

CASE STUDY:

E-filing Transforming Colorado Courts

FACTS & FIGURES**Live date:** July 2000**Adoption rate:** > 80%
(civil general jurisdictions)**Number of counties:** 64**Number of attorneys:**
8,000 registered**Docs filed/served annually:**
1.4 million*

In 1999, the Colorado State Court Administrator's Office (SCAO) faced a challenging dilemma—how to deal with the increasing avalanche of paper created by a growing civil litigation caseload. The SCAO looked to a relatively new technology as a method of improving court operations—electronic filing of court documents.

Today, as the first in the nation to adopt electronic filing statewide, Colorado serves as a model for implementing technology to improve court operations.

The SCAO selected LexisNexis® File & Serve in 1999, and since the system went live in July 2000 has, successfully implemented e-filing across a variety of case types including all general civil, probate, domestic relations, and water courts.

Working with LexisNexis® in a public-private partnership, the State of Colorado has demonstrated that e-filing can be implemented effectively and at relatively little cost to the court or clerk's office.

More than seventy courts across the state judicial system have implemented e-filing and, according to the Colorado Supreme Court, the project is so successful that e-filing is used in over 80 percent of the district court civil cases.

Colorado has realized several key advantages of a public-private partnership with LexisNexis.

- No significant capital outlay required to develop the LexisNexis e-filing system
- Rapid implementation compared to other court technology projects
- LexisNexis makes continual enhancements to the system
- LexisNexis drives adoption in the legal community

With e-filing, judges access case documents in seconds and view and respond to motions online. Clerks receive, process, and retrieve documents in minutes rather than hours or days. And e-filing enables law firms to have substantially more direct control over their case file management by improving access to case information, automating case monitoring, and eliminating delivery.

LexisNexis File & Serve is integrated with the Colorado case management system and data is securely and efficiently exchanged between the two systems. This has resulted in a much more efficient intake process and has eliminated unnecessary data entry.

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Decision to Build, Buy or Partner

One of the earliest issues the SCAO addressed was how to develop a statewide e-filing solution. Three major alternatives were considered: build internally, buy off-the-shelf software, or create a public-private partnership. Ultimately, the SCAO chose a public-private partnership with LexisNexis.

Considerations for Building an E-Filing System

The SCAO concluded that building a system from the ground up would take an enormous amount of time and resources. The SCAO findings also conveyed the importance of accommodating non-court users in the legal community demonstrating that the needs of law firms were extremely important. The level of technology and scope of functionality required to develop an e-filing system was projected to be substantial. Document management, integration, security, linking of documents and data management were just some of the critical functionality considered.

Furthermore, if an internal system was developed, the State would have to fund and manage activities for training users, providing ongoing customer support, marketing e-filing to the legal community, and maintaining the system.

Buying Off-The-Shelf E-filing Systems

A second alternative for the State was to purchase an off-the-shelf solution. At the time and still today, there are few if any true off-the-shelf options for purchasing an e-filing application. The most viable option comes in the form of case management systems that include e-filing capabilities. But in addition to the substantial cost and lengthy implementation of such a solution, most case management systems include only rudimentary e-filing functionality, and little if any capabilities for law firms to effectuate service.

A Winning Combination: Public-Private Partnerships

A public-private partnership had none of the high development costs and lengthy implementation drawbacks of building internally, and offered a better mix of functionality and support activities than a “purchased” solution.

Benefits of Public-Private Partnership

- No significant capital outlay was required from the court or clerk’s office to develop the system
- Implementation was extremely rapid compared to other options
- Continual improvements are made to the system based on experiences from other jurisdictions
- LexisNexis provides the sales, marketing, training and customer support necessary to ensure that the legal community uses the system.

Colorado was able to shift the cost of system development, maintenance, and upgrade to LexisNexis and away from valuable public resources. LexisNexis on the other hand, is able to spread the cost across many other jurisdictions while maintaining a constant flow of investment in developing system improvements—something a court is typically not equipped to do.

LexisNexis provides the service over the Internet rather than as a software application. Attorneys are able to easily file and serve documents over an Internet connection without having to purchase software. Meanwhile, the court gets an e-filing system that provides the ability to review incoming documents, the functionality for judges to issue orders online, and integration with the case management system—all at virtually no charge to the court. System costs are recovered through fees attorneys pay for documents filed with the court or served to other parties.

Overcoming Challenges

While the project has been a tremendous success to date, there have been challenges. Two of the biggest hurdles relate to the need for change management, and the investment in infrastructure upgrade.

The introduction of e-filing technology throughout the judicial system has impacted roles and responsibilities, streamlined workflow, and changed the nature of day-to-day interaction with the legal community. While LexisNexis File & Serve generally mirrors existing processes, there are significant differences at the intake counter and in the process for taking judicial action.

Beyond the cultural change that is required for a court to fully implement e-filing, there are infrastructure costs that may be incurred as well. These costs however, are not unique to an e-filing initiative. High-speed access to the Internet, a robust network, and an adequate number of computers are critical to a successful project. While there are no usage charges to the court for LexisNexis File & Serve, there may be costs for technology upgrades if the infrastructure requires updating, as was the case in Colorado. These infrastructure enhancements are of course likely to provide a shared benefit in an age where many court services are provided over the Internet or an internal network.

A View from the Bench

More than 1,000 Colorado judicial officers and other court users have been registered in LexisNexis File & Serve since the e-filing project went live. At any one time there are several hundred users actively using the system and realizing the benefits of what is virtually immediate access to case documents and other information. Key reasons for the increased usage include:

- No longer forced to wait for documents to be copied or retrieved from some file box buried in the basement, judges and law clerks can search for and review thousands of motions, pleadings, exhibits and other case documents in seconds.
- No more lost or missing files.
- No more delay while filings sit in the intake queue.

Additionally, once motions are reviewed, judges are able to issue signed orders online, resulting in an even higher level of responsiveness to litigants.

Key stakeholders including judges, clerks, attorneys and others who all need the same case file information can access an electronic document. The electronic filing of documents allow them to have access at anytime without the wait associated with sharing a single paper document.

An Integrated Solution

Integration with the court's systems was a critical factor in selecting an e-filing solution. While LexisNexis File & Serve offers several options of integration with court systems, Colorado chose a fully integrated approach with their ICON case management system. Transactions and case information are exchanged in real-time between the two systems, substantially reducing data entry activity and improving data accuracy and availability.

Alternative vendor solutions reviewed by the SCAO did not have integration options or only provided superficial or batch approaches to integration. The two-way integration between LexisNexis File & Serve and the ICON system supports the SCAO's overall objective to create a fully integrated judicial system.

Embraced by the Legal Community

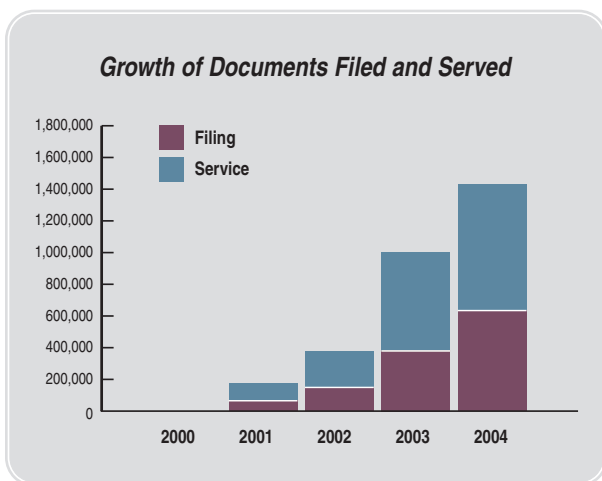
The most powerful demonstration of the success of e-filing is the level of adoption among the legal community. Even in a voluntary environment, Colorado law firms have increased their usage of LexisNexis File & Serve—some even instituting firm-wide practice standards that require electronic filing and service.

Colorado courts are receiving an average of 15,000 electronically submitted filings per week. Today, nearly one and a half million documents are now electronically filed and served annually in the state. Thousands of law firms and eight thousand attorneys have incorporated electronic filing and service as a practice management standard.

Law firms are realizing the direct benefit of greater control over case file management with e-filing and e-service. The law firms:

- Gain improved access to case information
- Increase efficiencies through automated case monitoring
- Effectively eliminate the physical logistics of delivering documents to the court and opposing counsel

Additional benefits include increased cost savings. The cost of e-filing and e-service with LexisNexis File & Serve for Colorado law firms is a fraction of the cost of paper-based filing and service—ultimately reducing the overall cost of litigation.



E-filing has become so widespread that many individual Colorado courts are now converting from voluntary to mandatory e-filing. A fully mandatory environment greatly reduces the burden on the clerk's office—eliminating the need for double docket entry (online and off-line) and provides greater consistency for the legal community. Colorado's county courts are in the process of joining the project and will be implemented under mandatory rules. The Colorado Supreme Court and Appellate Courts are scheduled to join the project as well.

About LexisNexis File & Serve

LexisNexis File & Serve is the leading electronic filing and service solution for state courts. Over 60,000 judges, clerks, attorneys and staff use LexisNexis File & Serve to file and serve into 550,000 cases. LexisNexis File & Serve has been implemented in Arizona, California, the District of Columbia, Florida, Georgia, Ohio, Iowa, Illinois, Louisiana, New Hampshire, New York, New Jersey, Maryland, Massachusetts, Minnesota, Michigan, Pennsylvania, Texas, Washington, and statewide in Colorado and Delaware.

One of the keys to the LexisNexis File & Serve success in Colorado is the dedicated team of LexisNexis resources assigned to the jurisdiction. A Colorado Court Manager is assigned to manage day-to-day court activities and training, and works directly with the State Court Administrator's Office. Finally, there is a team of LexisNexis sales representatives located throughout the state who focus on relationships with the Colorado law firms to facilitate the adoption of e-filing and conduct training. Legal and technical professionals staff a LexisNexis File & Serve Customer Support team that is available 24 hours a day, 7 days a week.

For more information on LexisNexis File & Serve call 1.800.869.1910 or visit www.lexisnexis.com/fileandserve.



*Includes documents filed into the courts, served among attorneys, and "filed" back out to attorneys from the court.