
The Digital Bridge:

Linking courts and law firms electronically and the evolution of the File & Serve judicial solution.

Technology is transforming the courts.

It has been said that technology has made the world a smaller place to live. That paradigm applies to the relationship between courts and law firms as well. Recent advances have created the opportunity to literally construct a *digital bridge* between attorneys and the courthouse.

Technology continues to find its way into every corner of the judicial system. In courtrooms, judges sit with laptop computers at the bench, attorneys use presentation software to support their arguments, and juries view video screens from the jury box.¹ Electronic court records are quickly replacing the overflowing boxes of paper that once filled file rooms. Great efforts are also underway to make sure electronic records can be exchanged between various court and law enforcement systems.

At the same time, the vast majority of courts in the United States and around the world still rely on paper. Paper remains the primary method for exchanging information between litigants and the courts. The information contained in those documents is locked in the static life of a piece of paper. Some courts have attempted to generate electronic records by scanning paper documents. But these electronic court records are created—or more accurately re-created by hand in the Clerk's Office. Attorneys draft their pleadings and motions on their computer, print them out on paper, and then deliver them physically to the court. Clerks then scan those paper documents to create an electronic copy, generally with worse image quality than the original. It is a destructively manual process that is inefficient and produces an electronic record of limited use.

Crossing the Digital Bridge.

Applying the same basic principles that have made online banking so successful, an integrated e-filing (electronic filing) solution largely eliminates much of the physical delivery and manual process needed to “convert” paper to electronic images. With online banking, when you make an account transfer or pay a bill online, the bank doesn't manually re-enter all that data on the other end—it is taken directly from your computer at the point of transaction. E-filing operates essentially the same way.

¹ Show and Tell, Government Technology Magazine, Jim McKay, January 4, 2005.
http://www.govtech.net/magazine/story.php?id=92650&story_pg=1

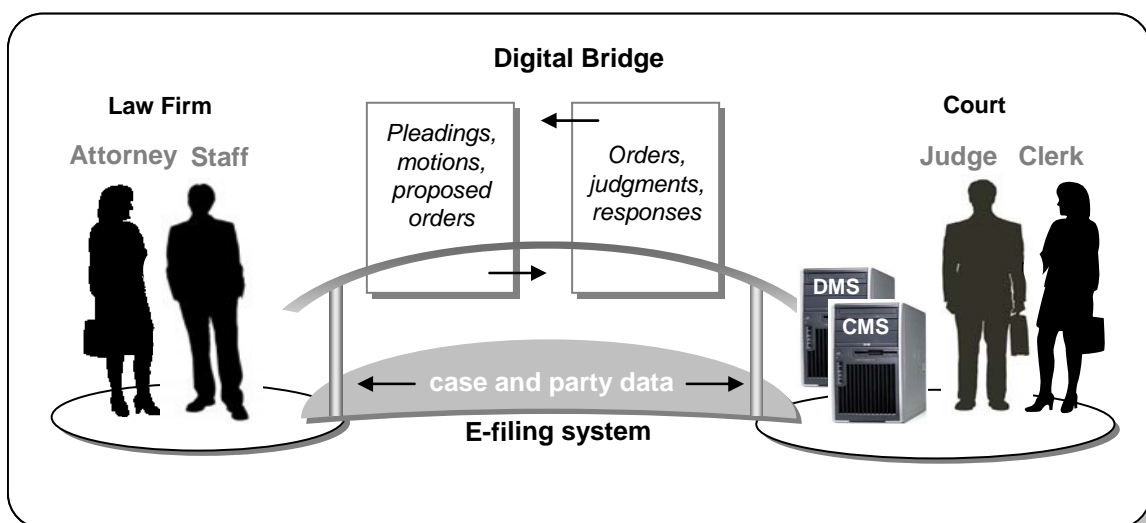
E-filing with File & Serve creates a *digital bridge* between the legal community and the courts. Pleadings and motions that are drafted using word processing software such as Microsoft Word or Corel WordPerfect are uploaded into an e-filing system. Those electronic documents are then transferred directly, in real-time to the court system and opposing counsel—with no manual intervention or scanning.

Not all e-filing is created equal. Many other e-filing solutions are simply glorified fax-filing systems with static delivery and no integration or exchange of data with court systems. This limited approach represents more of a “pipeline” rather than a bridge. The contents of a pipeline typically only flow in one direction. It may be more efficient than a pure paper-based mode, but still lacks the benefits that a true electronic court record can produce.

The File & Serve approach provides a platform for two-way traffic. There is no need for a law firm courier or Associate to traverse the danger or delay of a rush hour traffic jam in order to meet a filing deadline. Documents are transmitted in milliseconds over the Internet. At the courthouse, there is little or no need for massive imaging projects that convert paper documents into static graphic images. Documents move from the attorney’s desktop to the clerk for review to the file room for storage and then to the bench, all in a continuous and secure digital stream.

The digital bridge enables information to flow in both directions. Once the pleadings and motions are reviewed by the clerk, the judge can issue responses online back to the attorneys in the case. The e-filing system is the bridge that transports the data *and* the documents back and forth between the law firm and the court systems.

In addition to the benefit of providing more efficient document delivery and creation of an electronic court record, a fully implemented e-filing solution also offers real-time access to the documents across that digital bridge. There is no waiting for the paper documents to be delivered or to be scanned. Once the clerk has reviewed for completeness, the documents are available to view. Some courts even auto-docket so that documents are available almost immediately after they have been submitted. With e-filing, delivery and docketing can essentially be completed all in one step.



The Digital Bridge connects law firms and courts with two-way communication.

At the same time, care, custody, and control are actually enhanced because documents are no longer in danger of being lost to natural disasters such as fire or floods or hurricanes. And no longer will the sticky fingers of an unhappy litigant or forgetful law clerk result in the intentional or inadvertent loss of case files.

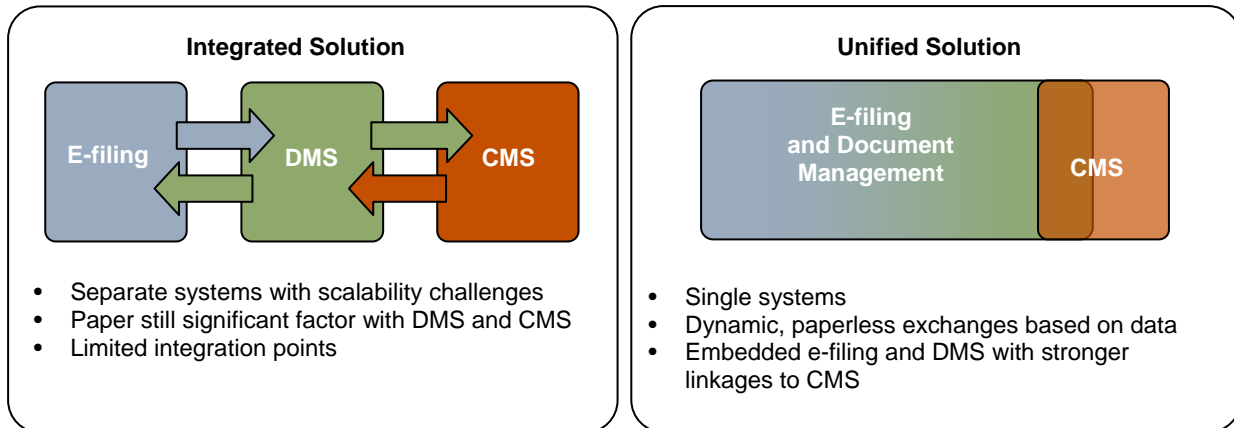
In a fully implemented environment the e-filing system is integrated with the court case management system. For example, not only can documents flow back and forth, but data such as case party updates entered in the CMS can be automatically passed to the e-filing system and visa versa. This interaction is of course made easier if both systems take advantage of technology such as LegalXML and policy standards from the Conference of State Court Administrators (COSCA) and American Bar Association. Such an integration is a moderate step forward in creating a seamless flow of information. But the future holds great opportunity for a more unified system and infrastructure.

Next Generation Advancement: A unified judicial solution

A digital bridge that makes it easier to move electronic documents is only the first step in a transformation that truly frees up judicial information. The next phase of this evolution is the full transition from documents to data. The new system supports intelligent forms-based filing. Intelligent forms-based filing is the next step in judicial workflow automation, extracting data field elements from smart forms and importing those data into a court's case management system. This new generation of information exchange between litigants and the court not only improves the IT infrastructure, but also accelerates and facilitates the sharing of case and party information.

Sometimes referred to as a judicial "**paper on demand**," this approach moves beyond uploading documents and enables litigants to enter their information directly into this fully unified court system. Similar in some ways to how modern tax filing applications work, the litigant or representative enters case and party information pleading content, and other information into dynamic online forms. It is the data that is exchanged between the court and litigants. That information is economically stored and then easily retrieved and displayed or printed in any variety of formats—whether that is standard legal forms or customized reports.

In this new environment, the barriers between the e-filing system, the document management system and the case management system are removed. New flexibility and modularity enable a court to create an infrastructure with one single application, or incorporate the e-filing and document management capabilities with an existing legacy case management system.



Such a system incorporates standard File & Serve electronic filing and service capabilities as well as fundamental document management frameworks. But, in addition, conventional case management capabilities such as calendaring, hearing presentation support and case monitoring can be embedded as well.

Flexible workflow management is also a major characteristic of this new platform. Because of the underlying technology and an infrastructure organized around conceptual tasks, the system allows users to follow well-defined workflows, create workflows “on-the-fly,” or create new workflows. The result is a user experience not only improved by automation, but easy customization.

Why not build your own bridge?

Returning to the banking analogy, would a bank on one side of a river employ hundreds of steel workers to construct a bridge to their customers on the other side? Or would they hire a company that builds bridges instead? Courts are not in the software development business anymore than they are in the bridge building business. However well intentioned, many courts simply don't have the financial resources, technical skills, or business experience to develop, upgrade and maintain the infrastructure that is needed without partnering. High-end software development is not and should not be the focus of judicial resources. The court's critical need is to acquire case and party information in digital format. The source of that data is the litigants and their representatives.

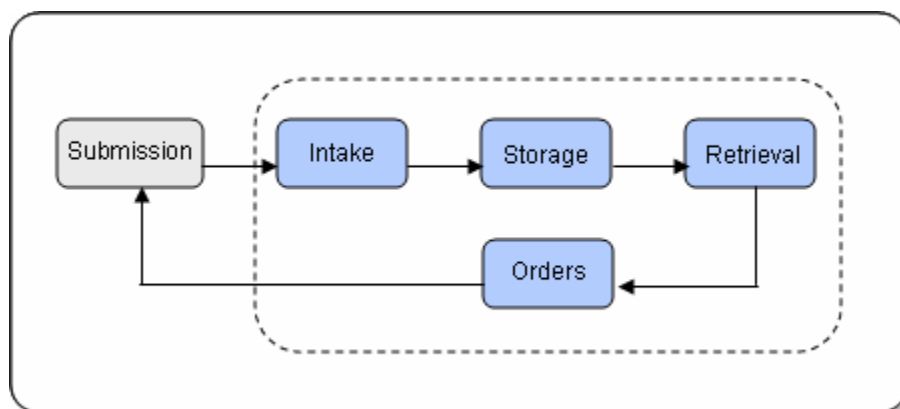
An e-filing company with a proven track record and sizable customer base, can leverage software development expertise and overhead, to cost effectively deliver such a configurable solution. A sophisticated e-filing system typically costs millions of dollars to develop and certainly millions more to maintain operations and to upgrade the application. A single unified system would cost a court even more if built from scratch. The key question is one of managing cost and maintaining control. A court need not trade one for the other. The e-filing solution provider must act as an agent for the court—if not in a legal sense, at least as a business partner. The court must still be able to dictate business policies and the e-filing system must obviously conform to local rules. The e-filing infrastructure, on the other hand, can be more robust than a custom developed single installation solution because it is designed to accommodate multiple environments.

Economic Impact

There are 300-500 state courts across the United States that have some viable form of e-filing available.² The majority of those projects are voluntary and tend not to have very high adoption among the legal community. But for the projects that have proven successful, the courts and the participating law firms have reaped substantial benefit. And for those courts that have truly implemented a digital bridge—such as those in the states of Colorado and Delaware—the benefits are compounded.

While many of the benefits from e-filing are non-economic, there are several financial benefits worth noting. A key factor is that a common model is for e-filing to be provided at no charge to the court. The primary benefits fall into four workflow-based categories including efficiencies in the intake and fee collection process, a reduced need for paper storage, faster file retrieval, and the elimination in outbound postage and handling.

The total savings in time can amount to a reduction of 30-50% for some tasks to 75% for other tasks for clerks and judges.³ This savings can be utilized by re-allocating clerk time to other more productive duties or in some jurisdictions may enable a court to retain the current staff in the face of growing case loads.



Elements of workflow that are made more efficient by e-filing

Intake and fee collection

Since the digital bridge enables documents to flow directly to court systems, or at the very least to the clerk for review, there is a significant reduction in the need to scan those documents or to handle the paper. The physical delivery step is essentially eliminated and replaced with a simple document review. Manual fee collection is also eliminated as the e-filing system provides payment to the court through an automated clearing house. Money flows directly to the bank. Together these tasks may take on average of twenty minutes for each filing with a paper-based process. With e-filing, the same task can be done in less than half the time.

² Based on a review of each of the state court websites, the American Bar Association Legal Technology Resource Center at <http://www.abanet.org/tech/ltr/research/efiling/>, the California Courts Programs: Electronic Filing in California web page at <http://www.courtinfo.ca.gov/programs/efiling/reference.htm>, National Center for State Courts Electronic Filing State Links web page at <http://www.ncsconline.org/WC/Publications/StateLinks/EIFileStateLinks.htm>, and internal-based research.

³ Based on internal studies of selected File & Serve projects.

Storage

Once documents have been reviewed for completeness and accuracy, they are passed into storage in an online repository. Courts can use this online document repository provided by File & Serve and also supply the documents to the court's document management system if preferred. Thousands of square feet of expensive court real estate can be reclaimed for other purposes and the need for new file rooms is greatly reduced.

Retrieval

With documents stored online, their retrieval can be accomplished in seconds. Further, documents can be selected by a number of different attributes. They can be searched by case name, case number, or any variety of other criteria. The trip to the file room, which in some courts resembles a treasure hunt and can take up anywhere from a few minutes to a few hours, is largely eliminated.

Outbound postage and handling

With online delivery, the court is able to serve documents back out to the case participants at a fraction of the cost of paper delivery. Postage alone can add up to hundreds of thousands of dollars for a court. In virtually every case, there is a minimum of two parties (representatives for the defendant and the plaintiff) who must receive outgoing mail such as orders and responses from the court. In complex cases, the number of parties can easily range in the hundreds. Each document must be copied, stuffed in an envelope, labels are prepared and applied, and postage is applied.

Moving Forward

The strength of any bridge is its foundation and this is no less true with the digital bridge. Core technology must leverage commonly accepted standards, and functionality must meet the basic and unique needs of attorneys, clerks and judges. Pleadings, motions and proposed orders must flow seamlessly from law firm systems to court systems. Ideally, case data will be exchanged along with documents so that court systems reflect the most current information on service lists and parties, not just judicial assignments and case numbers.

The technology is available and the economic impact and operational benefit is dramatic. E-filing is not the end-point it is the starting point and a digital bridge to the future.