



-Filing Report

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Building the "Paperless" Court: E-Filing Plus

by Mohyeddin K. Abdulaziz and Hon. William E. Druke

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The Hon. William E. Druke's (Ret.) judicial career includes ten years as a trial judge on the Pima County Superior Court and eleven years at Division Two of the Arizona Court of Appeals, where he served six years as chief judge. Judge Druke has served on the Commission on Technology, Commission on Judicial Conduct, and the Arizona Judicial Council. He has also served as a faculty member at the National Judicial College, Dean of the Arizona Judicial College, and President of the Arizona Judges Association. Currently, Judge Druke teaches at the College of Law, mediates civil disputes, serves on the Board of Certified Court Reporters, volunteers in the Lawyers for Literacy Program, and tries to keep up with his five grandchildren. He may be reached at bdruke@comcast.net.

Like most courts in 1993, Division Two of the Arizona Court of Appeals received thousands of paper documents annually and usually made copies of them for court personnel. The court also used word processing to prepare its orders, notices, and decisions, which it then copied and mailed to numerous lawyers, litigants, and other courts. This process was inherently wasteful and inefficient because many of the paper documents originally existed electronically. Division Two thus looked for ways to use the electronic versions of the documents and found that it could.

(continued on page 3)

From the Editor

It is hard to find consensus when it comes to new technology. Electronic filing is no exception. In our November issue, we printed a piece titled, *Issues with the Justice XML Data Dictionary* ("JXDD"), by Winchell "Todd" Vincent, III. This piece set forth some criticism on the XML Data Dictionary under development by OASIS. In this issue, we include a response to that piece by John Ruegg, Director of the Information Systems Advisory Body for the Countywide Criminal Justice Coordinating Committee in Los Angeles County. Mr. Ruegg steps through the major comments made by Mr. Vincent, and provides a detailed rebuttal. We hope this intellectual sparring is beneficial and provides you with some additional insight into the XML Data Dictionary under discussion.

In this issue we also include an excellent article by Mohyeddin K. Abdulaziz and the Honorable William E. Druke on *Building the 'Paperless' Court: E-Filing Plus*. This article discusses the following components in Division Two of the Arizona Court of Appeals: EDMS, Imaging, E-Blueback, E-Filer, ODSPlus, E-Distribute, E-PR, and Access. Turn to the front page article to learn what all of these components do.

We are also pleased to present an article on electronic filing projects in King County, Washington, by Kathleen Rogers and Shayne Boyd. We have covered King County's electronic filing ventures in the past, so we appreciate this detailed update on how King County's electronic filing solution functions. The article provides detail on architecture components, document flow, and the submission process.

We conclude this issue with our usual news items and a review of E-SIGN by the U.S. Department of Commerce. You may recall that we reprinted in full the ABA's comments regarding the court document exception to E-SIGN. Turn to page 15 to read the comments from the Commerce Department following the public input period on E-SIGN.

Please continue to send your articles and news items to the *e-Filing Report*. We provide a free one-year electronic subscription to the *e-Filing Report* for all published articles. We are also interested in your comments and opinions on the opinions expressed in our articles. Forward information to: Sue.Larson@BGLfirm.com. ●

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Building the “Paperless” Court. . .

(continued from page 1)

Today, Division Two receives, stores, produces, and manages most of its documents electronically. More importantly, those documents can be accessed and distributed electronically to the court’s judges and staff, other courts, including the Arizona Supreme Court, and thousands of lawyers throughout the state. This article discusses the products, mostly home-grown, that helped Division Two build an e-court system, with an emphasis on e-Filer, the court’s electronic filing application.

EDMS

Division Two first recognized that electronic documents, like paper documents, need to be stored and managed. To do this, the court adopted a standard solution used by many businesses and other organizations, an electronic data management system (EDMS). EDMS is the heart of Division Two’s “paperless” court.

Division Two’s EDMS (“SIRE” from AlphaCorp, www.alphacorp.cc/) consists of three primary components: a **repository** for the electronic documents (both imaged and text), a **relational database**, and the necessary **software** to manage it all. The software includes Optical Character Recognition (OCR) to convert imaged documents to text, which permits full-text searches. The database includes, among other things, a court-designed, “structured” index of documents by case type, case year, case number, filing date, document type, and subtype.

Imaging

After installing EDMS, Division Two then began imaging its existing paper documents to convert them to electronic ones. This helped court personnel become familiar with EDMS and acquire experience in dealing with electronic documents without unnecessarily interrupting other court functions. The imaging system uses a structured index to efficiently access the imaged documents and high-capacity scanners capable of processing different sizes and types of paper.

E-Blueback

Once EDMS and imaging were in place, Division Two met with personnel from the Pima County Superior Court to explore whether its personnel could use the superior court’s existing imaged documents of each case to prepare the

record on appeal (ROA), rather than using the original paper documents. Preparation of a paper ROA involved the following procedure: superior court personnel first manually located and retrieved hundreds, if not thousands, of paper documents of the case being appealed; next, they numbered each of those documents and, from them, prepared a typewritten index of the documents to accompany the ROA; then, they made back-up copies of the index and original documents for retention by the superior court; and finally, they sent the index and originals with a blue paper backing to Division Two. Both courts recognized that considerable time and resources could be saved if they used the imaged documents as an electronic blueback, and this has proven to be the case. As discussed below, it now takes minutes instead of hours for the superior court to prepare and send, and for Division Two to receive and process, an e-Blueback.

To prepare an e-Blueback after a notice of appeal is filed in a particular case, a software program at the superior court automatically collects the imaged documents of that case, creates a “log file” that contains the names of the documents, document types, filing date, etc., and generates an index of record for the case. A superior court clerk next goes to a designated location on Division Two’s Web site, types in the number and title of the case being appealed, selects the superior court folder where the images are located, and clicks on “upload” to transfer the e-Blueback to Division Two.¹ After Division Two receives an e-mail notice of the transfer, one of its clerks invokes a program that associates the superior court case number with an appellate case number, copies the e-Blueback to the EDMS, and updates Division Two’s indexes and case management system. All of Division Two’s personnel can now access the e-Blueback using a standard Internet browser.

E-Filer

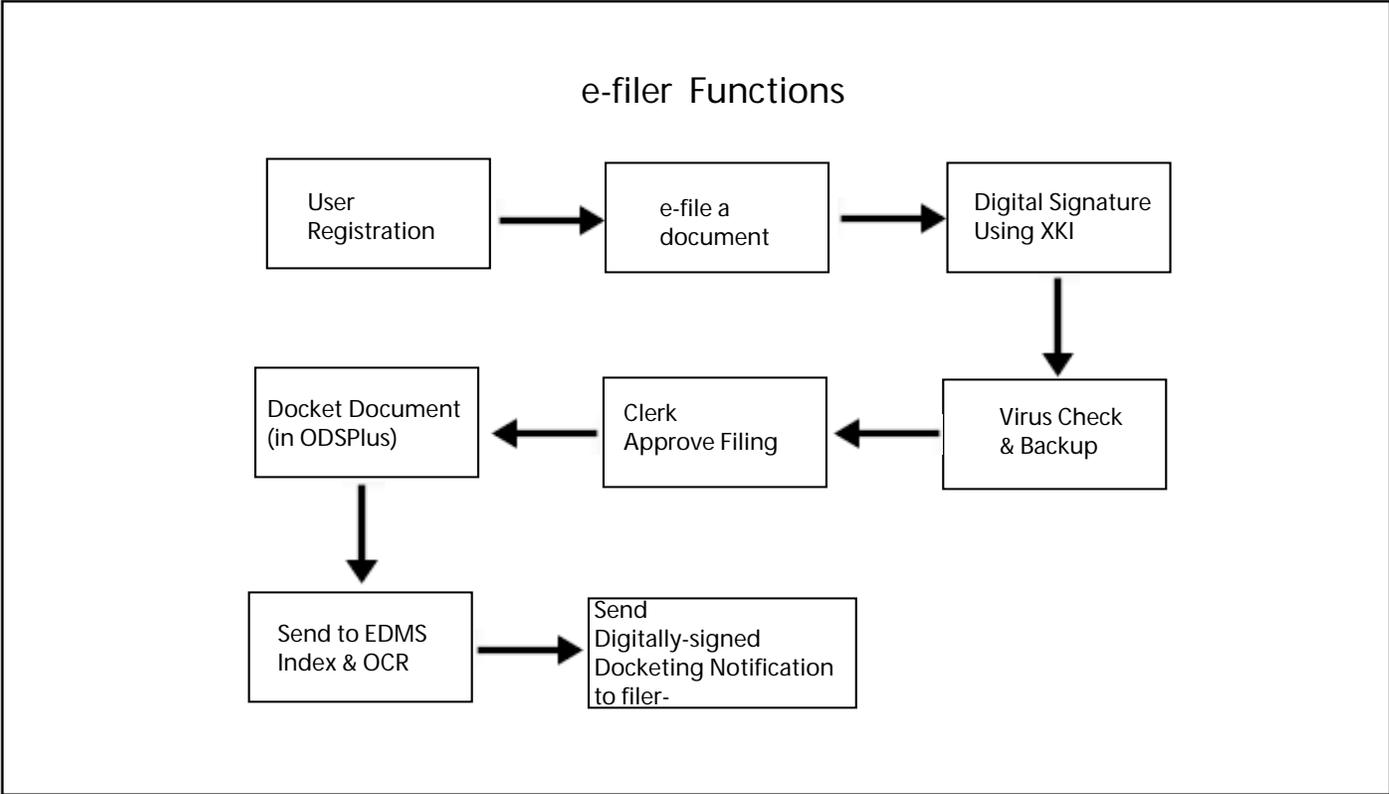
Division Two next developed an electronic filing application called e-Filer. This allows lawyers to use their office computers and a browser to electronically file documents with the court as well as access those and other documents filed in their cases, including the e-Blueback documents. Lawyers do not need any additional computer software to use e-Filer.

E-Filer is an integrated system that includes multiple processes, functions, services, and applications that together perform all the necessary functions required or needed in an industry-standard e-filing model.² Although e-Filer is completely integrated with the court’s case management system and EDMS, e-Filer itself resides on a separate, secured server. After that server receives a document, it is digitally signed, checked for viruses, and automatically backed up. A Division Two clerk then reviews the document and starts the process of docketing it in the court’s case management system. The document is also sent to EDMS, where it is indexed and OCR’d (sent through Optical Character Recognition so it can be used in full text search and retrieval). The diagram below illustrates the various e-Filer functions.

A lawyer who wants to use e-Filer must first register with Division Two. The rules of procedure

register, the lawyer goes to Division Two’s Web site, clicks on “e-Filer,” clicks the “Registration” icon, enters his or her Arizona State Bar number, and clicks on “Submit.” After a court clerk verifies the submitted information, the clerk invokes the “approve filer” process, which changes the lawyer’s status to “active,” then notifies the lawyer by e-mail and finally, provides him or her with a temporary password. The lawyer is now ready to use e-Filer.

Each e-filing session begins with the “Login” screen. It tells a first-time user to replace his or her temporary password and that, even though the password resides on the court’s secure server and is encrypted in the database, the user should not disclose or share his or her password with anyone because it is used to electronically “sign” all documents e-filed with the court. Once logged in, the user is ready to file documents electronically. To start this process, the user clicks on the



provide that only licensed Arizona lawyers may register with the court, and they must follow the rules governing e-filing (www.supreme.state.az.us/rules/ramd_pdf/r99-0031.pdf and www.apltwo.ct.state.az.us/e-filer/e-filerAO.pdf). Among other things, those rules require that electronically filed documents be in PDF or XML format and that the documents utilize sequential paragraph numbering. To

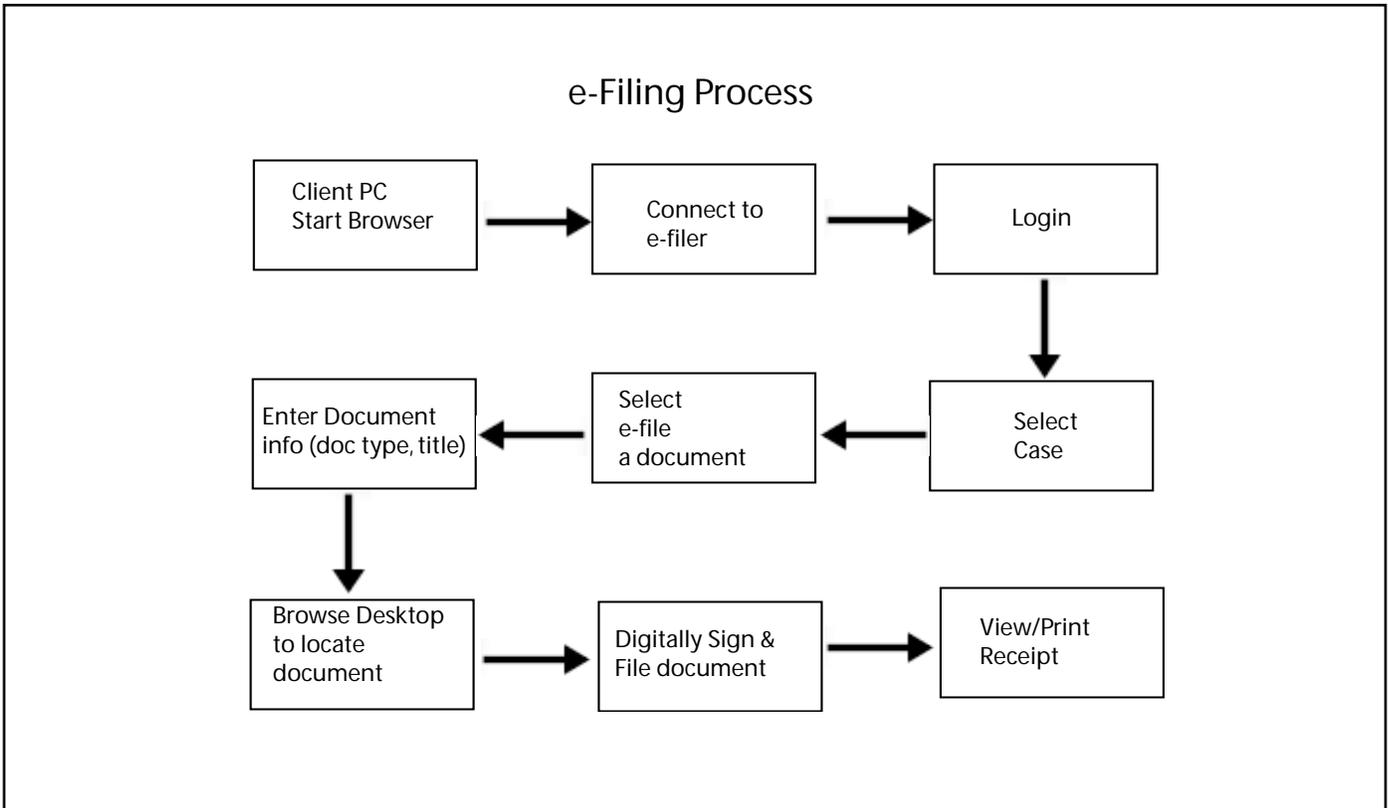
“**selectCase**” icon and selects a case with which the user is associated. Next the user clicks on the “**fileDocument**” icon and provides such information as document type to identify the document and a descriptive title.³ It is important that the user select the appropriate document type because that is how it will be “docketed.” Using the “Browse” button, the user then chooses which document on

his or her computer is to be e-filed with the court. At that time, the user is reminded that the court accepts only PDF and XML formatted documents.

Once properly formatted, Division Two's e-Filer rules require that the document be **digitally signed**. To do this, Division Two chose XKI (eXtensible Key Infrastructure) digital signature technology from Law-On-Line (www.law-on-line.com/). The court had several reasons for choosing XKI's method of digital signing. First, the signing takes place on the court's own server and does not require any additional software on the

appealing. It allows the court to use the same technology for signing documents as it uses for password encryption, digital signatures for e-mail messages, and signing notices and orders that the court distributes to lawyers and litigants electronically. The hash and digital signature for the e-filed document are then saved in the database.

After digital signing occurs, e-Filer displays a receipt and informs the user that the court has received the e-filed document and that it will be processed within the court's usual business hours. Court personnel also receive an e-mail notification



user's computer. Digital signature technology is still developing and users in general are not familiar with it and its implications. Division Two thus decided to select a server-based technology that all users can use without cost or inconvenience. This insures that the focus will be on the e-filing process itself and not on the different technologies involved.

Second, this method of signing better fits the court's general electronic-document strategy, in which all applications are server-based, and it gives the court the ability to keep pace with current technology without having to change or update anything on the user's computer. The fact that XKI is a single-point authentication technology is also

of this e-filing. The user can then e-file another document in the same case or a different case. The above diagram illustrates the e-filing process.

Court personnel may also use the "Approve Filing" process after a document has been e-filed to review the document, docket it, and then send a copy to EDMS. A click of the **"Approve Filing"** button thus updates both the case and document management systems, which greatly improves case processing and contributes to greater efficiency. Recently, Division Two added a new function to e-Filer called "Update Profile." This online function allows users to update their personal information, such as e-mail and regular mail addresses, phone and fax numbers, etc., without having to make

those changes by writing or calling the court. The court believes this new function will help keep user information more current.

ODSPlus

At the heart of every court's business operation is its case management system. Division Two's legacy system, Online Docket System (ODS), adequately met the court's needs for more than 10 years. But, as Division Two moved toward a "paperless" court, it became apparent that ODS required substantial improvements and modifications to meet the court's changing needs and requirements. Chief among those requirements was that ODS be document-based because most of the court's documents, such as orders, decisions, notices, etc., were printed and distributed in hard copy. A "paperless" environment would require that these documents be retained in their original, electronic format and managed in that form. Next, ODS would require a standard relational database and a browser-type user interface. ODSPlus was developed in-house to meet these requirements and is now the court's standard case management system. ODSPlus is now in full production and fully integrated with e-Filer and EDMS. Court personnel use only a browser (Internet Explorer or Netscape) to completely manage the cases and produce all necessary court documents.

E-Distribute

Once Division Two began producing its notices, orders, and decisions electronically, it looked for a way to stop mailing hard copies of them to lawyers, litigants, and other courts and developed e-Distribute. With the click of a button, this application electronically distributes thousands of those documents each year by e-mail, which has resulted in tremendous savings of court resources and money. To ensure security, the documents are digitally-signed using XKI technology before they are sent. Also, the e-mail message contains a link that is used to acknowledge receipt of the attached document, and the document is automatically resent until the intended recipient acknowledges receipt.

E-PR

Division Two's newest application is e-PR. It allows the court to electronically transmit a litigant's petition for review (PR) and all related docu-

ments to the Arizona Supreme Court. Before e-PR, when a litigant would file a PR with Division Two challenging one of its decisions, court personnel would first send the PR to the supreme court and, if later requested by that court, would then send it the related court documents, such as the record on appeal from the trial court. Today, when Division Two receives a PR, court personnel send the supreme court an e-mail notification that includes a special Internet link to the related electronically-filed documents at Division Two. Using that link and a browser, the supreme court justices, staff attorneys, law clerks, and other court personnel can all have instant access to those documents.

Access

As discussed above, Division Two uses a browser to interface with its applications. WebDocs, a function of ODSPlus, uses this browser interface to give court personnel easy, efficient, and fast access to all documents in the repository, including the record on appeal, e-filed documents, and the court's own decisions. WebDocs provides the user with a familiar index of the case documents as well as hyperlinks to the documents themselves. Court personnel have direct access through the court's network and remote access with username/password authentication. WebDocs also allows attorneys using e-Filer to access their cases and related documents, consistent with the current court rules governing public access to court documents. And, although those court rules do not yet permit the general public to electronically access Division's Two documents, WebDocs does provide public access through the court's Web site (www.apltwo.ct.state.az.us) to such things as general information about the court, basic case information, the court's oral argument calendar, and its recently published opinions.

Critical Issues

Transforming a traditional but high-volume court that deals with thousands of paper documents a day into a modern, efficient, and cost effective e-court is a challenging, time-consuming, and sometimes frustrating process. But the rewards are great. Among the critical issues Division Two faced was adapting the court's traditional environment to accommodate a radical new way of doing business. The court realized early on that unless the judges, staff attorneys, law clerks, other court personnel,

lawyers, and litigants liked what they were offered, the e-court strategy would have little chance of success. As a result, it was critical to include a user interface to all applications, such as a standard browser, that was familiar and easy to use. It was also important to seamlessly integrate all applications, some of which were developed in-house while others were provided by different vendors. Yet another challenge was keeping the court users happy while they did their daily jobs using tools that were not completely tested. A final challenge was keeping all the stakeholders focused on the big picture.

Thanks to the cooperation, persistence, forward thinking, and open-mindedness of many people, both inside and outside the court, Division Two's "paperless" court is now a reality. Even without a model to follow, we believe the court was a pioneer many years ago and still is today. ●

1. The imaged files are "zipped" to speed up the transfer process.
2. e-Filer and ODSPlus (CMS) work together to provide all the functions usually provided by what is now known in the industry as Electronic Filing Provider (EFP) and Electronic Filing Manager (EFM).
3. The document type is selected from a list provided by the court. This list is identical to that used in the court's case management and document management systems. Depending on the type of user, a document type may be selected by default, but the user can select another document type if necessary. For example, the default document type for e-filing court reporters is "Court Reporter Transcript."

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