rules engine** software product.

Recommendation 27: **Business rules should be gradually removed from case management systems and centralized in the rules engine**.

## 3. Workflow

Recommendation 28: Central Office Information Technology staff should conduct a first pass **scan of available commercial workflow engines** to gather information for product selection.

Recommendation 29: The Judiciary should **implement a workflow engine** that can enable tasks either to be automated or assigned for human tasks.

Recommendation 30: Central Office Information Technology staff should begin **defining areas where workflow automation would have the greatest impact**.

## 4. Case Management

Recommendation 31: The Judiciary should implement an **interface between the front-end electronic filing component and the case management component**. Three possible options are identified, in increasing order of desirability:

- 1) Current Solution: The current JEFIS docketing component utilizes screen-scraping technologies to view and update case management information
- 2) More Desirable Option: Provide direct access from e-filing component to CMS databases
- 3) Most Desirable Option: Extend existing CMS transactions via web services

Recommendation 32: **Incremental enhancements** needed for future electronic filing initiatives should be **designed in such a way that the front-end component always interfaces with the Judiciary's case management systems** via a web services interface based on the Electronic Case Filing (ECF) 4.0 specifications.

## 5. Document Management

Recommendation 33: The Judiciary should continue to use its **current document management solution**, IBM Content Manager.

## 6. Judge Application

Recommendation 34: A representative sampling of **judges responsible for all of the various docket types should be surveyed to determine their unique needs and requirements, with a comprehensive proposal to be crafted based on that information.**

## C. Finance

Recommendation 35: The **e-filing system should be mandatory** and the Judiciary must develop a **robust customer service** support system for the new e-filing community.

Recommendation 36: The Judiciary should seek **filing fee increases and/or additional user fees.**

Recommendation 37: The Judiciary should **explore the feasibility of self-funding its e-filing development through a fee-based access system.**

Recommendation 38: The Judiciary should **explore the feasibility of partnering with other states to share the cost of developing a standards-based shared-source e-filing system.**

## **II. CREATION AND STRUCTURE OF SPECIAL COMMITTEE**

In the fall of 2008 Chief Justice Stuart Rabner created the Supreme Court Special Committee on Electronic Filing. He defined electronic filing as “the process whereby parties transmit complaints and other pleadings, as well as supporting documents, to the courts in electronic form; the courts receive, organize and file such pleadings in electronic form; the courts’ databases are automatically populated from the electronic pleadings (without the need for re-entering data); the courts’ databases automatically schedule and serve notices and record all actions and documents generated in the case; and court records are retained and archived in electronic format.” (Project Statement for the Supreme Court Special Committee on Electronic Filing)

Chief Justice Rabner named John Degan, former Attorney General and current Vice-Chairman and Chief Operating Officer of the Chubb Corporation, to chair the committee. The Chief Justice appointed a total of thirty-four members to the committee and designated six Judiciary managers as staff. He directed the Special Committee to “examine all of the Judiciary’s filing and case processing systems and identify the best way to achieve comprehensive e-filing systems in every one of the Judiciary’s many case types in the shortest possible time.” (Project Statement for Supreme Court Special Committee on Electronic Filing)

The committee members included attorneys from large law firms, small law firms, legal aid organizations, the Office of the Attorney General, and the Office the Public Defender; chief information officers; a representative from the federal courts; judges; Judiciary managers; and the Acting Administrative Director of the Courts. A complete list of members and staff follows:

## **Committee Chair**

John J. Degnan, Esq., Vice-Chairman and Chief Operating Officer, The Chubb Corporation

## **Committee**

Michael Ackerman, Esq., Zucker, Goldberg & Ackerman, LLC  
Abraham M. Akselrad, Esq., Lovas, Akselrad & Joseph  
Mark L. Berthiaume, Senior Vice President & Chief Information Officer, Chubb & Son Corporation  
Joseph A. Bottitta, Esq., New Jersey Lawyers Service  
Alashia L. Chan, Esq., Day Pitney LLP  
Manoj S. Chouthai, Vice President & Chief Information Officer, Public Service Enterprise Group  
Hon. Patrick DeAlmeida, Tax Court Judge  
Gerald J. Felt, Esq. Pressler & Pressler  
Hon. José L. Fuentes, Appellate Division Judge  
Hon. Maurice J. Gallipoli, Assignment Judge, Hudson Vicinage  
Amos Gern, Esq., Starr, Gern, Davison & Rubin, PC  
Hon. Glenn A. Grant, J.A.D., Acting Administrative Director  
Hon. Jamie D. Happas, Superior Court Judge, Middlesex Vicinage  
Christina D. Hardman-O'Neal, Esq., Lomurro, Davison, Eastman and Muñoz, P.A.  
Steve G. Hockaday, Esq., Essex-Newark Legal Services  
Collins Ijoma, Trial Court Administrator, Essex Vicinage  
Wansoo Im, Ph.D., Vertices, LLC  
John P. Lacey, Esq., Connell Foley  
Gregory G. Lotz, Esq., Garippa, Lotz & Giannuario  
Kristin A. Mateo, Esq., Vice President and Assistant General Counsel, Legal Services of New Jersey  
John P. McCarthy, Jr., Esq., Director, Trial Court Services (through February 28, 2009)  
Howard J. McCoach, Esq., Assistant Attorney General in Charge of Litigation,  
Division of Law, Department of Law and Public Safety  
Hon. F. Patrick McManimon, Superior Court Judge, Mercer Vicinage  
Hon. Elijah L. Miller, Civil Presiding Judge, Bergen Vicinage  
Jennifer Weisberg Millner, Esq., Fox Rothschild, LLP  
James P. Murphy, Chief Deputy Clerk, U.S. District Court, District of New Jersey  
Mark J. Oberstaedt, Esq., Archer & Greiner, P.C.  
Carlos G. Ortiz, Esq., Vice President and General Counsel, Goya Foods, Inc.  
Jennifer M. Perez, Esq., Chief Deputy Clerk of the Superior Court  
Christopher M. Placitella, Esq., Cohen, Placitella & Roth  
James R. Rebo, Director, Information Technology Office, Administrative Office of the Courts Judiciary  
Donald E. Smith, Interim Vice President for Information Technology and Chief Info. Officer,  
Rutgers University  
Robert W. Smith, Director, Trial Court Services (successor to John P. McCarthy, Jr.)  
Yvonne Smith Segars, Esq., Public Defender

## **Staff**

Mark Davies, Chief, Quantitative Research

## **Resource Staff**

Harry T. Cassidy, Assistant Director, Family Practice

Jane F. Castner, Esq., Assistant Director, Civil Practice

Toni M. McLaughlin, Esq., Assistant Director, Internet Services

Lisa Mollica, Assistant Director, Court Information Systems

Robert O'Neill, Administrator, Financial Services

Chairman Degnan divided the Special Committee into three interlocking subcommittees. He asked Civil Presiding Judge Elijah Miller to chair the Judicial Business Requirements Subcommittee, which was charged with identifying and articulating the needs for an electronic filing system.

Mr. Degnan asked Manoj S. Chouthai, Vice President and Chief Information Officer of Public Services Enterprise Group, to chair the Technology Subcommittee which was responsible for proposing technological solutions to fill the needs identified by the Judicial Business Requirements Subcommittee. Mr. Degnan asked attorney John Lacey, of Connell Foley, to chair the Finance Subcommittee which was responsible for identifying and proposing alternatives for funding the e-filing effort designed by the Technology Subcommittee.

### **III. SUBCOMMITTEE RESPONSIBILITIES**

An Executive Committee coordinated the activities of the subcommittees and the preparation of the final report. The Executive Committee was chaired by John Degnan and consisted of the chairs and staff of the three subcommittees, the Acting Administrative Director of the Courts, and an additional Technology Subcommittee member. The key topics that each subcommittee was asked to address were as follows:

#### **Judicial Business Requirements Subcommittee**

- Define the subject matters, records, and documents that should be filed electronically.

- Determine what rule changes may be needed.
- Determine whether e-filing should be voluntary or mandatory.
- Prioritize and sequence system implementation.
- Analyze e-filing best practices from other court systems.
- Determine business-related benefits.

### **Technology Subcommittee**

- Analyze current systems' strengths and weaknesses.
- Analyze current network and infrastructure configurations to determine capacity to handle e-filing volume.
- Conduct market scan of possible vendor solutions.
- Determine whether to buy or build an e-filing solution.
- Provide cost and time estimate to buy or build system.
- Determine technology-related benefits.

### **Finance Subcommittee**

- Determine funding alternatives.
- Develop system and overall project cost-benefit analysis.

While the plenary meetings of the full committee provided the foundation and guidance for the Special Committee, the work of the subcommittees provided the essential building blocks of the committee's work. The subcommittees prepared presentations, collected information about e-filing approaches in use by other courts, debated options and alternatives, researched potential means of financing, solicited opinions of interested parties, analyzed literature, consulted national experts, and critically reviewed the existing Judiciary systems. The Executive Committee, using the foundational work of the plenary sessions and the many building blocks crafted by the three subcommittees, designed the construct reflected in this report and its thirty-eight recommendations.

#### **IV. RECOMMENDATIONS**

The three subcommittees—Judicial Business Requirements, Technology, and Finance—each prepared a report that provides comprehensive analysis in its respective area of responsibility and an associated set of recommendations for the New Jersey Judiciary. This report of the full committee restates the recommendations found in the three subcommittee reports and incorporates those recommendations into one comprehensive interwoven whole.

##### **A. Judicial Business Requirements Subcommittee Recommendations**

The Judicial Business Requirements Subcommittee developed an extensive list of recommendations and requirements that can be grouped into three categories: (1) the need for a comprehensive system, (2) the importance of mandatory use of e-filing, and (3) a considered approach to implementation.

E-filing is the logical next step in the Judiciary's efforts for continuous improvement. E-filing can provide more convenience to attorneys, reduce data entry costs, improve public access to information, improve communication between attorneys and the court, and reduce or even eliminate paper for both case processing and storage.

##### **1. Comprehensive System**

To the casual observer, e-filing may appear to be just a new way to submit complaints, answers, and motions to the court. Instead of submitting paper documents at the courthouse, attorneys would be able to submit information to the court electronically via the internet. While these electronic submissions are indeed elements of e-filing, the Chief Justice and subsequently the Special Committee have made it clear that e-filing in New Jersey will mean much more than simply the electronic submission of documents.

The Judicial Business Requirements Subcommittee's report indicates that an e-filing system must include (1) the front-end element, where information is supplied to the court; (2) the case management element, where information for managing, scheduling and monitoring cases is stored for case management staff and judges; (3) the records management element that stores and handles the data; and (4) the public access element that allows attorneys and the public to view court records.

One of the key principles in the e-filing effort is to move New Jersey as close to being a "paperless court" as possible. The courts currently rely on varying amounts of paper at all stages of case processing. The large volume of paper requires a great amount of costly storage space which can also be inconvenient and inefficient. If the courts are to realize the full benefits of a paperless technological solution, the e-filing system must be paperless from beginning to end.

**Recommendation 1:** The e-filing solution must be comprehensive. (see JBR page 2)

- The solution must address the front-end, case management, records management, and public access aspects of court work.

**a. Front-End**

The front-end will be a key portion of e-filing development since it will be the entry point into the court system's environment. It will be used to submit filings, inquire as to the status of previously submitted filings, check case status, handle service of process, check due dates for pending actions, and perform other transactions. The Judicial Business Requirements Report (JBR) made the greatest number of its recommendations in this subject area since the front-end will have a wide exposure, will be a relatively new tool for New Jersey, and will be used by people who may work with a variety of case types.

**Recommendation 2:** The e-filing system must present a uniform “look and feel” to all front-end users, i.e., filers, the public, judges, and court staff. (see JBR page 5)

- Attorneys and judicial personnel who may work in several divisions should not have to learn multiple e-filing systems.

**Recommendation 3:** A standard file format for submitting data and documents should be established. (see JBR page 5)

- Standard formats might include PDF, TIFF, or XML. (Please note that there is a glossary at the end of this document with many technology acronyms included.)

**Recommendation 4:** The system must have a filing and fee component. Users covered by Rule 1:13-2 who do not need to pay a filing fee should also be accommodated. (see JBR page 3)

- The system must be able to handle a large increase in attorneys paying electronically.

**Recommendation 5:** The system should allow communication with attorneys and be able to generate notices. (see JBR page 3)

- The system must facilitate simple and expeditious electronic communications between attorneys and the court when court notices are filed.

**Recommendation 6:** The system must be able to facilitate service of *mesne* process (process after initial process) and other documents electronically, but will not serve initial pleadings electronically. (see JBR page 4)

- Due process reasons point to original process continuing to be served pursuant to the current Rules of Court.
- This recommended practice mirrors the federal system.

## **b. Case Management**

The Judiciary currently depends on its legacy case management systems for the day-to-day processing of cases. The systems, such as ACMS (Civil), FACTS (Family), and PROMIS/Gavel (Criminal), provide the docketing, scheduling, noticing, and reporting functions that are essential for managing cases. The data fields in these systems are currently heavily dependent on data entry from paper documents. It will be critical to the e-filing effort that the case management systems be integrated with the front-end.

**Recommendation 7:** The system should populate the data fields in the Judiciary case management systems. (see JBR page 4)

- This electronic entry should improve data quality in key data fields.
- The process will avoid duplicate data entry that would otherwise happen both at the attorneys' offices and then in the courts.

**Recommendation 8:** The system should be able to (1) maintain notes made by judges and staff, (2) schedule events (3) create calendars, (4) produce notices, and (5) produce case management reports. (see JBR page 4)

**Recommendation 9:** The system should allow for remote access by judges, law clerks, Special Civil Part Officers, and other judicial personnel, and non-judicial personnel such as sheriffs or court officers to the extent feasible. (see JBR page 7)

- Since the e-filing system will be striving to be as paperless as possible, remote access for judges and staff to work at home and other locations will be essential.

### **c. Records Management**

New Jersey still relies heavily on folders, files and boxes of paper for the storage of its data.

The goal of becoming a "paperless court" will require a reliable and efficient electronic solution for storing and retrieving information.

**Recommendation 10:** The system should be able to store, retrieve and purge data and document images. (see JBR page 4)

### **d. Public Access**

E-filing's paperless design will mean that the public will need to be provided electronic methods to view open court records. This will be an opportunity to promote both easier and faster access to those records by the public.

**Recommendation 11:** The system should allow the public to have ready access to open court records. (see JBR page 4)

**Recommendation 12:** The system should maintain the security of documents and data when appropriate and limit access consistent with the Rules of Court and policies of the Judiciary. (see JBR page 5)

- The system will need the ability to impound confidential documents and to redact confidential data elements.

## **2. Mandatory Use**

E-filing will be a new way of doing business as to most of the case types in New Jersey. An e-filing system with a comprehensive design will have far-reaching impact. The significant investment in the application development, training, and reorganization of work will make it essential that use of e-filing be mandatory for attorneys, judges, and case management staff. Once the move has been made to e-filing, the courts cannot afford to operate simultaneously in both paper and e-filing environments since the increased work that a non-mandatory effort would require at that point would be substantial. It would also be unlikely that e-filing vendors would be interested in working in a state court system in which attorney use is not mandatory.

The need for mandatory participation has recently been recognized by the Supreme Court. An April 16, 2009 press release announced the Supreme Court's two-phase plan to require attorneys to file electronically all court papers in contract and collection cases involving up to \$15,000 using JEFIS, the Judiciary Electronic Filing/Imaging System. Once mandatory JEFIS has been fully implemented, one-third of all Superior Court filings will be e-filed. (New Jersey Courts Press Release, "New Jersey Courts Moving to Electronic Filing for High-Volume Cases," April 16, 2009)

**Recommendation 13:** Attorneys who are filing documents with the Judiciary must use the electronic filing system. (see JBR page 6)

- Attorneys should only be allowed a short and specific time to begin using e-filing.
- New Jersey's experience with JEFIS has taught the Judiciary how difficult e-filing implementation can be without mandatory attorney participation.

**Recommendation 14:** Judges must use the electronic filing system. (see JBR page 6)

- Judges should not be permitted to require paper copies to accompany electronic submissions.
- Judges must participate in the e-filing systems rather than having staff create work-arounds for the systems.

**Recommendation 15:** At the outset *pro se* litigants must file paper pleadings but the system should allow them to register to receive electronic notices from the court in addition to mailed paper notices. (see JBR page 7)

- The federal courts do not allow *pro se* litigants to file electronically because of logistical difficulties.

**Recommendation 16:** The Judiciary should re-examine *pro se* electronic filing options after an e-filing system has been in place for at least a year. (see JBR page 7)

- One option may be that *pro se* litigants could be allowed to submit pleadings on computer disk or by e-mail.

### **3. System Implementation**

The development of an e-filing solution will be a grand task. The important threshold question is to determine where the development should begin. The subcommittee recognized that the Special Civil Part, the Supreme Court, and the Appellate Division are off the table with respect to the question of where to implement. The Special Civil Part already has an e-filing system in place—JEFIS—and the development of an e-filing system for the Supreme Court and the Appellate Division is already well underway. Also, in Family, the FD docket (Non-Dissolution) should not at this time be considered for e-filing implementation because of the statewide rollout of the new child support automated system (NJKiDS). Additionally, New Jersey’s municipal courts have already implemented significant e-filing initiatives.

The subcommittee also recognized that if a comprehensive e-filing system were implemented in the Civil Part, where more than half of all attorneys are sole practitioners, the training and

subsequent support required might be overwhelming. Thus, Civil was not considered as a promising place to start new e-filing efforts.

In making its recommendations as to where e-filing implementation should begin, the subcommittee considered the number of filings, motions, and judges, as well as the level of *pro se* activity, in various areas of the court system. It also considered the size and diversity of the bar practicing in these areas. After considerable discussion, the subcommittee recommends first implementing a comprehensive e-filing system in General Equity/Foreclosure and in the Tax Court, as the areas of highest priority, to be followed by Dissolution (Family FM docket type) and Criminal. The subcommittee noted that Tax Court and foreclosure practitioners are already familiar with and eager to embrace e-filing.

It must be noted, with respect to the recommendation to implement e-filing in the Criminal Division, that there was some disagreement as to whether such implementation should include both pre-indictment and post-indictment matters. The Public Defender, in particular, feels strongly that at least initially e-filing implementation in the Criminal Division should be confined to post-indictment matters, as logistical difficulties related to lack of uniformity in processing cases statewide would make pre-indictment implementation problematic. To avoid getting bogged down in the intricacies of myriad local practices, the Public Defender suggests that e-filing in the Criminal Division begin with post-indictment practice with subsequent expansion to pre-indictment. The other members of the subcommittee, however, are of the view that a streamlined uniform e-filing system that encompasses the criminal process from pre-indictment through post-indictment to disposition would help eliminate many of the inconsistencies and redundancies in the current criminal process.

Accordingly, the subcommittee suggests that the decision as to the scope of e-filing implementation in the Criminal Division be postponed to a point closer to actual implementation in that Division after a full examination of the criminal workflow has occurred.

**Recommendation 17:** Electronic filing systems should be implemented first for General Equity/Foreclosure and Tax Court cases, followed by Dissolution and Criminal cases. (see JBR page 9)

**Recommendation 18:** The implementation of the system should be comprehensive from the outset. The system should not be implemented with only the front-end complete. (see JBR page 2)

- If the system is implemented with only the front-end complete, it would require court staff to print documents to move the cases through the system.
- The savings for the courts will not be realized unless the comprehensive e-filing solution is implemented.

## **B. Technology Subcommittee Recommendations**

Technology is essential to the effective operation of the courts. The Technology Subcommittee began its work by familiarizing itself with the Judiciary's current technology in order to understand how to recommend technology solutions for the needs identified by the Judiciary Business Requirements Subcommittee. At present the Information Technology Office (ITO) supports systems serving more than 21,000 users in the central office and the vicinages and connecting nearly 15,000 computers. More than 5,000 programs are operating in the Judiciary's aggregate systems, processing an average of four million transactions daily.

The Technology Subcommittee also reviewed the Judiciary's Information Technology Strategic Plan, which most recently was revised in 2007. The plan identified the seven top priority initiatives "of highest strategic importance in meeting Judiciary needs and improving Judiciary operational capabilities and/or efficiencies." (Information Technology Strategic Plan, May 1, 2007) One such priority was "Electronic Filing and document management." The Chief Justice's call for

e-filing builds on that earlier recognition of the importance of e-filing solutions for the Judiciary.

The New Jersey court system in some ways is unique, e.g., its organizational structure and its statewide automated case management systems. But New Jersey also shares some common issues and needs with other court systems across the country. To that end the Technology Subcommittee examined how other state courts and the federal courts have implemented e-filing and as well as what types of e-filing solutions are available from vendors. Building on New Jersey's experiences and on the information gathered about e-filing systems in other jurisdictions, the Technology Subcommittee made a number of recommendations regarding e-filing solutions.

**Recommendation 19:** Future electronic filing solutions should include multiple options – involving either multiple vendor options or combinations of a single vendor with an in-house backup. (see Technology page 8)

- Colorado is one example of a state that experienced difficulties because of its use of a single-vendor solution.

**Recommendation 20:** All electronic filing solutions should include compliance with standards including OASIS electronic case filing / Legal XML specifications. (see Technology page 8)

- Integration between the front-end and the case management system can be difficult and costly. Consistent application of standards is important in controlling costs.

**Recommendation 21:** Third party vendor solutions that require extensive customization should be avoided. (see Technology page 8)

- The use of a third party vendor can result in a high initial integration cost, and a high switching cost if a court later must replace one vendor's solution with another.

**Recommendation 22:** The Judiciary should ensure that document viewing / handling requirements, including those of judges, are fully addressed by the document management solution. (see Technology page 9)

- Productivity gains may be easily lost if staff is required to return to print/scanning, and storing paper.
- If both electronic and paper records are allowed, confusion over which records are the current records is likely.

The Technology Subcommittee identified six components of e-filing: (1) attorney front-end, (2) business rules, (3) workflow, (4) case management, (5) document management, and (6) judge application. Integration of these six components is essential to a successfully functioning e-filing system.

## **1. Attorney Front-End**

The attorney front-end component is the largest section of the Technology Report, covering solutions as well as criteria for evaluating these solutions.

### **a. Front-End options**

The Technology Subcommittee considered several options for front-end solutions, including market solution options, rebuild options, a “leave-as-is” option, and a “migrate-over-time” option.

**(1). Market Solution** – The market solution options include purchasing a third-party electronic filing software solution, and then integrating that solution with the Judiciary’s case management, document management, business rules, and workflow processes. There are two separate solution models, each with its own distinct advantages and risks:

- a service model, where the vendor hosts the solution externally and interfaces with New Jersey’s case management and document management systems; and
- a licensed software model, where the vendor provides New Jersey with a license to use its software on Judiciary-controlled computer systems.

The risks associated with the service model make it unacceptable as an exclusive solution. For example, a vendor could fail to provide an adequate level of service, thereby putting the Judiciary in a difficult position. Under the service model, either multiple external service vendors would need to be used or the overall strategy would need to include alternate solution models.

The Technology Subcommittee assessed both the service model and the licensed software model for compatibility with New Jersey Judiciary requirements, concluding that in all cases significant customization by the vendor would be required in order to gather the data elements required by New Jersey's business rules. Additionally, these approaches would require subsequent integration to connect the filed documents with New Jersey's document management repository and to update the associated case management records.

**(2). Rebuild** --The rebuild option would use the lessons learned by the Judiciary in implementation and support of the JEFIS application to build a new solution with current and next generation technologies. Several parallel strategies have evolved as part of the rebuild option, including:

- a web browser solution supporting *pro se* filers and non-integrated law firms:

A web application solution would provide a web browser interface for attorneys and their staff, allowing access to web pages that provide the following functions: (1) initiate a new case with entry of summary case, party, attorney and party affiliation information, and submission of electronic documents; (2) update existing cases with entry of summary, party, attorney and party affiliation information and submission of additional electronic documents; and (3) view case information, electronic documents, case lists, recent filings, and account maintenance.

- a web service interface solution, allowing law firms and industry services/solutions to integrate directly with the New Jersey Judiciary:

A web service is an agreed-to interface, using open standards. The solution for the Judiciary would be a set of interfaces, allowing access to the necessary electronic filing functions such as have been listed under the web browser solution and which conform to legal industry standards for electronic filing. Vendors of law office systems would be able to implement extensions to their systems, enabling direct connections between their systems and the Judiciary. Whether these vendors operated web solutions or server solutions, the connections to the Judiciary would allow the court to extend into the law offices, improving productivity and reducing errors.

- a standards-based shared-source solution, potentially built in concert with other states and industry consortia, which provides the basis for multi-jurisdictional filing and deeper integration within law office systems.

With the evolution of industry standard specifications for electronic filing, it is now possible to consider standard interface implementations across states. However, most states, and perhaps various jurisdictions within these states, will likely need very

different information to be provided within the confines of these standards, in order to comply with their mandated court rules. A standards-based solution must enable standard interfaces yet also accommodate the many variations required by the courts, in order to achieve the efficiencies of shared development, while supporting the unique needs of each court. It may be possible for a solution to evolve gradually from the collaboration of two or more states, ultimately being adopted by others, including industry vendors.

**(3). Leave-As-Is** – Under the “leave-as-is” option, as its name suggests the Judiciary would leave the current solutions—JEFIS Attorney Application for Special Civil Part / DC docket filings, and manual filings elsewhere—exactly as they are now. This however, is not in the strictest sense a strategic option. However, the leave-as-is option can include incremental expansion of the JEFIS solution to other case types and their documents, but without including business functional enhancements or major technical advancements.

**(4). Migrate Over Time** - This option assumes that core elements of the existing JEFIS attorney applications will be migrated to newer technology solutions over time, allowing faster implementation of new case types and their associated documents/filings. For example, incremental enhancements could include:

- elimination of e-mail as the means of transmitting the filing, instead using browser-based technology;
- implementation of a rules engine;
- adoption of electronic court filing standard messaging formats; and
- replacement of the core JEFIS engine with open standards based architecture.

#### **b. Evaluation of Front-End Options**

The Technology Subcommittee used eight criteria to evaluate the front-end options and prepare recommendations.

**(1). Vendor Customization** -- When vendor solutions must be customized in order to meet Judiciary requirements, the risk is typically increased. This increased risk may take several forms: cost, time to implement, and future ability to upgrade. New Jersey's experience in evaluating vendor packages is that there are usually very significant gaps between vendor package capabilities and the Judiciary's requirements. The cost to alter the vendor package to meet the Judiciary's requirements is typically passed on to the courts or the legal community, whether directly or indirectly. The time to implement alterations must also be considered, both at initial implementation and subsequently when enhancements are required. Finally, if vendor packages are customized significantly for New Jersey, this may hamper the future ability to upgrade; the New Jersey version of the package may become a "one-off" variant of the vendor's core package, precluding easy adoption of vendor upgrades.

**(2). Judiciary Interface and Integration** -- A full service e-filing system will require integration to both the case management and document management systems. The system will need to be designed and built to achieve manageability of the interchange between the front-end component and the case management and document management components.

The most efficient approach would be for the Judiciary to declare a single interface definition and require all solutions to comply with this interface. However, while ideal in concept, this is not readily achievable, even for the Judiciary. New Jersey has multiple case management systems, each of which has somewhat different requirements and technical implementations. Likewise, various vendor solutions have unique and different capabilities. These variations each are likely to increase the complexity of developing the interfaces. The preferred Judiciary strategy is to develop interface definitions based on the Electronic Case Filing (ECF) 4.0 standards, customized and enhanced based on specific New Jersey requirements. Evaluations are based on expectations of the degree of difficulty to implement, the level of initial compatibility that is anticipated from the implementer of

each solution, and the amount of unique interface development that will be required from the Judiciary to accommodate vendor requirements.

**(3). Risk of Vendor Dependency** --Solutions that involve third party vendors bring various risks of dependency for the Judiciary. In at least one state that entered into an exclusive relationship with one vendor, when service levels were not achieved, the recourse available to the state was insufficient to maintain the desired service to the legal community. Clearly, solutions that depend on exclusive vendor arrangements are the highest risk. Solutions that incorporate multiple vendors in competition provide relief from vendor dependency. To the degree that solutions apply industry standards, the risk of switching costs may decrease somewhat. Finally, in-house solutions have reduced vendor dependencies, including merely the risks associated with the vendor tools used to construct the in-house solution.

**(4). Cost Sharing Potential Across Industry** -- Very little, if any, cost sharing has been achieved across the industry to date. Despite years of work to develop industry standards, the unique requirements of the many local and state courts are driven by centuries of court rules and laws. These genuine variations have been a natural obstacle to the successful development of robust, configurable software systems to manage the business of the many courts across the country. Solutions that include aspects of industry standards, and thus have higher likelihood of improving interoperability, are graded higher in evaluations.

**(5). Pace of Implementation** -- The pace of implementation of any given solution is evaluated based on anticipated initial implementation effort (i.e., development, customization, integration efforts, as applicable), as well as the effort for ongoing enhancements. Solutions that involve some degree of vendor competition will likely have improved pace over those involving only one vendor.

Solutions embracing industry standards are likely to have slightly better implementation pace over those that do not. Solutions that require shared code development among multiple parties are likely to proceed more slowly than solutions that have development centered in a single organization.

Solutions that leverage existing program code are likely to proceed more quickly, if the solution and the existing code fit together well. Finally, solutions that require a formal procurement cycle will have that time added to their overall pace evaluation. The Technology Subcommittee considered each of these factors in the overall evaluation of pace of implementation.

**(6). Ongoing Judiciary Support** -- Support costs include the ongoing maintenance of each of the software solution components, plus customer service provided to the legal community that uses the front-end component. Solutions that involve vendor-sourced attorney front-ends were assumed to include vendor-provided attorney support services, thereby lowering Judiciary direct support costs.

**(7). Open Standards Support** -- Solutions that more comprehensively offer standards support are more immediately expandable to the various Judiciary case management systems, case types, and document types. It is necessary to evaluate the alternatives based on the degree to which solutions can be anticipated to incorporate industry standards, including web services, Legal XML, and Electronic Court Filing (ECF) 4.0 specifications.

**(8). Constituent Productivity** -- Many attorneys currently use law office systems to help manage their operations. These systems typically contain information about the case filings, which must also be transferred to the courts when submitting an e-filing. Solutions that require the law firm to re-enter this same information into the e-filing system reduce law firm productivity as well as increase the risk of error; this would be so for most web-browser based solutions. Solutions that allow for some integration between the law office system and the e-filing attorney front-end component increase productivity and reduce risk of error. For example, JEFIS currently provides for a means to accept data files containing key case information, which may be extracted from an

attorney's law office system. Solutions using the Electronic Court Filing 4.0 specification should be able to directly connect law office systems to the Judiciary, thus further improving productivity.

After studying the above options and criteria, the Technology Subcommittee noted that the requirements of the potential filers vary so widely that the Judiciary should use a three-pillar solution strategy for the attorney front-end. These pillars, set forth below as Recommendations 23, 24, and 25, work together to focus on small, medium, and large filers that provide electronic communication with the Judiciary so as to improve both service and productivity.

**Recommendation 23:** The Judiciary should implement a web browser interface for low volume attorney filers. (see Technology page 21)

- The decision whether the Judiciary itself will implement a rudimentary web browser interface will depend on vendor response. If multiple vendors indicate commitment to provide such a solution, the need for a separate Judiciary solution may be reduced.

**Recommendation 24:** The Judiciary should implement web service interfaces for all key filing transactions and enable direct connections from law office systems. (see Technology page 22)

- The web service solution will be a primary method for law office systems to interface directly with the Judiciary, offering the potential for the most productive environment for both Judiciary and law offices. It is likely that vendors of law office systems will work aggressively to implement direct interfaces between their law office systems and the Judiciary.
- The web service solution offers the greatest productivity to those law firms with large filing volumes and investments in law office systems.

**Recommendation 25:** The Judiciary, working with other states and vendors, should begin the initiative to develop a standards-based shared-source solution for e-filing. (see Technology page 22)

- This standards-based shared-source solution could evolve as a stand-alone solution for small to mid-sized law firms and also has the potential to be embedded into large law office solutions.
- This standards-based shared-source solution is similar to the web service solution but allows the costs of development of the core components for electronic filing to be spread across multiple parties, including the vendor community.

## **2. Business Rules**

The Technology Subcommittee noted that business rules are an integral element of the overall electronic filing solution in that they:

- identify data elements that will be provided by attorneys, in the data packages that accompany electronic filings;
- help determine what data elements are required to be captured and recorded by the case management system;
- apply the logic necessary for automated entry of information from the filing to the case management system, reducing the need for human review; and
- help determine what process steps occur as a result of each filing.

Business rules are currently deeply embedded within the Judiciary's case management systems. That means that any changes to business rules must be made by programmers. Rules changes can create some very problematic coding for programmers and also some very complex code that is difficult for future programmers to maintain. In addition to the business rules that appear in program code, the subcommittee noted also that many of the Judiciary's current business rules are not automated. Many of these business rules are specified by statute and/or court rules, but are subject to interpretation and variation as practiced in the field. A comprehensive electronic filing solution must call for more standard procedures so that more business rules can be automated.

In an ideal environment so that business rules can be easily maintained and verified, these rules should not be embedded in case management systems. While the New Jersey Judiciary's currently embedded rules admittedly have served the court system well operationally, they are increasingly difficult to maintain. To be able to respond efficiently and effectively to changes in business rules, the Judiciary needs to begin to extract the rules from its systems in order to create an easier way to make additions or modifications.

**Recommendation 26:** The Judiciary should implement a business rules engine software product. (see Technology page 24)

- A rules engine will allow for easier maintenance of business rules.
- Use of a rules engine will make it easier to audit the business rules.

**Recommendation 27:** Business rules should be gradually removed from case management systems and centralized in the rules engine. (see Technology page 24)

- The use of a rules engine will be a new product for the Judiciary, will require a learning period.
- Some rules are quite complicated and will need to be treated especially carefully.
- This task will be very labor intensive and could be quite difficult to complete.

### **3. Workflow**

The Technology Subcommittee noted that most present workflows for document filing within the Judiciary are driven by the manual movement of paper. This includes the typical placement of documents into in-baskets; filing of documents within folders; routing of folders among in-baskets, out-baskets, temporary holding areas, and filing cabinets – all enabled by the existence of the paper documents. A combination of court rules, vicinage personnel organizational structure, and local vicinage procedures dictates how the paper documents and folders are routed through the various tasks associated with the life of that paper-associated case.

JEFIS currently provides a partial alternative to paper-based manual workflow. Upon receipt of an electronic filing, the document is placed in an electronic in-basket or queue. Court personnel then act on the documents, docket the filings, and place them in an electronic version of the case jacket. As necessary, court personnel use an electronic tickler system to forward the electronic document images or copy them to the in-basket of other court personnel for additional processing.

This allows judges or their clerks to work on a document while also keeping an original copy in the electronic case jacket.

If the e-filing system is to be truly paperless, the dependence of workflow on paper must be removed. The Technology Subcommittee report contains three recommendations for automating the workflow process with a workflow engine. The workflow engine will automate processes so that documents, information, or tasks are forwarded for action according to a set of procedural rules. It will manage the sequence of work activities and the people, data, and applications associated with the various activity steps. ([http://www.it-architects.co.uk/a\\_-\\_z\\_glossary\\_index/Knowledge\\_\\_DM\\_\\_Workflow\\_\\_Con/knowledge\\_\\_dm\\_\\_workflow\\_\\_con.html](http://www.it-architects.co.uk/a_-_z_glossary_index/Knowledge__DM__Workflow__Con/knowledge__dm__workflow__con.html))

In addition to reducing dependence on paper, the benefits of a workflow engine would include improved efficiency as the automation of processes results in the elimination of many unnecessary steps; improved management of processes by standardizing methods and procedures and the availability of audit trails; improved customer service as consistency in the processes will lead to greater predictability; and improved flexibility as software control over processes enables changes in workflow procedures. (<http://www.e-workflow.org/>)

**Recommendation 28:** Central Office Information Technology staff should conduct a first pass scan of available commercial workflow engines to gather information for product selection. (see Technology page 28)

- JEFIS can handle basic document routing, but more sophisticated workflow capabilities may be too costly to develop in-house.

**Recommendation 29:** The Judiciary should implement a workflow engine that can enable tasks either to be automated or assigned for human tasks. (see Technology page 28)

- The workflow engine can help improve efficiency, provide better process control, improve customer service, provide flexibility for changing processes, and lead to better processes. (<http://www.e-workflow.org/>)

**Recommendation 30:** Central Office Information Technology staff should begin defining areas where workflow automation would have the greatest impact. (see Technology page 27)

- The review could consider whether human review is required to inspect the filing before it is recorded in the case management system.

#### **4. Case Management**

The case management systems are the underpinning of the Judiciary's ability to manage effectively the more than 1,000,000 cases that are filed annually in the Superior Court. In all New Jersey courts, from Municipal Court through the Supreme Court, the recording of nearly every case is automated. Over the last twenty plus years the case management systems have provided the automated support for the courts to operate efficiently. The Judiciary's case management systems are large and complex because they support the complex operations of the court. Each application, whether it is used by the Municipal Court or by the Supreme Court, has been highly customized over time to contain the detailed court rules and case processing logic dictated by the needs of the respective court.

A key responsibility of the Information Technology Office in the Administrative Office of the Courts has been to ensure that these systems are fully responsive to the needs of the Judiciary and that they can be relied on to maintain an official record of all case proceedings. This includes ensuring that the technology platforms upon which the case management systems operate do not become obsolete and that incremental modernization and enhancement can be achieved with reasonable investment. As a result, a primary focus of the Judiciary's Information Technology Strategic Plan has been the conversion and modernization of these case management systems.

The conversion of the Judiciary's case management systems has been fueled by a need to address the approaching obsolescence of the IDMS database technology, the core of the Judiciary's prior generation case management systems, while also improving future support to the user

community. The Judiciary approached this task in two phases. The first phase consisted of converting the Judiciary's major existing applications from IDMS to DB2 database technology. The conversion process provided a new architecture through which the Judiciary can build upon systems' functionality. The second phase, currently underway, incrementally migrates applications to a browser-based, web-enabled architecture. Web technology will facilitate adding new functions over time as mandated by business requirements.

To facilitate a complete electronic filing solution, certain information contained in the case management systems needs to be made available to the attorneys during the e-filing process. For example, when filing certain documents, the filing attorney should verify that the case records contain the appropriate party information and should provide any updates that are required.

**Recommendation 31:** The Judiciary should implement an interface between the front-end electronic filing component and the case management component. (see Technology page 32) Three possible options are identified, in increasing order of desirability:

- 1) Current Solution: The current JEFIS docketing component utilizes screen-scraping technologies to view and update case management information
- 2) More Desirable Option: Provide direct access from e-filing component to CMS databases
- 3) Most Desirable Option: Extend existing CMS transactions via web services

**Recommendation 32:** Incremental enhancements needed for future electronic filing initiatives should be designed in such a way that the front-end component always interfaces with the Judiciary's case management systems, via a web services interface, based on the Electronic Case Filing (ECF) 4.0 specifications. (see Technology page 32)

## **5. Document Management**

The Technology Subcommittee recognized that documents filed electronically with the Judiciary must be stored in an environment that is secure and capable of being easily expanded or upgraded. A document must be organized and indexed according to its type and status. Appropriate security must be placed on documents that are sealed or restricted from public access. In addition,

paper-based filings must be scanned and stored in the document management repository as images or PDFs.

**Recommendation 33:** The Judiciary should continue to use its current document management solution, IBM Content Manager. (see Technology page 35)

- The current solution provides scalable storage, communication, security, and processing capabilities.

## **6. Judge Application**

The Judicial Business Requirements Subcommittee in its report addressed judges' needs through its recommendations about the front-end and case management needs. The Technology Subcommittee suggests taking the additional step of creating a judge application as a component of the e-filing system. Given the unique and key role that judges play in the work of the Judiciary, special consideration for their needs should be included in the plan for e-filing so that a realistic and helpful picture of the technology and time required will be developed.

**Recommendation 34:** A representative sampling of judges responsible for all of the various docket types should be surveyed to determine their unique needs and requirements, with a comprehensive proposal to be crafted based on that information. (see Technology page 40)

- Judges may need to organize their work by case type, document type, data, complexity, and volume.

## **C. Finance Subcommittee Recommendations**

The Finance Subcommittee had the difficult task of considering options for funding statewide of the Judiciary's e-filing initiatives during a very difficult economic climate.

### **1. E-Filing Costs**

The Finance Subcommittee considered the funding of both the initial e-filing implementation costs and the ongoing costs. Initial implementation costs could include system design, development

and testing, the purchase and/or lease of new software and equipment, including servers, labor costs for the personnel who will run the e-filing system, training costs for court personnel, costs to advertise the new system, and training costs for the attorneys, law firms and others who will use the e-filing system. The transition period to electronic filing is also likely to require additional staff effort to move cases on paper to an electronic format. Ongoing costs will at a minimum include ongoing maintenance and may also include enhancements or modifications as court processes evolve and rules and statutes change.

## **2. E-Filing Benefits and Cost Savings**

The Finance Subcommittee noted that an e-filing system can be of significant benefit to litigants and their counsel. Under the current systems, attorneys normally file pleadings and motions with the courts by having a messenger service hand deliver the hard copy documents to the court. If there is a filing deadline, such documents must reach the clerk's office during regular business hours or the document will not be considered as having been filed until the next day. If counsel later wishes to review the docket sheet or the documents that have been filed in a particular case, counsel must travel to the courthouse or have someone else do so. If counsel wants a copy of any of the filings, arrangements must be made through personnel in the clerk's office for such copying.

An e-filing system helps to improve efficiency in all of these areas. With e-filing, pleadings can be filed from the attorney's office at any time of the day or night. Other than in emergent matters, there is no need to hire a messenger service to hand deliver documents to the court. If there is a deadline for filing a document, the deadline will be met so long as the document is electronically filed by midnight of that date. If counsel wish to access the docket sheet or documents that are in a court file, they can do so electronically from their offices. And, if counsel wish to obtain copies of the

docket sheet or documents in the court file, they can download them electronically without ever having to travel to the courthouse and without having to interact with any court personnel.

Electronic filing should produce cost savings for attorneys. As an example, the Attorney General's Office indicated that federal court electronic filing has produced a cost savings for mailing, copying, and service of approximately \$22 per case. Anecdotal evidence indicates that attorneys in the private sector stand to save much more. Three firms using the federal court e-filing system (one large and two small) reported that on average they are saving approximately \$200-\$400 per case for small and medium cases and much more for larger cases because of e-filing. The areas of savings include copying costs (briefs and appendices), especially in cases where the appendices are large; hand-delivery costs; overnight mail costs; labor/costs to identify and obtain documents from the court since the document can now be obtained through PACER, the federal public access system; and labor/costs to identify and retrieve paper copies of documents from a file, since case documents can be accessed via personal computer.

The above examples represent a small fraction of the efficiencies that can be obtained through the use of an e-filing system in the courts. The system saves attorney time and costs that in turn will reduce litigants' legal costs. The subcommittee was of the view that, with these significant savings, it is reasonable to expect private parties who use the court system to help pay for the costs associated with the development, implementation, and ongoing operation of the e-filing system.

### **3. Funding Options**

The Finance Subcommittee considered several options for funding the e-filing effort. The subcommittee noted that filing fees are the foundation for any financing scheme and that an increase in such fees thus appears to be unavoidable. Legislative action is necessary to revise fees. Any such

revision would be easier to obtain with the acquiescence and cooperation of the bar. Accordingly, it is crucial to enlist the bar's assistance and support in this endeavor, which requires ensuring that the bar fully understands the benefits of e-filing for attorneys and their clients. Although initial resistance from the bar is likely, it can be countered with an initiative to educate attorneys about these benefits, including the potential cost savings.

Other funding options in the Finance Subcommittee's report include private sector financing, public/private sector partnership, public access fees, and partnership with the public sector. The private sector approach would require a private sector partner agreeing to incur the up-front cost of designing and implementing the Judiciary's e-filing system and also agreeing to be compensated by the Judiciary over a number of years. The Finance Subcommittee concluded that this would be a risky approach at this time.

The public/private sector approach would involve the Judiciary partnering with a private sector company to build an e-filing system, and in return allowing that company to be the exclusive agent and gateway for all e-filing in the New Jersey. Just as in the Technology Subcommittee report, the Finance Subcommittee report cautions against a solution that depends on just one vendor to provide an e-filing solution.

The Finance Subcommittee suggested that using public access fees for court data merits further exploration. The subcommittee noted that remote access to New Jersey's court records is very much in demand, and it may be feasible for this approach to work in New Jersey. Potential public access customers include attorneys, the general public, and, in particular, the commercial sector.

Partnership with the public sector could be achieved through working with other states who are exploring the feasibility of developing a shared-source e-filing system that can be modified to

meet each state's particular business rules. In partnership with other jurisdictions, New Jersey could participate in building a front-end or "engine" for e-filing, sharing the cost of development with participating states.

The subcommittee reviewed these several funding options and developed the following recommendations:

**Recommendation 35:** The e-filing system should be mandatory and the Judiciary must develop a robust customer service support system for the new e-filing community. (see Finance page 8)

- The e-filing system must be mandatory so that the effort does not create high costs that would be associated with running a paper and electronic system simultaneously.
- The user community, which includes *pro se* litigants and attorneys who possess varying degrees of proficiency with new technology, will need support so that the transition can be quick and costs can be limited.

**Recommendation 36:** The Judiciary should seek filing fee increases and/or additional user fees. (see Finance page 8)

- E-filing produces savings for attorneys for mailing, copying, and service costs that should help offset the increases.

**Recommendation 37:** The Judiciary should explore the feasibility of self-funding its e-filing development through a fee based access system. (see Finance page 8)

- Colorado is taking an approach to funding e-filing by collecting fees for public access.

**Recommendation 38:** The Judiciary should explore the feasibility of partnering with other states to share the cost of developing a standards-based shared-source e-filing system. (see Finance page 8)

- This recommendation uses the Technology Subcommittee's language of a "standards-based shared-source" solution to reiterate the Finance Subcommittee's support for the concept.
- This could minimize development costs while improving the quality of the e-filing product.
- The input of other states may help maximize the quality of the final product.

## V. CONCLUSION

Chief Justice Rabner addressed the Supreme Court Special Committee on Electronic Filing at its organizational meeting in October 2008 and declared that the Judiciary must embrace the technology of today in order to be ready to embrace the technology of tomorrow. The Special Committee very much recognized the importance and the scope of that challenge.

The Special Committee over the course of the several months since the Chief Justice issued his charge has become very familiar with the Judiciary's current state of technology. Clearly the New Jersey courts have embraced technology and, in fact, are very dependent on it. The Judiciary relies heavily on case management systems that each year process more than a million cases in the state level trial courts and more than six million cases in the municipal courts. These systems and their predecessors have served the Judiciary well for more than twenty years. However, the Special Committee agrees with the Chief Justice that the Judiciary must look to the future and embrace modern technology. The Judiciary's current case management systems, as useful and serviceable as they have been, should no longer stand by themselves as technological silos, particularly as caseloads continue to expand. The case management systems must be integrated into a comprehensive e-filing and e-management system.

The Chief Justice emphasized that information systems must be efficient, user friendly and adaptable for future generations of court users. Over the last twenty years, the expectations as to communicating, accessing information, and business operations have changed dramatically for all involved. The public now commonly finds that its primary contacts with business and government are through the internet. Organizations regularly conduct business on the web and expect to do work electronically. Current and future generations of New Jersey court users will expect that court

business also will be conducted electronically. The Special Committee believes that comprehensive and integrated e-filing systems must be the answer for the Judiciary.

The Judiciary has recognized and responded for many years to the significant need to maintain and share information electronically. New Jersey has invested in the development of many computer interfaces that allow Judiciary case management systems to communicate electronically with local, state, and federal agencies, as well as each other. On a more recent front, the Judiciary has established a comprehensive website that has been recognized as an effective and critical tool for sharing information with court users. These successful investments in technology demonstrate the Judiciary's commitment to sharing information electronically as well as its ability to implement efficient and effective electronic solutions. The development of a comprehensive e-filing solution is the next logical critical step for New Jersey as the court system continues to improve both its operations and its service to the public.

This Special Committee report presents thirty-eight recommendations for specific action. The three subcommittees produced reports that complement each other and that collectively produce a clear direction for the Judiciary. The set of reports recognizes the significance of pursuing and implementing an e-filing solution and emphasizes the importance of a comprehensive approach. The reports acknowledge that the Judiciary must plan for both the highly visible front-end of e-filing (that is, the entry point to the court electronic system where users can submit filings, check case status, handle service, and check due dates of pending actions) and the critically important back-end of e-filing, which includes records management, case management and the associated business rules and workflow. Electronic filing will be a keystone of the Judiciary's information systems. It will be essential that attorneys, judges, and staff become confident and competent users of a mandatory comprehensive e-filing system.

In terms of priorities, the Special Committee recommends that comprehensive e-filing systems be implemented first for General Equity/Foreclosure and Tax Court cases, followed by Dissolution cases and Criminal cases. The Judicial Business Requirements Subcommittee carefully considered the sequencing of implementation. The recent significant increases in General Equity/Foreclosure and Tax Court filings generated by the current economic crisis should help provide a convincing basis for beginning a comprehensive e-filing effort in these areas as expeditiously as possible.

The Special Committee realizes that e-filing development will hinge on a number of key elements as particularly reflected in the finance recommendations. In that regard it is essential that the Judiciary secure funds that are dedicated solely to the e-filing effort. This is a threshold issue. As the Special Committee noted, the courts have been addressing increasing caseloads with fewer resources. Staff sizes have decreased while judicial vacancies have increased. The implementation of moderate fee increases would put the Judiciary in position to begin the important work of developing this critically need e-filing system.

The comprehensive e-filing solution envisioned here without doubt will be a significant effort. It will not only require substantial funds for development, but it will also depend on energetic leadership, thoughtful planning and design, dedicated judges and staff, and a supportive community of attorneys. The members of the Special Committee appreciate having been given this opportunity to serve the Judiciary and the people of New Jersey and to provide support and guidance at this watershed point in the Judiciary's development of its information and case management systems.

# Judicial Business Requirements Subcommittee

# **REPORT OF THE JUDICIAL BUSINESS REQUIREMENTS SUBCOMMITTEE OF THE SPECIAL COMMITTEE ON E-FILING**

---

---

## **BACKGROUND**

Chief Justice Stuart Rabner established the Special Committee on Electronic Filing in Fall 2008 and charged it with examining the Judiciary's current filing and case management systems and identifying the best ways to achieve the implementation of comprehensive e-filing systems in the shortest possible time. His goal is to ensure that the Judiciary's information systems are efficient, user friendly, and adaptable for future generations of court users, through the use of the most modern technology. In his opening remarks at the first meeting of the Committee on October 20, 2008, the Chief Justice asked the Committee to:

- consider where the Judiciary should expand its e-filing efforts;
- consider whether and how the Judiciary might use outside vendors in these efforts;
- consider how to pay for such efforts;
- consider how to encourage the development and use of e-filing;
- consider the effects of e-filing on large and small firms; and
- consider the e-filing efforts of other businesses and courts from which the Judiciary might borrow ideas and technologies.

In order to carry out this ambitious mandate in the relatively short time allotted (nine months), the Chairman organized the Committee into three subcommittees – the Technology Subcommittee, the Finance Subcommittee, and the Judicial Business Requirements Subcommittee. The latter subcommittee, chaired by the Hon. Elijah Miller, Civil Presiding

Judge in Bergen County, was charged with (1) recommending what types of documents and records should be filed electronically; (2) determining what rule changes may be needed to effect e-filing; (3) recommending whether e-filing should be voluntary or mandatory, and the impact of e-filing on the bar and litigants; and (4) recommending in what areas of our court system the greatest need for e-filing exists and where the greatest opportunities lie for the rapid deployment of e-filing.

The subcommittee met three times — on January 12, 2009, January 22, 2009 and February 25, 2009 — to discuss these issues. James Murphy, a subcommittee member and Chief Deputy Clerk of the Federal District Court in New Jersey, presented a demonstration of the Federal e-filing system at the subcommittee’s February 25<sup>th</sup> meeting. In addition, members of the Finance and Judicial Business Requirements Subcommittees were invited to attend a “visioning session” presented on January 26, 2009 by the Technology Subcommittee.

## **DISCUSSION AND RECOMMENDATIONS**

The Judicial Business Requirements Subcommittee achieved unanimity or overwhelming consensus on eight overarching principles that it recommends be embodied in any e-filing system developed or purchased for the New Jersey Judiciary. These eight principles are:

- 1. The system must be comprehensive.** E-filing is more than simply a front-end system that allows attorneys to submit and the court to receive documents electronically. If the Judiciary is to achieve the goal of a “paperless court”, we must implement a comprehensive system whereby attorneys submit document images to the court electronically and the data contained within those documents populates and interfaces seamlessly with either our current automated case management systems (*e.g.*, ACMS,

FACTS, PROMIS/GAVEL) or new case management systems that are fully integrated with the e-filing system.

In discussing this principle, which the subcommittee agreed must be the bedrock of any e-filing system the Judiciary adopts, the subcommittee considered and rejected an incremental implementation approach that would provide front-end e-filing of complaints and expand over a specific period of time to other document types, in all or targeted court areas. This latter approach would mean that the complaint would be received electronically along with data packets that would automatically populate the case management system(s), but staff would have either to print out the complaint and insert it into the paper case jacket or scan all subsequent filings into an electronic case jacket, to ensure that all documents in the file are maintained in the same medium. This approach is labor-intensive and contradicts the principle of adopting a comprehensive system to achieve a paperless court.

**2. The system must provide a variety of components and abilities.** In accordance with the principle set forth above, the comprehensive e-filing system should include the following basic components:

- a.** A filing and fee component that would allow court users to file documents with the court and to pay any attendant fees electronically, but that would also allow users covered by *R. 1:13-2* to file without payment of fees.
- b.** The ability to serve pleadings and other documents electronically. Attorneys should be required to provide their e-mail addresses for purposes of receiving service when they register as users of the comprehensive e-filing system. Note,

however, that the subcommittee determined that e-service should *not* be permitted for initial pleadings. For reasons of due process, original process should continue to be served pursuant to the current Rules of Court. For mesne process, however, that is, service of documents subsequent to the initial pleadings, the system will send the document to all other parties who are also registered users. See Principle 6, below, for a discussion of *pro se* litigants and service of process. This approach mirrors that of the federal system and provides an incentive to file electronically as it saves the parties time and money.

- c.** A case management component, whereby the data obtained electronically would populate the Judiciary's case management systems (which, if current systems are maintained, would have to be modified or adapted to support a paperless approach). The case management component would include the ability to maintain judges' and staff notes on a case, a calendaring/scheduling capability, and the ability to produce case management reports.
- d.** The ability to communicate with and notice attorneys and litigants, *e.g.*, through notices the court posts on the system or that the system generates for mailing.
- e.** A records management/archiving component that would allow the court to store, retrieve and purge imaged documents.
- f.** The ability to provide the public with access to the system to obtain data and view public documents. (See Principle 8, below.)

- g.** The ability to maintain the security of documents and data when appropriate, limiting access consistent with the Rules of Court and policies of the Judiciary. (See Principle 8, below.)

**3. The system must present a uniform “look and feel” to all front-end users, *i.e.*, filers, the public, judges and court staff.** Whether the front-end (*i.e.*, filing) component of the system integrates with the Judiciary’s current case management systems (which, while sometimes frustrating to users, are nonetheless tailored to current practices) or with new case management systems that may be developed, this front-end component must have a uniform “look and feel” to all users of the trial courts and, insofar as possible, in the Appellate Division and Supreme Court as well. (It is recognized, however, that as the Supreme and Appellate e-filing systems are being developed by an outside vendor, it is unlikely that they will share a common front-end “look and feel” with the trial court systems.) Attorneys may practice in more than one division of the court, and judges and staff may be rotated from division to division. If attorneys and judicial personnel are expected to file and manage cases electronically, they cannot be required to learn multiple e-filing systems. As part of this principle, the subcommittee also recommends that a standard file format be identified for attorneys to use in submitting data and documents to the court (*e.g.*, PDF, TIF, and XML).

Further, the subcommittee noted the importance of cross-system communication among the case management systems, which is possible now only to a very limited degree. As a comprehensive e-filing system is developed, efforts should be made to achieve a higher degree of cross-communication among the trial court case management

systems, to the extent possible, without sacrificing confidentiality mandates or the “role-based” security that is a feature of some of these systems.

- 4. Use of the system must be mandatory for attorneys.** Use of the e-filing system should be mandatory for all attorneys, if not immediately after implementation then within a short and specific time thereafter. New Jersey’s experience with JEFIS, and other jurisdictions’ reported experiences with a variety of e-filing projects, has taught that unless the new system is mandatory, it merely limps along, resulting in a great deal of extra work for the court. JEFIS as it now stands is extremely labor-intensive for court staff, who must scan in the tens of thousands of documents that are not submitted electronically. Further, discussions with a number of vendors of e-filing systems have made it clear that they are simply not interested in supporting such systems unless attorney usage is mandatory.
- 5. Use of the system must be mandatory for judges.** Use of the comprehensive e-filing system should be mandatory for judges. As we have learned through our experience with JEFIS, when judges have the ability to opt out of the system, it results in labor-intensive work-arounds for court staff. Further, if judge use is not mandatory, *e.g.*, if judges are permitted to require paper as well as electronic submission from attorneys, this places an unnecessary burden on attorneys.
- 6. The system must accommodate *pro se* litigants.** Any e-filing system the Judiciary builds or acquires must be able to accommodate *pro se* litigants. The subcommittee notes that the federal e-filing system in New Jersey does not permit *pro se* litigants to file

electronically, because of logistical difficulties in handling the documents submitted by some *pro se* litigants. Thus, it requires that *pro se* litigants file on paper or provide a computer disk that staff upload to create the docket entry. The subcommittee, however, does not want to preclude *pro se* litigants from eventually being able to file electronically, and so recommends that a two-tiered approach be taken:

- Initially, *pro se* litigants must file paper pleadings, as they now do. Staff will scan the pleadings into the electronic case management system. *Pro se* litigants, however, may register to receive electronic notices from the court, *in addition to mailed paper notices*. This can be accomplished through a check-off box (*e.g.*, “check here if you wish to receive court notices electronically as well as by mail”) on a Case Information Statement filed with the initial pleading. Note that this is presented as an option, not a requirement, for *pro se* litigants.
- After the comprehensive e-filing system has been in place for at least a year, the issue of allowing *pro se* litigants to e-file should be re-examined, with an eye toward allowing them to submit pleadings to the court on computer disk, by e-mail or even electronically, provided the problem of filer authentication can be resolved. The subcommittee notes that, given that the goal is a paperless court, it is crucial that whatever system is implemented be flexible enough to accommodate the challenges presented by *pro se* litigants.

**7. The system must allow for remote usage by judges and others.** The comprehensive e-filing system should allow for remote use by judges, law clerks, Special Civil Part

Officers, and other authorized Judiciary personnel. The subcommittee acknowledges the security issues involved in implementing this recommendation, but notes the efficiencies to be gained from providing judges and authorized court staff the means to access files and perform their work while out of the courthouse.

- 8. The system must be both accessible and secure.** Any comprehensive e-filing system adopted by the Judiciary must, on the one hand, allow the public ready access to open court records while, on the other, provide a secure mechanism to ensure the confidentiality of documents and data shielded under *R. 1:38* or sealed pursuant to *R. 1:2-1*. The latter will require the system's ability to "impound" confidential documents and to redact confidential data elements from documents that are otherwise open to public view.

## **WHERE TO IMPLEMENT**

Assuming that we cannot implement e-filing in all divisions of the court simultaneously, where do we start? Is it where we would get the most bang for the buck, or is it where practitioners are clamoring for e-filing (or are these one and the same)? For example, JEFIS has taught that there is a great deal of labor-intensive training and problem-solving needed to bring attorneys into the e-filing fold. If we were to implement the comprehensive e-filing system first in the Civil Part, where more than half of all attorneys are solo practitioners, the training and subsequent support required might be overwhelming, in terms of staff resources, if we were to undertake this ourselves, or in terms of cost, if the training and support were performed by a vendor. With respect to Tax Court, foreclosure and mass tort litigation, however, the majority of practitioners are already familiar with and eager to embrace e-filing.

The subcommittee recognized that the Special Civil Part, as well as the Supreme Court and Appellate Division, are off the table with respect to the question of where to implement, as the Special Civil Part already has an e-filing system in place — JEFIS — and the development of an e-filing system for Supreme and Appellate is underway. Also, the FD (Family Non-dissolution) docket should not be considered for e-filing implementation at this time due to the installation of the new child support automated system (NJKids).

In making its recommendations as to where e-filing implementation should begin, the subcommittee considered the number of filings, motions and judges, as well as *pro se* activity, in various areas of the court system. It also considered the size and diversity of the bar practicing in these areas. Many of these factors are illustrated on the attached chart (Attachment A). After considerable discussion, the subcommittee recommends implementing a comprehensive e-filing system in the Tax Court and General Equity/Foreclosure, as the areas of highest priority, followed by Dissolution (Family FM docket type) and Criminal.

It must be noted, with respect to the recommendation to implement e-filing in the Criminal Division, that there was no agreement as to whether such implementation should include both pre-indictment and post-indictment matters. The Public Defender, in particular, feels strongly that, at least initially, e-filing implementation in the Criminal Division should be confined to post-indictment matters, as logistical difficulties related to lack of uniformity in processing cases statewide would make pre-indictment implementation problematic. To avoid getting bogged down in the intricacies of myriad local practices, the Public Defender suggests that e-filing in the Criminal Division begin with post-indictment practice and expand from there as we gain experience. Others, however, are of the view that a streamlined, uniform e-filing system that encompasses the criminal process from pre-indictment through post-indictment to disposition would eliminate the inconsistencies and redundancies in the current criminal process.

Accordingly, the Subcommittee suggests that the decision as to the scope of e-filing implementation in the Criminal Division be postponed to a point closer to actual implementation in that division after a full examination of the criminal workflow has occurred.

## **NEXT STEPS**

Once the Court has determined to implement the comprehensive e-filing system in a particular area or areas of the judicial system, the subcommittee recognizes that the likely first step on the road to implementation will be a thorough analysis of the workflow in those areas, with an eye not only toward documenting current processes but, more importantly, toward streamlining the process and increasing efficiency. The e-filing system should not be merely an electronic overlay on imperfect paper and automated systems. The subcommittee recommends that the relevant Conferences of Presiding Judges and Division Managers play a large part in this workflow analysis, in consultation with the State Bar Association and any appropriate special interest bar groups. As a first step in this undertaking, process maps of the workflow in the various divisions and docket types have been collected.

In addition, the subcommittee recognizes that, in order to implement a streamlined e-filing system, a number of court rules will have to be relaxed and, ultimately, amended. The Supreme Court issued orders relaxing rules to implement JEFIS. These may serve as templates for future orders.

## **CONCLUSION**

Although the e-filing system recommended herein may appear ambitious and complex, the New Jersey Judiciary has a sound foundation on which to build. Further, the implementation of the recommended system is not only a logical outgrowth of this foundation, it is essential if

the court system is to continue to address the burgeoning needs of the citizens of the State for an efficient and effective (including cost-effective) justice system. The goals of the Chief Justice in establishing the Special Committee on Electronic Filing, as set forth earlier in this report, demand nothing less than a comprehensive e-filing system.

Respectfully submitted,

Judicial Business Requirements Subcommittee

Hon. Elijah L. Miller, P.J.Cv., Chair

Alashia L. Chan, Esq.

Gerald J. Felt, Esq.

Hon. José L. Fuentes, J.A.D.

Amos Gern, Esq.

Hon. Maurice J. Gallipoli, A.J.S.C.

Hon. Jamie D. Happas, J.S.C.

Gregory G. Lotz, Esq.

Kristin Mateo, Esq.

Hon. F. Patrick McManimon, J.S.C.

James P. Murphy, Chief Deputy Clerk

Mark J. Oberstaedt, Esq.

Yvonne Smith Segars, Public Defender

Harry Cassidy, Staff

Jane F. Castner, Staff

**March 26, 2009**

**PRIORITY FOR CASE TYPES-E-FILING  
COURT YEAR 2008**

|                     | FORECLOSURES* | EQUITY* | TAX COURT | DISSOLUTION | CRIMINAL<br>PRE<br>INDICTMENT | CRIMINAL<br>POST<br>INDICTMENT |
|---------------------|---------------|---------|-----------|-------------|-------------------------------|--------------------------------|
| <b>CASE FILINGS</b> | 45,074        | 3,671   | 11,760    | 67,989**    | 110,827                       | 54,416                         |
| <b>MOTIONS</b>      | 5,424         | 5,084   | 1,639     | 42,982      |                               |                                |
| <b>FTE JUDGES</b>   |               | 14.40   | 7.00      | 46.27       |                               | 95.09                          |

**RATINGS**

|                        |    |    |    |    |   |    |
|------------------------|----|----|----|----|---|----|
| <b>PILOT VALUE</b>     | 3  | 2  | 2  | 3  | 1 | 2  |
| <b>COSTS: FEE</b>      | 3  | 4  | 3  | 2  | 1 | 1  |
| <b>%PRO SE</b>         | 4  | 4  | 4  | 1  | 4 | 4  |
| <b>STANDARDIZATION</b> | 4  | 2  | 2  | 2  | 1 | 3  |
| <b>BAR SUPPORT</b>     | 4  | 4  | 4  | 2  | 1 | 2  |
| <b>TOTAL SCORE</b>     | 18 | 16 | 15 | 10 | 8 | 12 |

\* Equity Judges hear Equity and contested Foreclosure cases

\*\* Case filings include pre and post judgment activity

|   | Ratings   |  |
|---|---|--|
|   | 4   | 0  |
| PILOT VALUE=perceived applicability of the solutions in this docket to other cases in the system, including state of the case management system, training support available and risk of failure | Very transferable   | Not at all similar in case processing to other court dockets                   |
| COSTS: FEES=the potential relative cost of implementation and the perceived amenability to charge fees to support the system with a minimal impact on access                                    | Relatively modest cost of implementation, high potential to assess fees | High costs, little potential to charge fees without limiting access            |
| % OF PRO SE LITIGANTS=relative percentage of self represented filers  | Less than 5%  | High percentage  |
| STANDARDIZATION=The degree to which the process in the court is relatively standard across the state and uses standard forms and uniform case flow  | Very uniform across the state, standard forms                           | Little uniformity, few forms, unique practices across vicinages and courtrooms |
| BAR SUPPORT=the degree that the organized Bar in the docket area has expressed an interest in e-filing and has experience via the Federal system  | High degree of support  | Little support expressed   |

# Technology Subcommittee



New Jersey Courts

Independence • Integrity • Fairness • Quality Service

# Electronic Filing

*Technical Subcommittee Report*

*June 8, 2009*

## Table of Contents

|  |           |
|--|-----------|
| <b>Introduction.....</b>   | <b>4</b>  |
| Electronic Filing Components .....                               | 7         |
| Industry Landscape .....   | 7         |
| <b>Attorney Front-End (and E-Filing Interface) .....</b>         | <b>10</b> |
| Business Need .....  | 10        |
| Current Environment .....  | 10        |
| JEFIS Strengths.....   | 12        |
| JEFIS Weaknesses .....   | 12        |
| Options.....   | 12        |
| Replace with Market Solution Option .....                        | 12        |
| Rebuild Options .....  | 14        |
| Leave As-is Option .....   | 17        |
| Migrate Over Time Option .....                                   | 17        |
| Preliminary Evaluation of Options .....                          | 19        |
| Rating Criteria.....   | 20        |
| Recommendation / Supporting Info.....                            | 21        |
| Policy Requirements .....  | 22        |
| <b>Business Rules Component .....</b>                            | <b>23</b> |
| Business Need .....  | 23        |
| Current Environment .....  | 23        |
| Strengths .....  | 23        |
| Weaknesses .....   | 23        |
| Recommendation .....   | 24        |
| Replace with Market Solution; Migrate Deployment Over Time ..... | 24        |
| Policy Requirements .....  | 25        |
| <b>Workflow Component .....</b>                                  | <b>26</b> |
| Business Need .....  | 26        |
| Current Environment .....  | 26        |
| A) Manual Workflow.....  | 26        |
| Strengths .....  | 26        |
| Weaknesses .....   | 27        |
| B) JEFIS Work Routing.....                                       | 27        |
| Strengths .....  | 27        |
| Weaknesses .....   | 27        |
| Options/Recommendations .....                                    | 27        |
| The Key Benefits of Workflow.....                                | 28        |
| Policy Requirements .....  | 29        |
| <b>Case Management Component.....</b>                            | <b>30</b> |
| Business Need .....  | 30        |
| Current Environment .....  | 30        |
| Strengths .....  | 31        |
| Weaknesses .....   | 31        |
| Options.....   | 31        |

|   |           |
|---|-----------|
| Selected Option: Migrate Over Time.....               | 32        |
| Recommendation / Supporting Info.....                 | 32        |
| Policy Requirements .....                             | 33        |
| <b>Document Management Component .....</b>            | <b>34</b> |
| Business Need.....                                    | 34        |
| Current Environment .....                             | 34        |
| Strengths .....                                       | 34        |
| Weaknesses .....                                      | 35        |
| Recommendation .....                                  | 35        |
| Leave As-is / Expand Over Time.....                   | 35        |
| Policy Requirements .....                             | 36        |
| <b>Judges Application.....</b>                        | <b>37</b> |
| Business Need.....                                    | 37        |
| Current Environment .....                             | 37        |
| Strengths .....                                       | 38        |
| Weaknesses .....                                      | 38        |
| Options.....  | 38        |
| Extend JEFIS to Support New Docket Types.....         | 38        |
| Implement Next Generation Client-Server Solution..... | 39        |
| Thin Client Web-based Option .....                    | 40        |
| Recommendation / Supporting Info.....                 | 40        |
| Policy Requirements .....                             | 41        |

## Introduction

Our vision for the future state of electronic court document filing includes the following characteristics:

- The Judiciary receives all filings electronically
- Each transaction is entered only once (by the attorney, pro-se, or court personnel) and transmitted electronically to all appropriate parties
- Most transactions are completely electronic, and do not require an electronic representation of a paper document
  - Use of real paper documents is an exception, such as for Service of Process
- Court workflows are highly automated
  - Electronic workflow management replaces paper routing
  - Automated workflows are optimized to best leverage staff expertise, and even permit balancing workload statewide
- Open standards are fully adopted across the industry
- Information is available in standard format to all appropriate parties

The above vision summary contains some goals that are achievable in the near to mid-term, while others may never be fully achieved, or may require substantial change to industry processes and rules before they can be achieved.

A complete electronic filing environment encompasses all the phases of an electronically filed document's life, including:

- Preparation of the Original document / filing information
- Completion of forms needed to submit the document and accompanying filing information
- Transmittal to/from the court and other parties
- Recording the essential filing information in the case management system
- Indexing, storage and retrieval of the document images
- Routing of documents according to The Court's workflow procedures
- Allowing public and private electronic annotations, as required by Judges and their staff

Many documents trigger case processing events, hence integration of the electronic filing components with The Court's case management system is essential for increasing efficiency of court operations. Without smart integration, productivity can even decrease.

At the core of smart integration are The Court's business rules and accompanying workflows. A smart electronic filing integration is capable of:

- Receiving the electronic filing
- Analyzing the filing type and other key information within the filing
- Determining what facts are essential, and recording them in the case management system
- Indexing and storing the electronic document image in the appropriate electronic case folder
- Notifying the appropriate Court staff member of the human tasks required to be performed

The following conceptual chart illustrates many of the integration and interface points that must be considered in order to achieve a comprehensive, end-to-end electronic filing environment.

### Integration Points of Focus

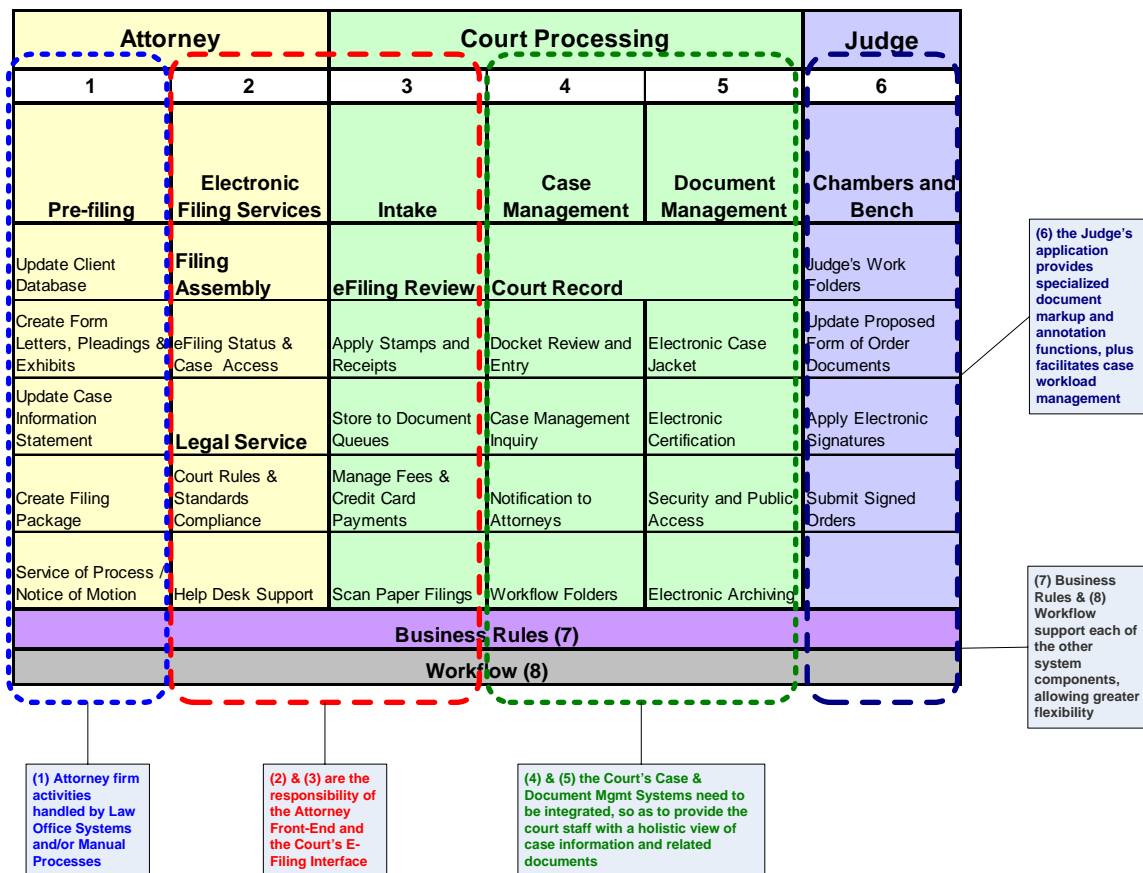


Figure 1. Electronic Filing Integration Points

Automated business rules and workflow processes are keys to improving the accuracy of, and the efficiency by which, each electronic filing is handled. These components support the smart integration of the Attorney Front-End (and E-Filing Interface) with the Case Management and Document Management systems. In order to facilitate the evaluation

of the Judiciary's current electronic filing capabilities, and support the analysis of a future direction for electronic filing, we have structured the electronic filing environment according to several major components.

## ***Electronic Filing Components***

The following major components provide the end to end functionality for electronic case filing and case management:

- Attorney Front-End (and E-Filing Interface)
- Business Rules
- Workflow
- Case Management
- Document Management
- Judges Application

For each business component of the strategic electronic filing architecture, we have described the business need, examined the strengths and weaknesses of the current environment, analyzed options for the future solution state, and summarized a draft recommendation. Where needed, supporting policy requirements are also noted.

### **Guiding Principles:**

- Improve services to constituents
- Ease of use
- Proven Technology
  - Scalable
  - Secure
  - Open standards
- Long-term Stability
  - Ensure continuity of Court operations
  - Minimize disruption to workforce
- Decisions are fact-driven
- Optimized Workflow
- Include External Service Providers
- Cost/benefit fully considered
  - Up-front and on-going
  - Vendor and internal

## ***Industry Landscape***

The Judiciary ITO team has maintained an ongoing dialog with several other states, and monitored the electronic filing initiatives across a wide number of states and vendors, so as to stay abreast of industry trends, maintain awareness of new solutions, track third party vendor results, and exchange lessons learned from the electronic filing initiatives of this wider community.

Evolving from this informal industry benchmarking, are a number of observations which offer guidance to help develop evaluation criteria for assessing the future direction for electronic case filing in New Jersey.

### **Avoiding Vendor Dependency**

Several states have made decisions to engage a single-vendor solution for electronic filing. For example, the Colorado Judicial Department has entered into an exclusive relationship with LexisNexis, using their File & Serve system to handle roughly 70% of district civil cases.

There have been reports that LexisNexis has failed to meet various service levels, and extended periods of unacceptable performance have been experienced by the

Colorado Judicial Department, resulting in planning activities to bring an electronic filing solution in-house. The exclusive single-vendor solution appears to be high risk, unless backup solutions can quickly be utilized.

Recommendation: suggest that future electronic filing solutions for New Jersey include multiple options – either involving multiple vendor options, or a combination of single vendor solution with an in-house backup.

## **Reducing Integration and Switching Costs**

While we have concluded that smart integration between the electronic filing interface and case management system is essential for Court productivity, we have observed that such integration is complex and costly to implement.

In all cases where third party electronic filing solution vendors have delivered substantive integration with a court's case management system, it has required significant customization to the vendor's solution, and significant integration and interface development with the case management system. The result is a very high initial integration cost, and a high switching cost if a Court would wish to replace one vendor's solution with another's.

Recommendation: for all solutions, require compliance with key standards, including the use of the OASIS Electronic Case Filing / Legal XML specifications. Implement in-house solutions with the same compliance.

Recommendation: avoid use of third party vendor solutions which require extensive customization in order to comply with New Jersey interface specifications; such solutions will be costly to integrate, slow to accommodate change, and costly to replace.

## **Avoiding Continued use of Paper**

A number of other courts, although they use an electronic filing solution, still request, and some even require, that additional copies – paper copies – be submitted, usually for the convenience of the Judge and his or her staff. This observation points to the following cautions:

1. Lack of attention to the document handling needs of the Judge and his or her staff, raises the risk that the overall solution will be incomplete. Most solutions ignore this important business component. Without an effective solution for the Judge and staff, productivity gains may be easily lost as staff is required to print/scan, route and store paper again.
2. Allowing for two forms – electronic and paper – increases the potential for confusion over which version of various documents is the most current

and/or official version of a document. Very clear rules need to be established in order to keep such dual-media environments under control.

Recommendation: ensure that document viewing/handling requirements are fully addressed by the document management solution. It is especially important to exercise extreme focus upon the Judge's needs; the Judge and his or her assistants have very special requirements, such as the need to annotate private notes on the documentation. If these requirements are not met, it will be very difficult for the Judges to embrace the full electronic filing solution.

### ***Anchor Points***

The recommended options described in this document should not be viewed as static or absolute. Instead, our approach is to create anchor points and pillars along the way that move the Judiciary's court operations in a decisive and steadfast manner. Some of these anchor points are already in place, e.g., JEFIS utilizes a Document Management component that is a sound and scalable solution for hosting electronic documents. Others, such as the Business Rules and Workflow components, will take the Judiciary into new directions that will evolve into anchor points.

In addition, ongoing work in one option may buttress or augment the Judiciary's direction in the short term until the long term solution can be implemented. For example, a high level objective is to automate the end-to-end processing of certain documents. However, the court's business rules are embedded today within the case management applications, the staff's expertise in handling documents and informal/local work processes. In order to develop the rules engine, the business rules must be separated from the programming code within the Case Management component. While this work is being done, the business process redesign of key functional areas can continue and gain the benefit of the rules being extracted.

## **Attorney Front-End (and E-Filing Interface)**

### ***Business Need***

The Attorney Front-End is the attorney's entry point into the Court Systems' environment. It may be used to submit filings, inquire on the status of previously submitted filings, check case status, handle service, check due dates for pending actions, and perform other transactions as the New Jersey Judiciary may see fit to automate.

### ***Current Environment***

The trial court divisions of the New Jersey Judiciary Superior Courts add over 1 million new cases per year to the court calendar. The following chart depicts volumes for the most recent fiscal year:

**New Jersey Filings  
Superior Court - Trial, Foreclosure Complaints, and Tax Court  
July 2007 - June 2008**

| Division   | Calendar                       | Filings          |
|--|--------------------------------|------------------|
| Criminal Division                                      | Criminal Post-Indictment       | 54,416           |
|  | Municipal Appeals              | 1,253            |
|  | Post-Conviction Relief         | 832              |
| <b>Criminal Division Total</b>                         |                                | <b>56,501</b>    |
| Civil Division   | Equity                         | 3,671            |
|  | Foreclosure *                  | 45,074           |
|  | Civil                          | 94,539           |
|  | Special Civil                  | 607,880          |
|  | DC                             | 390,781          |
|  | Auto Negligence                | 1,032            |
|  | Contract                       | 383,154          |
|  | Other                          | 6,595            |
|  | Small Claims                   | 52,224           |
|  | Tenancy                        | 164,875          |
|  | Probate                        | 9,985            |
| <b>Civil Division Total*</b>                           |                                | <b>761,149</b>   |
| Family Division  | Dissolution                    | 67,989           |
|  | Juvenile Delinquency           | 63,811           |
|  | Non-Dissolution                | 161,517          |
|  | Domestic Violence              | 55,460           |
|  | Abuse/Neglect                  | 4,319            |
|  | Adoption                       | 2,412            |
|  | Child Placement Review         | 5,208            |
|  | Juvenile/Family Crisis         | 919              |
|  | Kinship                        | 905              |
|  | Termination of Parental Rights | 1,258            |
| Criminal/Quasi-Criminal                                | 9,593                          |                  |
| <b>Family Division Total</b>                           |                                | <b>373,391</b>   |
| Tax Court  |                                | 11,760           |
| <b>Grand Total*</b>                                    |                                | <b>1,202,801</b> |
| *Foreclosure includes contested and uncontested cases. |                                |                  |

At present, most interactions with attorneys are via non-automated methods, such as the US Postal Service, private and commercial couriers, and in-person deliveries of filed documents. Note, that with the exception of appeals, the Municipal Court transaction volumes are not included in the above statistics. However, it should be noted that a significant percentage of the Municipal Courts' parking tickets and criminal complaints are created electronically today by the PATS (Parking Authority Ticketing System) and E-CDR (Electronic Court Disposition Reporting) systems. Furthermore, the E-Ticketing Application, now in the testing phase, will soon provide interfaces to allow Police Systems to electronically create moving violations.

In addition, JEFIS, the Judiciary's electronic document filing solution, is currently used in the Special Civil Part for civil actions involving \$15,000 or less, commonly referred to as DC docket-type cases. For the most recent year, approximately 54% of the DC complaints and approximately 750,000 documents were filed electronically via JEFIS.

For the purpose of Current Systems analysis, we consider the strengths and weaknesses of JEFIS.

### **JEFIS Strengths**

- Provides a fast and easy means for the electronic transmission of court documents.
- The court can electronically transmit court orders, documents and notices back to attorneys, eliminating the printing and mailing of Notices, Chattels, Wages, and Judgment cards.
- Attorney Filer application allows batch filing for high volume attorney filers.
- Minimizes data entry errors. Data used for docketing comes directly from the attorney.

### **JEFIS Weaknesses**

- Applications were customized for one docket type.
- JEFIS does not provide direct access to electronic filing data or electronic case jackets over the Internet.
- Attorneys must use the court's collateral accounts to pay filing fees for electronic filings and maintain a balance of \$300 in the collateral accounts. No capability has been implemented for credit card payments.
- Electronic filing is unavailable for pro se litigants.

### ***Options***

The options we have considered typically fall into several broad categories:

- (1). Replace with Market Solution
- (2). Rebuild
- (3). Leave As-Is
- (4). Migrate Over Time

### **Replace with Market Solution Option**

Options in this category include purchasing a third party electronic filing software solution, and integrating that solution with the Judiciary's Case Management solution, Document Management solution, business rules component, and workflow processes. The following software vendor / products have been investigated to varying degrees by the Judiciary; while not a complete list, these vendor solutions are representative of what is available in the industry. Additionally, the Judiciary ITO management team has maintained a dialogue with the CITOC (Court Information Technology Officers Committee) and other states, such as Colorado and Arizona, to track their E-filing experiences:

- Tybera / eFlex
- Wiznet / E-File Serve
- Lexis/Nexis
- Tyler
- LT Court Tech

It is not the goal of this document to provide detailed assessments of each of the above solutions. However this document will evaluate the pros and cons of the broad category of offerings, and not detail the analysis to specific solutions.

It is important to note that two distinct solution models, with distinct advantages and risks, are offered by the vendor solutions:

- Service model, where the vendor hosts the solution externally, and interfaces to New Jersey's case management and document management systems
- Licensed software model, where the vendor provides New Jersey with a license to use their software on New Jersey-controlled computer systems

The risks associated with the service model, if the selected vendor was to fail to provide adequate service levels, deemed that model unacceptable as an exclusive solution. If the service model was to be adopted, then either multiple external service vendors would need to be implemented, or alternate solution models would need to be included in the overall solution strategy.

Each of these solutions was examined for compatibility with New Jersey Judiciary requirements. In all cases, it was determined that significant customization would be required on the part of the E-Filing vendor, in order to gather the data elements required by New Jersey's business rules, and subsequent integration would be required to connect the filed documents with New Jersey's document management repository and update the associated case management records.

Pros:

- Offload development to the vendor community, reducing direct Judiciary development costs.
- Potentially leverage development advantages across multiple states

Cons:

- High degree of customization to the e-filing solution is required in order to support New Jersey Judiciary business rules
- Substantial integration effort to connect e-filing solution to the New Jersey Judiciary document and case management systems
- Risk of dependency upon external service providers, which dictates need for multiple external service providers, which in-turn increases the customization and integration efforts

## Rebuild Options

This option would leverage the Judiciary ITO lessons learned from implementing and supporting the JEFIS Attorney Filing Applications, and build a new solution upon current and next generation technologies. Because the required functionality imposes integration requirements upon lawyers and their firms, several parallel strategies have evolved as part of the rebuild option, including:

- Web-browser solution supporting Pro-Se Filers and non-integrated law firms
- Web-Service interface solution, allowing law firms and industry services/solutions to integrate directly to the New Jersey Judiciary
- Standards-based shared-source solution, potentially built in concert with other states and industry consortia, which provides the basis for multi-jurisdictional filing and deeper integration within law office systems

### Web application solution

A web application solution would provide a web browser interface for attorneys and their staffs, allowing access to web pages that provide the following functions:

- Initiate a new case, including:
  - Enter case summary information
  - Enter party information
  - Enter attorney information and party affiliation
  - Submit electronic documents
- Update existing cases, including:
  - Update case summary information
  - Update party information
  - Update attorney information and party affiliation
  - Submit additional electronic documents
- View case information, including:
  - Case summary information
  - Party information
  - Attorney information and party affiliation
  - Electronic documents
  - Proceeding information
  - Pending actions
  - Event information
- View case lists
- View recent filings
- Attorney account maintenance

This solution would allow the attorney to have access to much of the information currently contained in the New Jersey case management and document management systems. Interfaces to each of the respective case management systems would need to be rationalized, to permit a consistent user web experience. As a pre-requisite, business processes and rules would need to be formalized and implemented within these

interfaces, facilitating automation of filing where possible, and invocation of human review tasks where the rules dictate such workflow processing. Initially, it would be envisioned that most electronic filings would require some form of human review and case management updating; only as business rules and processes were formally defined, would it be likely that electronic filings could be recorded automatically.

The use of web-based, graphical interfaces lends this solution towards ease of use, minimizing training and support requirements.

Note: this solution would be able to leverage the Web-service interface solution, mentioned below, as the standard interface mechanism to the back-end case management and document management systems.

Pros:

- Relatively straightforward technology required to implement, using readily available web development skills
- Easy to use, with low support costs

Cons:

- Not integrated with law office systems, hence case information must be entered a second time, which may introduce errors

### Web-service interface solution

A Web Service is “a software system designed to support interoperable machine-to-machine interaction over a network.<sup>1</sup>” In simpler terms, it is an agreed-to interface, using open standards. In our case, we propose a set of interfaces, allowing access to the necessary electronic filing functions (such as have been listed under the Web Application solution, mentioned above), which conform to legal industry standards for electronic filing.<sup>2</sup>

By themselves, these interfaces achieve very little. However, once published, vendors of law office systems would then be able to implement extensions to their systems, enabling direct connections between their systems and the Judiciary. Whether these vendors operated web solutions or server solutions, the connections to the Judiciary would allow the court to extend into the law offices, improving productivity and reducing errors. Further, vendor offerings of pro-se filing solutions might become feasible. Lastly, the Judiciary could achieve improved re-use for any of its own Web Application solutions, by leveraging this Web-service interface.

Pros:

- Allows flexibility for vendors of law office systems to connect directly to the Judiciary, reducing redundant data entry and associated errors

---

<sup>1</sup> Definition from the World Wide Web Consortium’s “Web Services Glossary”

<sup>2</sup> We propose a New Jersey extension to the OASIS Electronic Court Filing (ECF 4.0) specification

- Is a basis for multiple integration options from external systems to the Judiciary systems, so may reduce overall IT costs for other options as well

Cons:

- The web-service interface, by itself, does not provide a complete solution – requires complimentary web-service client for a complete solution

### Standards-based shared-source solution

With the evolution of industry standard specifications for electronic filing (e.g. OASIS' Legal XML / Electronic Court Filing 4.0 specifications), it is now possible to consider standard interface implementations, such as that described in the Web-service solution above. However, most states, and perhaps various jurisdictions within these states, will likely need very different information to be provided within the confines of these standards, in order to meet their mandated court rules<sup>3</sup>.

The statement, “Every court has its own requirements for each court record” is largely true, and very unlikely to change for many years. A standards-based solution must enable standard interfaces yet also accommodate the many variations required by the courts, in order to achieve the efficiencies of shared development, while supporting the unique needs of each court.

With this background, we envision the following solution evolving gradually from the collaboration of two or more states, ultimately being adopted by others, including industry vendors who may utilize core components of the solution to advance the interoperability of law office systems with the courts and each other.

The solution includes a configuration plug-in strategy to allow each court to specify the data elements required to accompany each court filing and document type. A configuration engine, leveraging technology similar to that found in X-Forms engines, will interpret each court's configuration plug-in, and generate the necessary interfaces to enable:

- Tailored electronic filing transmission to the Judiciary
- Optional interface for communication with law office systems
- Optional user interface for direct data entry of filing data

Leveraging the plug-in technology, rather than custom-coding, enables variations in the information required by different document types, different case types, and different court types, to be accommodated rapidly. Multiple states could leverage the same core code, tailoring it via the configuration plug-ins. This code could operate as a simple stand-alone solution for low volume filers. The core engine could eventually be embedded by law office system vendors within their solutions.

---

<sup>3</sup> New Jersey's court rules are specified in “Rules Governing The Courts of the State of New Jersey”, which is a document numbering approximately 2,500 pages, published yearly by authority of the Supreme Court

Pros:

- Shares cost advantages across multiple entities, including other states and vendors
- Moves the industry towards solutions that better support common standards, and improve interoperability with law office systems and multiple court jurisdictions

Cons:

- More complex analysis and design challenges, likely to expand development effort
- Duration needed to obtain industry adoption will exceed desired timeframes for New Jersey to implement solutions (New Jersey may need to propose initial draft and bear initial release costs entirely or at least significantly)

## **Leave As-is Option**

In the strictest sense, leaving the current solutions – JEFIS Attorney Application for Special Civil Part / DC docket filings, and manual filings elsewhere – exactly as they are now, is not really a strategic option. Hence, we will consider the Leave As-is Option to include incremental expansion of the JEFIS solution to other case types and their documents, but not to include business functional enhancements or major technical advancements.

Pros:

- Known infrastructure and integration points
- Least disruptive on current attorney operations

Cons:

- Other case types and their documents/filings may require business logic that exceeds JEFIS current capabilities
- Requires distribution and support of existing Attorney Applications for a much larger attorney population; increase in support costs
- Requires updated code to be distributed to each filer in order to add new case types and their documents/filings

## **Migrate Over Time Option**

This option assumes that core elements of the existing JEFIS Attorney Applications will be migrated to newer technology solutions over time, allowing faster implementation of new case types and their associated documents/filings.

Examples of the “Migrate Over Time” option include incremental enhancements to the existing applications, such as:

- Elimination of Email as the means of transmitting the filing
- Implementing a Rules-Engine solution for determining data package requirements to accompany each document type
- Adopting Electronic Court Filing standard messaging formats, increasing options for receiving filings
- Replace the core Attorney Application engine with open standards based architecture

The essence of the Migrate Over Time solution is that an incremental approach is taken to evolve the current JEFIS solution, gradually evolving it into the core elements of a potential future Open Standards solution.

Pros:

- Less disruptive on current attorney operations
- Leverages lessons learned from JEFIS implementation and support
- Incrementally evolves towards core elements of Open Source solution candidate

Cons:

- Pace of implementation results may not be as fast as the more disruptive approaches

## Preliminary Evaluation of Options

The following table contains a draft evaluation of a number of the preceding options:

|                          |   | Vendor customization | AOC Interface & Integration | Risk of Vendor Dependency | Cost Sharing Potential Across Industry | Pace of Implementation | AOC Ongoing Support | Open standards support (improves industry interoperability) | Constituent Productivity (e.g. integration with Law Office Systems) | Summary |
|--------------------------|---|----------------------|-----------------------------|---------------------------|--|------------------------|---------------------|---|---|---------|
| Market Solution          | Single Vendor Service Model                     |                      |                             |                           |  |                        |                     |   |   |         |
|                          | Multiple Vendor Service Model                   |                      |                             |                           |  |                        |                     |   |   |         |
|                          | Licensed Software Model                         |                      |                             |                           |  |                        |                     |   |   |         |
| Rebuild Option           | Web Application                                 |                      |                             |                           |  |                        |                     |   |   |         |
|                          | Web Service Interface                           |                      |                             |                           |  |                        |                     |   |   |         |
|                          | Standards-based Shared-source Solution          |                      |                             |                           |  |                        |                     |   |   |         |
| As-Is Option             | Expand JEFIS w/additional Case & Document Types |                      |                             |                           |  |                        |                     |   |   |         |
| Migrate Over Time Option | Incrementally Modernize and Expand JEFIS        |                      |                             |                           |  |                        |                     |   |   |         |

| Legend |   | E.g.   |
|--------|---|--|
|        | 0 | Highest costs, low productivity, lengthy pace of implementation, high risk   |
|        | 1 | Higher costs, lower productivity, longer pace of implementation, higher risk |
|        | 2 | Medium costs, productivity, pace of implementation, and risk                 |
|        | 3 | Lower costs, higher productivity, faster pace of implementation, lower risk  |
|        | 4 | Lowest costs, best productivity, rapid implementation pace, low risk         |

## Rating Criteria

| Criteria                               | Definition  |
|--|---|
| Vendor customization                   | When vendor solutions must be customized in order to meet New Jersey Courts requirements, the risk to New Jersey is typically increased. The risk may take several forms: costs, time to implement, and future upgradability. It has been New Jersey's experience in evaluating vendor packages that there are usually very significant gaps between vendor package capabilities and New Jersey's requirements. The cost to alter the vendor package to meet New Jersey's requirements is typically passed onto the Courts or Legal Community, whether directly or indirectly. The time to implement alterations must also be considered both at initial implementation, and subsequently when enhancements are required. Finally, if vendor packages are customized significantly for New Jersey, this may hamper future upgradability; the New Jersey version of the package may become a "one-off" variant of the vendor's core package, precluding easily adopting vendor upgrades.   |
| Judiciary Interface & Integration      | A full service E-Filing system will require integration to both the New Jersey Case & Document Management Systems. Interfaces will need to be designed and built to achieve manageability of the interchange between the Attorney Front-End component and the Case and Document Management components. The most efficient approach would be for the Courts to declare a single interface definition, and require all solutions to comply with this interface. However ideal in concept, this is not readily achievable, even for the Courts. New Jersey has multiple case management systems, each of which has somewhat different requirements and technical implementations. Likewise, various vendor solutions have unique and different capabilities. These variations each are likely to increase the complexity of developing the interfaces. The preferred New Jersey Courts strategy is to develop interface definitions based on the ECF 4.0 standards, customized and enhanced based on specific New Jersey requirements. Evaluations are based on our expectations of the degree of difficulty to implement, the level of initial compatibility that is anticipated from the implementer of each solution, and the amount of unique interface development that will be required from the New Jersey Courts to accommodate vendor requirements. |
| Risk of Vendor Dependency              | Solutions which involve third party vendors bring various risks of dependency for the Courts. In at least one state, which entered into an exclusive relationship with one vendor, when service levels were not achieved, the recourse available to the state was insufficient to maintain desired service to the legal community. Also, it is noted that few vendors of electronic filing solutions have large install bases, and there are risks associated with vendors electing to exit the electronic filing business. Clearly, solutions that depend on exclusive vendor arrangements are the highest risk. Solutions that incorporate multiple vendors in competition, provide relief from vendor dependency. To the degree that solutions leverage industry standards, the risk of switching costs may decrease somewhat. Finally, in-house solutions have reduced vendor dependencies, including merely the risks associated with the vendor tools used to construct the in-house solution.  |
| Cost Sharing Potential Across Industry | Very little, if any, cost sharing has been achieved across the industry to-date. Despite years of work to develop industry standards, the unique requirements of the many local and state courts are driven by centuries of court rules and laws. These genuine variations have been a natural obstacle to the successful development of robust, configurable software systems to manage the business of the many courts across the country. Solutions that include aspects of industry standards, and have higher likelihood of improving interoperability, are graded higher in our evaluations.  |

|   |   |
|---|---|
| Pace of Implementation  | The pace of implementation of any given solution is evaluated based upon anticipated initial implementation effort (i.e. development, customization, integration efforts, as applicable), as well as the effort for ongoing enhancements. Solutions that involve some degree of vendor competition will likely have improved pace over those involving only one vendor. Solutions embracing industry standards are likely to have slightly better implementation pace over those that do not. Solutions which require shared code development among multiple parties are likely to proceed more slowly than solutions which have development centered upon a single organization. Solutions that leverage existing program code are likely to proceed more quickly, if the solution and the existing code fit well together. Finally, solutions that require a formal procurement cycle will have that time added to their overall pace evaluation. Each of these factors was considered in our overall evaluation of pace of implementation. |
| Ongoing Judiciary Support   | Support costs include the ongoing maintenance of each of the software solution components, plus customer service provided to the legal community who use the front-end component. Solutions which involve vendor-sourced attorney front-ends were assumed to include vendor-provided attorney support services, lowering Judiciary direct support costs.  |
| Open standards support (improves industry interoperability)         | Solutions which more comprehensively offer standards support are more likely to be readily expandable to the various Judiciary case management systems, case types, and document types. We have evaluated the alternatives based on the degree to which we anticipate the solutions incorporate industry standards, including web services, Legal XML, and Electronic Court Filing 4.0 specifications.  |
| Constituent Productivity (e.g. integration with Law Office Systems) | Many attorneys currently use Law Office Systems to help manage their operations. These systems typically contain information about the case filings, which must also be transferred to the Courts when submitting an E-Filing. Solutions that require the attorney firm to re-enter this same information into the E-Filing system, reduce law firm productivity as well as increase the risk of error; this would be the case for most web-browser based solutions. Solutions that allow for some integration between the law office system and the E-Filing Attorney Front-end component, increase productivity and reduce risk of error. For example, JEFIS currently provides for a means to accept data files containing key case information, which may be extracted from an attorney's law office system. We envision that solutions leveraging the Electronic Court Filing 4.0 specification would be able to directly connect law office systems to the Courts, improving productivity further.                                      |

### ***Recommendation / Supporting Info***

Because the requirements of the potential filers vary so widely, we are recommending a three-pillar solution strategy. These pillars each align with certain segments of the market and provide a channel of interaction with the Judiciary that improves services and productivity.

Pillar 1: Implement a web browser interface to the Judiciary for low volume attorney filers, and potentially pro-se filers. This solution could be implemented in rudimentary form by the Judiciary itself, or implemented by one or more vendors.

The decision whether the Judiciary itself will implement a rudimentary web browser interface will depend upon vendor response to this pillar. If multiple vendors indicate

commitment to provide such a solution, then the justification for a Judiciary implementation will be reduced.

In order to ensure that the overall support cost to the Judiciary is kept to a minimum, the Judiciary will implement a standards-based technical interface, allowing vendors to connect their web browser solutions to the Judiciary in a consistent manner. By leveraging the web service technical interface delivered in Pillar 2, overall support cost by the Judiciary is kept to a minimum, and service to the industry is improved.

Pillar 2: Implement web service interfaces for all key filing transactions; enable direct connections from law office systems. The web service channel will be a primary channel for law office systems to interface directly with the Judiciary, offering the potential for the most productive environment for both Judiciary and law offices. We anticipate that vendors of law office systems will aggressively work to implement direct interfaces between their law office systems and the Judiciary.

Pillar 3: Begin the initiative, working with other states and vendors, to develop the foundation of a standards-based, shared-source solution for E-filing submission. This solution will expand and accelerate the adoption of industry standards for Electronic Filing, and improve the interoperability of filing solutions across the states.

It is envisioned that the Pillar 3 solution has the potential to evolve as a standalone solution for small to mid-sized law firms, and has the potential to be embedded into law office solutions, providing increased standards and cost savings to the industry solutions that serve law firms operating across multiple states.

We envision that the web browser solutions from Pillar 1 will primarily address small volume filers. Over time, Pillar 2 offers the greatest productivity to those law firms with investments in law office systems, and which have larger filing volumes. Pillar 3 is a longer term strategy, sharing many of the same constituents as Pillar 2, but offering to spread the costs of development of the core components for electronic filing across multiple parties, including the vendor community.

## ***Policy Requirements***

Standard definitions for the data packages that are required for each filing type will be required to support all Pillars.

## **Business Rules Component**

### ***Business Need***

Business rules are statements that define or constrain some aspect of the business and/or operation of an organization. Business rules describe the operations, definitions and constraints that apply to an organization in achieving its goals. The assignment of docket numbers in specific formats to cases filed in the Judiciary is an example a business rule used by the court.

Business rules are needed throughout the many components of the overall electronic filing solution. The primary objectives of the business rules are to:

- Determine what data elements will be provided by attorneys, in the data packages accompany electronic filings
- Help determine what data elements are required to be captured and recorded by the case management system
- Apply the logic necessary to allow the automated entry of information from filing to case management system, reducing the need for human review
- Help determine what process steps occur as a result of each filing

In an ideal environment, business rules are externalized from the components that utilize them, allowing for the rules to be easily maintained and verified.

### ***Current Environment***

Business rules are currently deeply embedded within the various solution components, particularly within the case management system. In addition, many business rules are not currently automated. Many of these business rules are specified by statute and/or court rules, but are subject to interpretation and variation as practiced in the field.

### ***Strengths***

The rules that are deeply embedded with the case management system have evolved over many years, and hence have been highly tailored to match the processes and preferences of the New Jersey Judiciary.

### ***Weaknesses***

Rules that are deeply embedded within the case management system have proven difficult to locate, difficult to understand and verify, and are not easily changed. This poses an obstacle to responsiveness. In addition, the many rules that are not currently automated, are subject to variation of practice in the field, potentially hampering the state's ability to easily perform resource rebalancing between jurisdictions.

## ***Recommendation***

### **Replace with Market Solution; Migrate Deployment Over Time**

Implement a Business Rules Engine software product, and externalize the rules into this engine. Business rules engines offer the following potential benefits:

- Reduces the time to deploy changes
- Improves the understanding of how decisions are made
- Increases opportunities for logic automation
- Favors the reuse of business logic
- Increases ability to validate systems compliance with rules
- Improves ability to change rules without IT involvement
- Enables better visibility and manageability of business rules

It is generally recognized that in any IT application, business rules change more frequently than the rest of the application code. In a business rules approach, rules are segregated from the application code making them accessible to users for dynamic changes without the need for IT programming expertise.

We recommend that the Judiciary IT staff gradually remove business rules from the case management and electronic filing systems, and centralize them into a rules engine. In addition, we recommend that manually implemented rules be evaluated for automation over time. Implementation of a Business Rules Management System is not a trivial endeavor, and hence should be done incrementally as key systems are enhanced.

#### Pros:

- Better visibility, auditability of rules
- Easier to maintain and change rules

#### Cons:

- Requires implementation of a new software component, with which the Judiciary ITO staff currently has no experience
- Cost of integrating the business rules with Attorney Filing and Case Management system components

#### Timing & Interim Strategy

Evaluation of alternatives and the financial justification for procuring a business rules engine have not yet been completed. As an interim strategy, until a business rules engine has been selected and implemented, the Judiciary IT staff should proceed on a strategy to inventory automated business rules and manually isolate, or externalize them from core code logic.

## Next Steps

The Judiciary should evaluate and select a Business Rules Management System (BRMS). This evaluation should include functional and financial characteristics of the various business rules engines available on the market. Examples of leading BRMS vendor offerings that might be considered are:

- Blaze Advisor (by Fair Isaac)
- Drools (by JBoss)
- PegaRULES (by Pegasystems)
- Haley (recently acquired by Oracle)
- ILOG (recently acquired by IBM)
- Corticon (by Corticon)

## ***Policy Requirements***

Substantial involvement of the business community will be required to author the new business rules that are to be automated.

In addition, a strategy needs to be developed to facilitate externalizing certain business rules to outside vendors of E-filing services, in order to expand the effective use of electronic filing functionality without increasing Judiciary support costs.

## **Workflow Component**

### ***Business Need***

The full productivity of electronic filing requires an automated workflow capability to replace the formerly manual paper-based workflow processes. Modern workflow solutions offer the capabilities of electronic in-baskets and routing of documents and/or tasks associated with the documents to the appropriate personnel, as well as reminder and escalation management to ensure follow-through. The workflow solution should be capable of leveraging a business rules component, to enable tasks to be automated, as well as delivering human tasks to the appropriate resources. The solution also needs to be able to assist in automatically balancing workloads among personnel. The future solution needs to allow best practice process steps to be automated, while also being configurable to accommodate the genuine differences in staffing and workload models between different sized courts.

### ***Current Environment***

At present, manual workflow is used for all paper-based document filings. In addition, for filings made using the JEFIS system, a basic work-routing implementation allows documents to be electronically moved among the various process steps associated with the life of the document. Both options are evaluated below. In addition, a number of workflow rules are incorporated into the ACMS Case Management System, but these will not be formally evaluated, because they are better covered under the Business Rules and Case Management components.

### **A) Manual Workflow**

Most document filing workflows within the Judiciary are currently driven by the manual movement of paper. This includes the typical placement of documents in in-baskets, filing of documents within folders, routing of folders among in-baskets, out-baskets, temporary holding areas, and filing cabinets – all enabled by the existence of the paper documents.

A combination of court rules, county personnel organizational structure, and local county procedures dictates how the paper documents and folders are routed through the various tasks associated with the life of that paper and associated case.

### **Strengths**

- Paper workflow routing is technologically simple to implement and support

- In a small-team environment, stacks of work in in-baskets and holding areas provide simple visual indicators of the workload

## **Weaknesses**

- Paper routing is inefficient when large volumes of cases must be supported, especially in a larger environment spread across multiple floors and offices
- Non-automated workflows are typically less likely to be standardized
- Parallel processes are less feasible
- Misfiling and loss of paper pose risks that the Judicial process will encounter delays or errors

## **B) JEFIS Work Routing**

JEFIS currently provides a partial alternative to paper-based manual workflow. Upon receipt of an electronic filing, the document is placed in an electronic in-basket, or queue. Court personnel then act upon the documents, docket the filing, and then place them in an electronic version of the case jacket. As necessary, court personnel use an electronic tickler system to forward the electronic document image or copy to the in-basket of other court personnel for additional processing. This allows Judges or their clerks to work on a document, while also keeping an original copy in the case jacket.

## **Strengths**

- Provides a simple electronic alternative to the paper driven work routing process
- Securely stores electronic document images while routing notices to in-baskets that work must be done in response to the document
- Allows some document processing to be done in parallel by multiple people

## **Weaknesses**

- Supports routing of documents among human processing workflow steps, but does not support automated tasks to be included in the workflow
- Does not currently integrate business rules-based decision-making logic, to allow alternate workflow paths to be executed based on best practices
- While JEFIS has demonstrated that it is possible to develop effective basic electronic document routing, we anticipate that greater degrees of, and more sophisticated workflow capabilities, will become increasingly more difficult and costly to develop and support in-house.

## ***Options/Recommendations***

We recommend that the Judiciary ITO staff begin to prepare to remove workflow capabilities from the existing Attorney Filing, Case Management and Document Management systems, externalizing them where possible, with the goal of eventually

migrating and enhancing the workflow logic, using a commercial workflow software engine.

A workflow engine is a software application designed to manage and execute computer processes. The workflow engine interprets discrete events, such a document submission, and acts on those events according to the defined workflow processes. For example, these actions may include saving a document in a document management repository or initiating a secondary work process by sending an e-mail to users or escalating overdue work items to management.

According to the *Workflow Management Coalition* (WfMC) and the *WorkflowAnd Reengineering International Association* (WARIA), key benefits from automating workflows include:

### **The Key Benefits of Workflow<sup>4</sup>**

- Improved efficiency - automation of many business processes results in the elimination of many unnecessary steps
- Better process control - improved management of business processes achieved through standardizing working methods and the availability of audit trails
- Improved customer service – consistency in the processes leads to greater predictability in levels of response to customers
- Flexibility – software control over processes enables their re-design in line with changing business needs
- Business process improvement - focus on business processes leads to their streamlining and simplification

We recommend that the Judiciary staff begin to define the areas, of the overall Electronic Filing Infrastructure, where increased workflow automation would have the largest payback. Candidates would include, for example, the logic needed to examine incoming attorney filings, and make decisions if the data package and electronic document meet the conditions to allow it to be automatically stored in the Case and Document Management systems, or if human review is required to inspect the filing before recorded in the Case and Document repositories.

Finally, we recommend that the Judiciary ITO staff perform a first pass scan of available commercial workflow engines, to determine their cost and capabilities. A recommendation should be produced which identifies acceptable commercial products, and establishes the basic cost case parameters to justify eventual project proposals to automate new electronic filing workflows.

---

<sup>4</sup> <http://www.e-workflow.org/>

Pros:

- Prepares ITO staff to be ready to perform workflow engine selection when the overall solution has advanced far enough to require this component

Cons:

- Does not implement anything tangible at this point in time (i.e., specific benefits hinge upon integrating workflow with the E-Filing, Case Management and Document Management components)

## ***Policy Requirements***

Significant analysis of current court procedures will be required to assess the best practices and to begin to develop a limited set of court workflow standards, with some essential configurability, but such that could be implemented with a workflow engine with reasonable effort.

## **Case Management Component**

### ***Business Need***

The Judiciary case management systems are the underpinning of the ability to effectively manage the more than 1,000,000 cases that are filed annually in the Superior Courts. In all New Jersey courts, from Municipal through the Supreme Court, the recording of every case is automated. Over the last twenty plus years the case management systems have provided the automated support for the courts to operate efficiently. The Judiciary's case management systems are large and complex because they support the complex operations of the court. Each application, whether it is used by the Municipal Court or the Supreme Court, has been highly customized over time to contain the detailed court rules and case processing logic dictated by the respective court.

A key responsibility of the Administrative Office of the Courts has been to ensure that these systems are responsive to the needs of the Judiciary, and that they can be relied upon to maintain official record of all case proceedings. This includes ensuring that the technology platforms upon which the case management systems operate do not become obsolete, and that incremental modernization and enhancement can be achieved with reasonable investment. As a result, a primary focus of the Judiciary's Information Technology Strategic Plan has been the conversion and modernization of these case management systems.

### ***Current Environment***

The conversion of our case management systems was fueled by the imperative that The Judiciary needed to address the approaching obsolescence of the IDMS database technology, which was core to the Judiciary's prior generation case management systems, while also improving future support to the user community. The Judiciary approached this task in two phases:

#### **Phase I: Legacy Systems Conversion (completed)**

This phase consisted of converting the Judiciary's major existing applications from IDMS to DB2 database technology. The conversions were handled in such a way that the users of these case management systems (CMS) were exposed to minimal awareness of the changes that were taking place behind the scenes. Extensive effort was taken to ensure that converted systems retained at least the same levels of maintainability, performance and operational effectiveness as the current previous systems. The conversion process provided a new architecture through which the Judiciary can build upon systems functionality.

## Phase II: Web Enabling (currently underway)

In this phase the Judiciary is incrementally migrating its CMS applications to a browser-based, web-enabled architecture. Web technology will facilitate adding new functions over time as business requirements mandate. Such gradual transformation provides two primary benefits. Foremost, no immediate, wholesale change of the CMS applications will be required, minimizing the disruption to court operations and the over 10,000 users who rely upon these applications to perform their duties. Secondly, business requirements will direct incremental improvements of the CMS systems over a period of several years, aligning the technology investment with current economic realities and business priorities.

To-date, web enabling (Phase II) has taken place in a number of areas such as Criminal Case Management Forms, Electronic Mugs Shots in Probation, and the Electronic Temporary Restraining Order in the Family Courts.

### **Strengths**

- Robust support for Court rules and requirements: the existing case management systems have been highly tailored to support the unique requirements and rules of each of New Jersey's Courts
- Reliability: the existing CMS are based upon proven technologies, and provide highly reliable record of the proceedings of each court

### **Weaknesses**

- Flexibility: as discussed elsewhere in this document, the existing case management systems embed business rules and workflow logic, limiting the ease by which changes can be made to these systems
- Ease of Use: lack of web browser interfaces to the majority of functionality hampers ease of use, and falls short of the usability potential that modern graphical interfaces are capable of providing

### **Options**

Beginning in the year 2000, the Judiciary embarked on a detailed analysis to determine the best solution for the required conversion from IDMS to DB2. This analysis included looking at solutions available in the marketplace as well as a number of other technology alternatives. The two-phased conversion process described above was determined to be the best solution for the Judiciary to fundamentally change the technology of its case management systems.

This decision was made for several reasons but key among them was a recognized limitation of the court operations to engage in a wholesale change of the operation. It was concluded that a COTS (commercial off-the-shelf) solution or newly developed CMS would change the fundamental ways that the courts operated to too great an extreme, would require extensive customization to meet court rules and requirements, and/or would impose a very disruptive transition.

## **Selected Option: Migrate Over Time**

Incremental improvement of the Judiciary's case management systems over time, both technologically and functionally, was the strategy adopted in the first edition of the Judiciary's Strategic Plan, and continues to be the direction outlined in the current IT Strategic Plan.

### Pros:

- Given fiscal constraints, case management improvements can be made in concert with available funds and priorities
- Change is introduced incrementally eliminating the need for widespread operational change

### Cons:

- Fiscal limitation can interfere with the ability to introduce necessary changes into the case management systems

## ***Recommendation / Supporting Info***

Given that prior decisions have set the course for the core case management components, our recommendation can focus upon incremental requirements for the case management system, relating to new functionality needed to support electronic filing more fully.

To facilitate a complete electronic filing solution, enabling end-to-end automation, certain information contained in the case management systems needs to be made available to the attorneys during the E-Filing process. For example, when filing certain documents, the filing attorney should verify that the case records contain the appropriate party information, and provide updates as required. This requires the implementation of a technical interface between the Attorney Front End & Electronic Filing component and Case Management component. Three options are identified, in increasing order of desirability:

- 1) Current Solution: The current JEFIS DC Docketing component utilizes screen-scraping technologies to view and update case management information
- 2) Provide Direct Access from E-Filing Component to CMS databases
- 3) Extend existing CMS Transactions via Web Services

We recommend that incremental enhancements needed for the future electronic filing initiatives be designed in such a way that the Attorney Front-end Applications always interface with the Judiciary's case management systems, via a Web Services interface, based upon the ECF 4.0 specifications.

## ***Policy Requirements***

None

## **Document Management Component**

### ***Business Need***

A document management system allows a high volume of electronic documents and/or images of paper documents to be cost-effectively stored, retrieved and used by authorized persons.

Documents filed electronically with the Judiciary must be stored within an environment that is secure and scalable. In addition, paper-based filings must be scanned and stored in the document management repository as images or PDFs (Adobe Portable Document format files). Documents must be organized and indexed according to their type and status, allowing for fast search and retrieval. Appropriate security must be placed on documents that are sealed or restricted from public access.

### ***Current Environment***

JEFIS maintains the official court record for documents in the Special Civil Part, DC docket type. Documents electronically filed or scanned are stored into the document management system that is accessed by local staff for docketing into the case management system, ACMS. Once docketed, documents are stored in electronic case jackets that are indexed by Docket Number. The document management component is the IBM Content Manager software on the mainframe which provides scalable storage, communication, security and processing capabilities. We are also able to leverage existing mainframe personnel and skill sets to manage the document storage requirements.

### ***Strengths***

- Enterprise solution for the electronic access and storage of court documents.
- Case jackets and documents can be viewed simultaneously and instantaneously.
- No lost or misfiled files. No wasted time looking for lost case jackets. Saves transportation time bringing files to and from the judge, mediation, etc.
- JEFIS is an asset for customer's service purposes – conveniently allows immediate access of information to litigants on the phone, at the counter, before the judge, and at mediations.
- The electronic documents are the official court record. Paper case files are no longer kept which is a significant space saver. For example, Monmouth County

was able to build an additional court room as a result of not having to store paper case jackets.

- No filing of paper into case jackets and no archiving of cases after the case is closed. Less staff is required to manage documents.
- Staff can print out documents or the entire case jacket immediately upon request.
- Available statewide in the Civil courts to hundreds of users.
- Microfilming of documents for archiving and the long-term archival maintenance of paper are not required.
- Network able to support the transmission of a high volume of documents statewide.

## **Weaknesses**

- Currently designed only for the DC docket type.
- Filings received as paper must be scanned into the system.
- Documents are stored as images, i.e., TIFFs, and are not searchable.

## ***Recommendation***

### **Leave As-is / Expand Over Time**

The current document management solution using IBM Content manager provides an enterprise solution that will grow with the expansion of electronic filing in other court docket types.

Minor enhancements may be needed to allow for orderly expansion of electronic filings beyond Civil Court / DC Docket Type. The underlying technology implementation currently supports the organization of electronic filings by case jacket; it is envisioned that minor adjustments to the indexing schema may be needed to better accommodate electronic filings in additional court types.

Pros:

- Highly scalable solution suitable for future expansion
- Demonstrated applicability for applications used statewide
- Integrated with our DB2 software on the mainframe.

Cons:

- IBM has two document management solutions, IBM Content Manager and Filenet. IBM may decide to combine one with the other or share features.

### ***Policy Requirements***

Rule changes required to acknowledge the electronic storage of court documents as the official court record for all docket types. Currently store all documents as TIFFs in the IBM Content Manager system. Document formats should be expanded to include PDF documents that comply with archival standards. Policies regarding internet access to court documents by pro se's and the general public must be determined. Social security numbers and other sensitive information must be redacted or removed from documents that are accessible by the public.

## **Judges Application**

### ***Business Need***

Judges must be able to manage incoming documents and organize their workload by case type, document type, date, complexity and volume. Documents being worked on by the judge and/or staff must be kept in an area that is secure and separate from the case jackets available to the public. Internal documents and documents from attorneys, e.g., proposed form of orders, must be modified and signed by a judge. Information regarding a case and/or document status must be readily available to the judge. This information can come from the case management system, document annotations, sticky notes, emails, pointer/workflow notes, etc.

### ***Current Environment***

The JEFIS system allows the judges and their staff to manage their workload and modify/sign documents in accordance with their local workflow and procedures. In parallel with the case jacket, JEFIS provides a separate case file for judges to place documents that are being worked upon and are only accessible by the judge and his/her staff.

JEFIS provides a folder structure for each judge that can be customized according to the judges' needs. Judges organize their workload by various attributes:

- 1) Individual - law clerk, secretary, judge and court clerk;
- 2) Document types - Motions, Consent Orders, Ex Parte Orders, Wage Executions, Proof Hearing, Oral Argument, etc.;
- 3) Date;
- 4) Status - Needs Review or Ready for Signature.

There is no limit on the folders and subfolders that can be created. However, there are also no business rules behind this structure. The titles for the folders can be created as necessary without any intervention or support from IT or central office. The judge's staff simply moves pointers to documents to the appropriate folders.

Typically, Special Civil Part staff will place a pointer to a document, e.g., motion, to a folder predefined for the judge's use. The judge's law clerk will review the motion and proposed order and will tear off the proposed order, add annotations as well as include a sticky note with instructions to the judge. This modified document is stored as a new document in the judge's folder and a pointer to the document is placed in the designated judge's folder, e.g., Judge Smith Orders. The judge can further annotate the document and electronically sign it. The signed order can be emailed back to the attorney and electronically submitted for docketing on ACMS.

## **Strengths**

- Separate and secure files maintained for judges' documents.
- Unlimited folder structure for workflow and workload management.
- Staff can annotate and place notes on documents.
- Judges are able to electronically sign orders. There is considerable judicial time savings when signing uncontested orders, proforma motions where no annotations are necessary.
- Case jackets and judge's documents can be viewed concurrently.
- Convenient for judge to have access to all case files on the bench.
- Judges can import standard Word templates for orders.
- Orders and other documents are emailed back to attorneys.
- Demonstrated capability for judges to work from home by remotely accessing the electronic case jackets. Solution has not been scaled for statewide use.

## **Weaknesses**

- Sometimes difficult to read documents from a computer monitor.
- Current viewer technology for TIFFs is limited. Certain font types are incompatible with the existing viewer.
- TIFF documents are not searchable.
- Judges are dependant upon the application for processing orders. Electronically signing a high volume of orders can be cumbersome versus signing by hand.
- Case and document status can come from multiple sources. A consolidated view is needed.
- Not integrated with the case management system.
- Not designed for complex litigation cases.

## **Options**

### **Extend JEFIS to Support New Docket Types**

JEFIS was designed to work with the existing Special Civil Part staff and judges' workload allowing for the movement of documents between each. However, the current Judges application was designed primarily for use within one (DC) docket type and should be extended to address the needs of other court docket types. Features may be used in other docket types but applications are not integrated with the case management system and must be redesigned to work with the proposed rules-based and workflow engines.

The current JEFIS applications are thick client applications that rely upon most processing occurring on the desktop, which provides a fast and responsive user interface. Such style applications lend themselves to integration with other desktop applications and local PC processing, e.g., email, word processing, document annotation and signing. The JEFIS applications will need to be redesigned to be in compliance with the overarching direction proposed.

Pros:

- Customized for the judge's workload.
- Currently working in a high volume court.
- Easy to use. Minimal training required.
- Current desktop applications are highly responsive and customized.

Cons:

- Designed for one court type.
- May be difficult to use for large documents.
- Designed for use with TIFFs. Does not work with PDFs.
- Desktop applications.
- Applications will need to be redesigned to utilize new features.
- Rules engine and workflow engine are not in place and will be developed over time.

## **Implement Next Generation Client-Server Solution**

Judges must be able to update and sign court documents in a continuous and interactive manner. The new judge applications must also be able to support large documents, accommodate the case volumes across all docket types and allow judges to work off-line when necessary. To accomplish this, the next generation of applications must be able to operate in a highly responsive manner and interface with other applications and web services. These applications will have direct access to the court's case managements systems and document management system. When the judge's work load case folders are retrieved, the current case status and associated data will be readily available to the judge. All documents, including the court record and documents to be annotated or signed within the judge's workflow, will be presented in the desired sequence.

Pros:

- Comply with the Judiciary's strategic direction.
- Design applications for more than one docket type.
- Develop thick client server applications that are integrated with the case management system.
- Off-line access to documents.

Cons:

- Rules engine and workflow engine are not in place and will be developed over time.

## **Thin Client Web-based Option**

Thin client solutions rely primarily upon web-browsers to access enterprise functionality residing upon central servers, and depend only to a minimal extent upon desktop functionality to achieve their goals. A thin client web-based solution must provide similar capabilities as well as a uniform look and feel across all docket types. Integration with the court's case management systems, document management system, and word processing and email systems will be required.

### Pros:

- Comply with the Judiciary's strategic direction.
- Design applications for more than one docket type.
- Develop web applications that integrate with the case management system.
- Reduced deployment issues.
- Uniform look and feel.

### Cons:

- Rules engine and workflow engine are not in place and will be developed over time.
- Responsiveness of a web-based solution.

## ***Recommendation / Supporting Info***

We recommend that the Judiciary implement the option for the next generation client-server solution. JEFIS has demonstrated the capabilities of a paper-free environment for the processing of court documents in the Special Civil Part. However, the processes specific to judges, combined with the special needs of other case types and documents, e.g., much larger documents, the need to search documents, the need for case management data, more documents per case, numerous parties to the case, increased motion activity, etc., present a more complex and challenging solution than what has been experienced with JEFIS to date. This solution will address these requirements and include the integration of new technologies for the business rules engine and workflow engine.

The judges' scope of work can be viewed as a separate but integral part of the overall proposed solution. This will allow any recommendation for this component to be further analyzed before a decision is made. Judges from across the state and for all docket types should be canvassed to determine their unique needs and requirements. Based upon the input received from the judges, a proposal would be crafted that will consider the all options and still be in congruence with the recommendations made elsewhere in this document.

## ***Policy Requirements***

Judges will become heavily reliant upon new applications for all aspects of their work that currently involve paper documents. Issues regarding the shifting of workloads amongst clerical staff and the judges' staff will need to be addressed.

# Finance Subcommittee

# REPORT OF THE SUBCOMMITTEE ON FINANCE

## **Introduction**

The Subcommittee on Finance was asked to review options for funding the start-up costs and ongoing operational costs of an e-filing system for the New Jersey Judiciary. The conversion to an e-filing system is inevitable. When fully operational, such a system (a) will streamline the administration of the courts; (b) will eliminate the need for virtually all paper filings and the enormous amount of storage space needed to maintain those paper files; and (c) will reduce expenses for personnel and office supplies that are needed to maintain the current systems. Moreover, an e-filing system will allow attorneys and litigants to avoid many of the expenses associated with paper filings, including courier and postage expenses, expenses associated with parties who wish to review the docket sheet or court files. Finally, an e-filing system will allow judges and their staff to gain easy access to court files and to handle and dispose of routine matters in a far more efficient manner than is currently possible.

The costs to develop, implement and maintain an e-filing system will certainly be substantial. As set forth herein, however, many of those costs can be offset by court fees and savings achieved as a result of the conversion to an e-filing system.

## **I. Overview**

The costs associated with implementing and maintaining an e-filing system fall into two general categories. First, there are the initial implementation costs, which will include the purchase and/or lease of new software and equipment, including servers, labor costs for the personnel who will run the e-filing system, training costs for court personnel, costs to advertise the new system, and training costs for the attorneys, law firms and others who will use the e-filing system. Second, there will be ongoing costs associated with maintaining the e-filing system, including at a minimum, Management Information Systems personnel to oversee the maintenance and updating of system hardware and software, personnel who will monitor filings and record them on the docket sheet, and personnel who will interact with attorneys, law firms and other persons who will use the e-filing system.

Based on information obtained from various sources, including information from state government personnel familiar with the implementation of limited e-filing in the state court system, it is anticipated that, over time, less personnel will be needed in the various clerks' offices to maintain the e-filing system than is currently needed in those clerks' offices. This is due to the efficiency with which an e-filing system will work. Specifically, upon the system being fully implemented, the parties themselves will file documents electronically from their attorneys' offices. There will be no papers to mark "filed," there will be no paper documents to file, store and maintain and there will be

fewer visitors to clerks' offices, which means less personnel will be required to interact with those visitors.

At the outset, however, the labor costs certainly will rise. Currently, there are only paper filings in the courts. As the e-filing system is implemented, there will be paper filings that will have to be maintained as they are today, and electronic filings that will be maintained on the e-filing system. Additionally, personnel will be required to transfer the paper documents into the e-filing system. This will be done either by scanning the documents or by having a person manually transfer the information from the paper documents to the e-filing system. This process, although cumbersome and somewhat costly, is a necessary part of the transition from a paper filing system to an e-filing system.

The subcommittee believes that an e-filing system can be of significant benefit to litigants and their counsel. Under the current systems, attorneys will normally file pleadings and motions with the courts by having a messenger service hand deliver the documents to the court. If there is a filing deadline, such documents must reach the clerk's office during regular business hours or the document will not be considered filed until the next day. If counsel later wishes to review the docket sheet or the documents that have been filed in a particular case, he or she must travel to the courthouse, or have someone else do so. If counsel wants a copy of some of the filings, he or she must then arrange for copying through personnel in the clerk's office.

An e-filing system helps to improve efficiency on all of these issues. With e-filing, all pleadings can be filed from the attorney's office at any time of the day or night. Other than in emergent matters, there is no need to hire a messenger service to hand deliver documents to the court. If there is a deadline for filing a document, the deadline will be met so long as the document is electronically filed by midnight of that date. If counsel wish to access the docket sheet or documents that are in a court file, they can do so electronically from their offices. And, if they wish to obtain copies of the docket sheet or documents in the court file, for a small fee they can download it electronically without ever having to travel to the courthouse and without having to interact with any court personnel.

The above examples represent a small fraction of the efficiencies that can be obtained through the use of an e-filing system in our courts. The system saves attorney time and courier costs that, in turn, will reduce litigants' legal costs. The subcommittee believes that, with these significant savings, it is reasonable to expect private parties who use the court system to help pay for the costs associated with the development, implementation and ongoing operation of the e-filing system. As a result, the subcommittee recommends that the filing and other fees currently charged to users of the court system be closely examined to determine whether higher fees may be justified in some or all of the state court divisions that convert to an e-filing system. The subcommittee further recommends that the court system consider charging initial fees to all non-indigent persons who wish to open up an e-filing access account and/or fees for viewing and/or downloading documents contained on the e-filing system.

**A. Current Court Fees**

The Business Requirements Subcommittee has concluded that, based on current needs, the complexity and labor associated with implementation of an e-filing system and the current needs of the judiciary, that it would not be wise to attempt to implement such a system in all state courts simultaneously. Accordingly, the Business Requirements Committee has recommended implementation in Tax Court, as well as the General Equity, Foreclosure, Dissolution, and Criminal courts (in that order of priority).

The following table shows the approximate fees collected annually for each of these sections. Filing fees in these actions are set by statute and Court rule. Although the current fee structure in each of these sections can vary, as a general rule the filing fee for a complaint in Tax Court, Foreclosure, and General Equity is \$200, and a complaint for dissolution is assessed a \$250 fee. The filing fee for motions is generally \$30. There is no fee for filing a criminal complaint; however, there are fees associated with expungements, bail posting and bail discharge, gun permit applications, and applications for pre-trial intervention.

These figures are approximate, and are intended to provide only an estimate of judiciary filings fees collected under the current fee structure.<sup>1</sup>

|                    | <b>Fees<br/>Collected<br/>Annually</b> |
|--------------------|--|
| <b>Tax Court</b>   | <b>\$ 1,900,000</b>                    |
| <b>Foreclosure</b> | <b>\$10,000,000</b>                    |
| <b>Equity</b>      | <b>\$ 1,600,000</b>                    |
| <b>Dissolution</b> | <b>\$10,000,000</b>                    |
| <b>Criminal</b>    | <b>\$ 660,000</b>                      |
| <b>Total</b>       | <b><u>\$24,160,000</u></b>             |

**B. Future Court Fees**

The subcommittee understands that the funds required by the Administrative Office of the Courts (“AOC”) to develop, implement and maintain the proposed e-filing system will normally come from the AOC’s general operating budget. In recent years, however, the New Jersey legislature, with the approval of the Governor, has allowed the AOC to obtain a series of funds specifically dedicated to implement Information Technology initiatives in the state courts. While such funds have assisted the courts to implement an e-filing system in limited parts of the court system, substantially more funds will be needed to develop and implement the proposed e-filing system in other sections of the state courts.

---

<sup>1</sup> Foreclosure fees are elevated due to national trends in foreclosure activity. Criminal fees do not include bail or forfeiture.

The revenue generated from this pool of filing fees can be dedicated to offset the cost of maintaining an established e-filing system once it is established. Efficiencies that flow from e-filing can also offset maintenance costs. The challenge, however, lies in identifying a funding source for the substantial start-up and initial operational costs of such a system. Assuming a gradual phase-in before e-filing is mandatory, additional staff will be needed to operate the judiciary's dual paper/electronic system. Training of court staff and attorneys on the new system will also involve significant up-front costs. The ultimate goal, however, is to implement an e-filing system that is, at least in part, self-funding, and to use technology to reduce the cost of court administration while maximizing service to the judges, the bar and the public. As outlined below, the Committee may wish to consider a number of options for meeting this challenge.

## **II. Funding Options**

Given the current budget outlook for the State of New Jersey, some funding options that might otherwise merit closer consideration were not explored in depth by the subcommittee. For example, the Judiciary does not have the resources to fund in-house development of an e-filing system at this time, and the legislature is not likely to grant a request for a special appropriation. Since these traditional financing options are not available, the subcommittee reviewed a number of non-traditional options for developing and implementing a self-sustaining e-filing system. These options are not mutually exclusive. On the contrary, a combination of these options may be necessary to fund this system. Equally important, by using multiple sources of funding, the court system will not be reliant upon any one source.

### **A. Use of Filing and Other Fees to Fund the E-Filing System**

As set forth above, a significant portion of the development and start-up costs for the e-filing system can be borne by the attorneys, litigants and third parties who will use the system. We believe this is fully justified based on the savings in time and money that the users of the e-filing system will enjoy. In order to facilitate this, however, the Legislature will need to permit the AOC to dedicate the fees collected to an Information Technology Fund that will facilitate the development, implementation and maintenance of the e-filing system.

### **B. Private Sector Financing Over A Number of Years**

This approach involves finding a private sector partner that would agree to incur the up-front cost of designing and implementing the judiciary's e-filing system, and also agree to be compensated by the judiciary over a number of years. A multi-year, long term contract would give the judiciary the time and flexibility to pay for the system through increased filing fees, and without a significant impact on its current budget. Once the

system is developed and implemented, the AOC would operate and maintain the e-filing system.

There are significant legal issues associated with the state court system entering into a long-term contract with a private party who would provide the goods and services needed to implement an e-filing system in the state courts. If done correctly, however, it appears that a long term contract over several years may occur between the State and a private vendor without violating state law. Such a contract would require a public bidding process and the length of the contract would have to be reasonable. Thus, by way of example, while a ten-year contract with a vendor to operate an electronic filing system may be feasible, a fifty-year contract would not withstand scrutiny.

There are several drawbacks to this option. Under the current law, the judiciary may not dedicate any portion of the filing fees it collects to a private vendor. According to statute, the fees must go into the general fund. Thus legislation would be necessary to permit the shifting of any portion of the filing fees to a vendor. The subcommittee recommends that these legal issues be examined carefully before a decision is made whether and/or how to proceed in contracting with any private service provider or vendor.

Additionally, it may be difficult to find a private sector partner willing to make such a large up-front investment in state government. The State's budget outlook is dire and is likely to remain so for several years, making partnership with state government a more risky proposition at this time.

### **C. Public/Private Sector Partnership**

This approach involves partnering with a private sector company to build an e-filing system, and in return allowing that company to be the exclusive agent and gateway for all e-filing in the New Jersey court system. Court personnel would still be used as the day-to-day keepers of the e-filing system. This model has been adopted by a number of state district courts throughout the country, as well as the Colorado judiciary, all of them in partnership with LEXIS/NEXIS.<sup>2</sup>

The benefits of this private sector partnership are obvious -- no significant capital outlay is required by the judiciary, implementation can proceed quickly, and customer service and training issues are handled by the vendor. Despite these benefits there is a substantial potential downside to consider. A private vendor would be operating the judiciary's e-filing system, and attorneys would be paying an additional filing fee directly to that vendor. Essentially, the courts would be outsourcing a core judiciary function, which carries significant risks along with any benefits.

For example, the company may run into financial trouble and may not be able to carry out its obligations, or may maintain the court's data in a proprietary format that

---

<sup>2</sup> See [http://www.lexisnexis.com/fileandserve/docs/FSCourtsavailable\\_for\\_efiling.doc](http://www.lexisnexis.com/fileandserve/docs/FSCourtsavailable_for_efiling.doc)

would make it difficult to disengage from that vendor in the future, or may not provide adequate disaster recovery guarantees. It appears that the Colorado judiciary will not renew its contract with LEXIS/NEXIS in 2011. Instead, it plans to bring both its public access and e-filing systems in-house.

Colorado's experience suggests that a private sector partnership should be pursued with great caution. Due to time constraints, we have not personally explored the reasons underlying Colorado's possible decision to sever its partnership with LEXIS/NEXIS or all of the system difficulties and costs that likely will be encountered as a result of severing that relationship. This should be explored in detail before the state considers this alternative.

#### **D. Self-Funding through Public Access Fees**

Colorado has taken an approach to funding its e-filing system that is both practical and simple. In brief, it plans to launch a robust web-based public access system, applying the user fees it collects from that system to fund the development of e-filing. This multi-step approach was undertaken after careful analysis of the costs of developing and implementing a public access interface, a projection of the revenue generated from that system over several years, and a finding that self-funding an e-filing system would be feasible within a short period of time.

Remote access to New Jersey's court records is very much in demand, and it may be feasible for this approach to work in New Jersey. Potential public access customers include attorneys, the general public, and in particular, the commercial sector. The business demand for easy access to court records will likely grow in the future. A public access fee structure that maximizes revenue from commercial users can help fuel technology development efforts and keep the net operating costs down.

The judiciary's current public access program is not web-based and thus is limited in the number of potential customers it can reach and the potential revenue it can generate. It may be possible to convert this outdated public access system to a web-based system without a large expenditure of funds. A substantial amount of work has already been undertaken to develop a web-based data warehouse application that has a built-in public access component. Additionally, the judiciary already has statutory authority to set fees for public access to its records, and to use those fees for technology improvement projects.

Whether New Jersey can follow Colorado's approach to funding e-filing depends on a number of factors – whether a public access system can be implemented within the existing budget and within a relatively short period of time, whether the public and the bar will accept a fee-based system for access to court records, and whether projected revenue from such a system in combination with increased filing fees and user fees will support an e-filing initiative. These are questions that merit further exploration.

## **E. Partnership with the Public Sector**

A number of states are exploring the feasibility of developing an open source e-filing system that can be modified to meet each state's particular business rules. In partnership with other jurisdictions, New Jersey could participate in building a front end or "engine" for e-filing, sharing the cost of development with participating states. Jim Rebo, the Judiciary's Chief Information Officer, reports that at least one state is actively seeking New Jersey's participation in developing such a system.

The cost sharing aspect of this open source approach is very attractive. The potential downside is the lack of full control over the jointly developed product, the challenge of working with other states to reach consensus on key issues, and the need to undertake additional development in order to customize the system to New Jersey's needs.

Despite these challenges, cooperative development of an e-filing system has great potential for minimizing costs and maximizing the quality of the final product. Although some aspects of this approach present questions and issues more suited for consideration for the Technology Subcommittee, the cost saving potential alone merits further exploration.

## **F. Filing Fee Increases**

Filing fees are the foundation for any financing scheme that will be undertaken and an increase in such fees appears to be unavoidable. All of the options discussed above assume an increase in filing fees and/or the implementation of new fees, with the amount of such increases to be determined after a more detailed analysis of the cost of developing and sustaining an e-filing system. Although initial resistance from the bar is likely, it can be countered with an initiative educating attorneys about potential cost savings. For example, the Office of the Attorney General reports a savings of approximately \$22 per case since the federal electronic filing system has been in effect. This cost savings includes mailing, copying and service costs.

Anecdotal evidence indicates that attorneys in the private sector stand to save much more. Three firms using PACER (one large and two small) reported that, on average, they are saving approximately \$200-\$400 per case for small and medium cases and much more for larger cases. The areas of savings include: copying costs (briefs and appendices), especially in cases where the appendices are large; hand-delivery costs; overnight mail costs; labor/costs to identify and obtain documents from the court since the document can now be obtained through PACER; and labor/costs to identify and retrieve paper copies of documents from a file since case documents can be accessed via personal computer.

Legislative approval is necessary to alter fees, and will be easier to obtain with the cooperation and acquiescence of the bar. Accordingly, it is crucial to enlist the bar's input and support in this endeavor and to ensure that that the bar fully understands the benefits of e-filing for attorneys and their clients.

#### **F. Other User Fees**

In addition to filing fees, an e-filing system offers new opportunities to assess fees for those persons who will use the e-filing network. For example, users may be charged an initial fee upon registering in the e-filing system. They also can be charged a fee each time they access, view and/or download a document from the court file.

### **III. Recommendations**

After careful consideration of the pros and cons of various options, the Subcommittee on Finance submits the following recommendations for consideration:

1. Any system for e-filing should be mandatory in order to minimize the cost of running a paper and electronic system simultaneously. A phase-in period of at least six months will be necessary to gain the cooperation and confidence of the bar and the public. Additionally, the judiciary must develop a robust customer service support system to meet the needs of the user community which includes *pro se* litigants and attorneys who possess varying degrees of proficiency with new technology.

2. The judiciary should seek filing fee increases and/or additional user fees as a fundamental first step in developing and maintaining an e-filing system, enlisting the input and support of the bar and the legislature.

3. The judiciary should explore the feasibility of self-funding its e-filing development through a fee-based public access system. This approach does not require special legislation and provides a much needed service for the public and the commercial sector. Public access fees can provide the judiciary with an ongoing source of revenue for technology enhancement and innovation.

4. The judiciary should explore the feasibility of partnering with other states to share the cost of developing an open source e-filing system. The collaborative nature of this approach lends itself to in-house development and may be accomplished with existing resources.

## **Conclusion**

The subcommittee acknowledges the difficulty of spearheading a new and costly initiative at a time when the state is facing a substantial budget shortfall. Although these circumstances present challenges, they also present opportunities for creative and cost-saving solutions that might not otherwise be considered. It is important that progress toward updating and improving court technology continue, if not by leaps and bounds then by small incremental steps. The recommendations presented by the subcommittee are intended to provide some options for forward movement toward the ultimate goal of a statewide filing system and a paperless courthouse.

# Glossary

## GLOSSARY

- ACMS:** Automated Case Management System – The Judiciary civil system.
- AOC ITO:** Admistrative Office of the Courts Information Technology Office.
- Business Rules:** Statements that define or constrain some aspect of the business and/or operation of an organization. Business rules describe the operations, definitions and constraints that apply to an organization in achieving its goals.
- Business Rules Engine:** Software that automates policies and procedures within an organization, whether legal, internal or operational. The use of a rules engine requires placing the company rules in an external repository that can be easily reviewed rather than buried inside the code of numerous applications. Instead of a program executing internal algorithms, it goes out to the business rules engine to obtain its business logic.  
([http://www.pcmag.com/encyclopedia\\_term/0,2542,t=business+rules+engine&i=57946,00.asp](http://www.pcmag.com/encyclopedia_term/0,2542,t=business+rules+engine&i=57946,00.asp))
- CMS:** Content Management System is used for storing, controlling, versioning, and publishing documents.
- DB2:** A relational database management systems (DBMS) from IBM that the Judiciary uses as the repository for the data managed in our case management systems.
- Document Management System:** A computer system (or set computer programs) used to track and store electronic documents and/or images of paper documents.  
([http://en.wikipedia.org/wiki/Document\\_Management](http://en.wikipedia.org/wiki/Document_Management))
- ECF:** Electronic Case Filing standards
- FACTS:** Family Automated Case Tracking System – The Judiciary’s Family system
- Front-end:** Responsible for collecting input in various forms from the user and processing it to conform to a specification the back-end can use. The front-end is an interface between the user and the back-end (<http://enipedia.org/wiki/front-end>)
- HTTP:** Hypertext Transfer Protocol is a technical specification that provides a standard for web browsers and servers to communicate.  
([http://compnetworking.about.com/od/networkprotocols/g/bldef\\_http.htm](http://compnetworking.about.com/od/networkprotocols/g/bldef_http.htm))

**IBM Content**

**Manager:** A software product that 1) provides a comprehensive, scalable and secure Manager content management solution, 2) enables users to work with all types of content, anytime, anywhere, 3) extends content across diverse business solutions and processes, and 4) scales horizontally and vertically from windows through mainframes.  
([ftp://ftp.software.ibm.com/software/data/ECM/DSIIBM\\_content\\_manager\\_DS.pdf](ftp://ftp.software.ibm.com/software/data/ECM/DSIIBM_content_manager_DS.pdf))

**IDMS:** Integrated Database Management System) is a network database management system used by the Judiciary as the repository for the data managed in our case management systems. The Judiciary's Information Technology Strategic Plan set forth the requirement to eliminate its use of IDMS and migrate to a DB2 relational database.

**JEFIS:** Judiciary Electronic Filings Imaging System – The Judiciary's system for special civil part DC cases which largely consist of contract cases.

**Legal XML:** A section of OASIS for the purpose of uniting legal and technical experts in a common forum to create standards for the electronic exchange of legal data.

**Market Scan:** A quick but comprehensive review of available solutions that would include vendors and or software.

**OASIS:** The Organization for the Advancement of Structured Information Standards (OASIS) is a non-profit, international consortium that promotes the development, convergence and adoption of electronic data formats.  
(<http://www.linfo.org/oasis.html>)

**Open Standards:** Specifications for hardware or software that are developed by a standards organization or a consortium involved in supporting a standard. Implies that a component in a system can be replaced with that of another vendor.  
([http://www.pcmag.com/encyclopedia\\_term/0,2542,t=open+standards&i=48476,00.asp](http://www.pcmag.com/encyclopedia_term/0,2542,t=open+standards&i=48476,00.asp))

**PACER:** Public Access to Court Electronic Records is an electronic public access service that allows users to obtain case and docket information from Federal Appellate, District and Bankruptcy courts, and the U.S. Party/Case Index via the Internet.  
(<http://pacer.psc.uscourts.gov/pacerdesc.html>)

**PROMIS/Gavel:** PROsecutor Management Information System and Superior Court Criminal System.

|                             |  |
|-----------------------------|--|
| <b>Relational Database:</b> | A collection of data items organized as a set of formally-described tables from which data can be accessed or reassembled in many different ways without having to reorganize the database.<br>( <a href="http://searchsqlserver.techtarget.com/sDefinition/0,,sid87_gci212885,00.html">http://searchsqlserver.techtarget.com/sDefinition/0,,sid87_gci212885,00.html</a> )   |
| <b>Scalability:</b>         | Expandable. Referring to hardware or software, the term is a popular buzzword in the It world. A "highly scalable" device or application implies that it can handle a large increase in users, workload or transactions without undue strain.<br>( <a href="http://www.pcmag.com/encyclopedia_term/0,2542,t=scalable&amp;i=50835,00.asp">http://www.pcmag.com/encyclopedia_term/0,2542,t=scalable&amp;i=50835,00.asp</a> )   |
| <b>Service of Process:</b>  | The service of writs, summonses, etc., signifies the delivering to or leaving them with the party to whom or with whom they ought to be delivered or left; and, when they are so delivered, they are then said to have been served. Usually a copy only is served and the original is shown. The service must furnish reasonable notice to defendant of proceedings to afford him opportunity to appear and be heard. ( <u>Blacks' Law Dictionary</u> , West Publishing Company, 1979, page 1,084)                                   |
| <b>Shared Source</b>        | Shared source programs allow individuals and organizations to access source code for reference, for review and auditing from a security perspective, and for development. ( <a href="http://en.wikipedia.org/wiki/Shared_source">http://en.wikipedia.org/wiki/Shared_source</a> )  |
| <b>Third Party Vendor:</b>  | A third party software component is a reusable software component developed to be either freely distributed or sold by an entity other than the original vendor of the development platform.<br>( <a href="http://en.wikipedia.org/wiki/third-party-software-component">http://en.wikipedia.org/wiki/third-party-software-component</a> )  |
| <b>TIFF:</b>                | <u>T</u> agged <u>I</u> maged <u>F</u> ile <u>F</u> ormat – a file format for images   |
| <b>Web:</b>                 | An Internet-based system that enables an individual or a company to publish itself to the entire world, except to countries or locations that prohibit the free interchange of information. The major service on the Internet, the World Wide Web is the world's largest online shopping mall and the world's largest source of information, news and commentary.<br>( <a href="http://www.pcmag.com/encyclopedia_term/0,2542,t=Web&amp;i=54867,00.asp">http://www.pcmag.com/encyclopedia_term/0,2542,t=Web&amp;i=54867,00.asp</a> ) |
| <b>Workflow Engine:</b>     | A workflow engine is the component in a workflow automation program that knows all the procedures, steps in a procedure, and rules for each step. The workflow engine determines whether the process is ready to move to the next step. ( <a href="http://searchcio.techtarget.com/sDefinition/0,,sid182_gci213384,00.html">http://searchcio.techtarget.com/sDefinition/0,,sid182_gci213384,00.html</a> )  |
| <b>XML:</b>                 | <u>E</u> xtensible <u>M</u> arkup <u>L</u> anguage is the standard for creating formats and sharing data on the Web.   |