



JUDICIAL COUNCIL  
OF CALIFORNIA

TECHNOLOGY COMMITTEE

[www.courts.ca.gov/jctc.htm](http://www.courts.ca.gov/jctc.htm)  
[jctc@jud.ca.gov](mailto:jctc@jud.ca.gov)

**JUDICIAL COUNCIL TECHNOLOGY COMMITTEE**

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1))  
THIS MEETING WILL BE CONDUCTED BY TELECONFERENCE  
THIS MEETING WILL BE RECORDED

**Date:** June 13, 2016  
**Time:** 12:00 noon - 1:00 p.m.  
**Public Call-in Number:** 1-877-820-7831 Passcode: 3511860

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

**I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))**

**Call to Order and Roll Call**

**Approval of Minutes**

Approve minutes of the May 9, 2016 Judicial Council Technology Committee meeting.

**II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))**

**Written Comment**

In accordance with California Rules of Court, rule 10.75(k)(1), public comments about any agenda item must be submitted by June 10, 2016, 12:00 noon. Written comments should be e-mailed to [jctc@jud.ca.gov](mailto:jctc@jud.ca.gov) or mailed or delivered to 2255 N. Ontario Street, Suite 220, Burbank, California 91504, attention: Jessica Craven Goldstein. Only written comments received by June 10, 2016, 12:00 noon will be provided to advisory body members prior to the start of the meeting.

**III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-6)**

**Item 1**

**Chair Report**

Provide update on activities of or news from the Judicial Council, advisory bodies, courts, and/or other justice partners.

Presenter: Hon. Marsha G. Slough, Chair, Judicial Council Technology Committee

**Item 2**

**Technology Budget Change Proposals (Action Required)**

Discussion on potential technology Budget Change Proposals (BCPs) with FY 17/18 being the target year for funding. Prioritize list of BCPs for submission to the Judicial Council for approval at its August 2016 meeting.

Facilitator: Hon. Daniel J. Buckley, Vice-Chair, Judicial Council Technology Committee

**Item 3**

**Report on E-Filing Workstream: Final Deliverables (Action Required)**

Review the Electronic Filing (E-Filing) Workstream final deliverables in the format they will be presented to the Judicial Council for consideration at their June meeting. The deliverables substantively represent the same set of high-level and functional recommendations related to establishing a statewide e-filing capability that were approved at the May 9, 2016 JCTC meeting.

Presenter: Hon. Terence L. Bruiniers, ITAC Chair

**Item 4**

**Update/Report on Information Technology Advisory Committee (ITAC)**

An update and report on ITAC will be provided; this will include the activities of the workstreams.

Presenter: Hon. Terence L. Bruiniers, Chair, Information Technology Advisory Committee

**A D J O U R N M E N T**

**Adjourn**



# JUDICIAL COUNCIL OF CALIFORNIA

TECHNOLOGY COMMITTEE

[www.courts.ca.gov/jctc.htm](http://www.courts.ca.gov/jctc.htm)  
[jctc@jud.ca.gov](mailto:jctc@jud.ca.gov)

## JUDICIAL COUNCIL TECHNOLOGY COMMITTEE

### MINUTES OF OPEN MEETING

May 9, 2016

12:00 - 1:00 PM

Teleconference

---

**Advisory Body Members Present:** Hon. Marsha G. Slough, Chair; Hon. Daniel J. Buckley, Vice-Chair; Hon. Kyle S. Brodie; Hon. David E. Gunn; Mr. Mark G. Bonino; Mr. Jake Chatters; Mr. Rick Feldstein; and Ms. Debra Elaine Pole

**Advisory Body Members Absent:** Hon. Ming W. Chin; Hon. Gary Nadler; and Hon. Terence L. Bruiniers

**Others Present:** Hon. Robert Freedman; Hon. Sheila Hanson; Mr. Snorri Ogata, Mr. Mark Dusman, Mr. Cory Jasperson; Ms. Kathy Fink, Mr. David Koon; Mr. Patrick O'Donnell; Ms. Jessica Goldstein; Ms. Jamel Jones; and Ms. Jenny Phu

---

#### OPEN MEETING

---

##### Call to Order and Roll Call

The chair called the meeting to order, took roll call, and advised no public comments were received.

##### Approval of Minutes

The advisory body reviewed and approved the minutes of the April 14, 2016 meeting.

---

#### DISCUSSION AND ACTION ITEMS (ITEMS 1-7)

---

##### Item 1

###### Chair Report

**Update:** Hon. Marsh G. Slough, Chair of the Judicial Council Technology Committee (JCTC), welcomed and thanked everyone for attending. Justice Slough reviewed the agenda for the meeting, as well as provided updates on recent meetings in which she and other members represented the JCTC or reported on the JCTC activities.

##### Item 2

###### Report on Information Technology Advisory Committee (ITAC) Annual Agenda Amendment: Workstream for the Tactical Plan Update

**Update:** Hon. Robert Freedman, Vice-Chair of ITAC, provided an update and report on the amendment to the ITAC Annual Agenda. This was to authorize the use of a workstream to complete the update to the *Tactical Plan for Technology*. The Tactical

Plan Update project was already approved within the ITAC annual agenda; however, at publication, this particular effort was not declared to need a workstream.

**Action:** The committee discussed the updated annual agenda and voted to approve the amendment, authorizing the use of a workstream to complete the update to the *Tactical Plan for Technology*.

### Item 3

#### Report on E-Filing Workstream: Final Deliverables

**Update:** Hon. Sheila Hanson, Executive Sponsor, ITAC E-Filing Workstream; and Mr. Snorri Ogata, Project Manager, ITAC E-Filing Workstream, reviewed the proposal to accept the final deliverables of the E-Filing Workstream. The deliverables included a set of high-level and functional recommendations related to establishing a statewide Electronic Filing (E-Filing) capability, and requested that they be recommended to the Judicial Council for review.

The recommendations included:

1. Approve the following statewide e-filing policies:
  - (a) Establish the National Information Exchange Model (NIEM)/Electronic Court Filing (ECF) as the technical standard for State of California trial court e-filing.
  - (b) Allow individual courts to retain authority as to which e-filing manager(s) (EFM(s)) they will use.
  - (c) The California judicial branch will select more than one statewide EFM.
2. Approve the following high-level functional requirements for trial court e-filing:
  - (a) EFMs must support all case types.
  - (b) EFMs must have the ability to integrate with all statewide case management systems (CMS) included in the statewide CMS Master Services Agreement (currently, Tyler Odyssey, Thomson-Reuters C-Track, Justice Systems Inc.) and Journal Technologies eCourt.
  - (c) EFMs must describe their approach for integration with “non-standard” CMSs, including a free-standing e-delivery option
  - (d) EFMs must integrate with Judicial Council approved financial gateway vendors, if directed.
  - (e) EFMs must support electronic payment types beyond credit card.
  - (f) EFMs must provide a zero cost e-filing option for indigent and government filers.
  - (g) EFMs must clearly disclose all costs and services to the e-filing service provider (EFSP) community.
  - (h) EFMs must support electronic service of court generated documents.
  - (i) EFSPs must integrate with all “statewide” EFMs in all participating counties.
3. Commission the ITAC to manage the vendor selection process for a statewide trial court EFM solution.

**Action:** The committee asked questions for clarification, discussed the recommendations, and voted to approve the recommendations for consideration to the Judicial Council at its June 2016 meeting. It was also clarified that ITAC would provide finalized documents (in Judicial Council report format) to JCTC members prior to the June council meeting.

#### Item 4

##### **Update on Civil Case Management System (V3) Replacement Budget Change Proposal**

**Update:** Mr. Richard D. Feldstein provided an update and report on the work related to the civil case management system (V3) replacement budget change proposal. The V3 BCP was submitted to the Department of Finance, who have made some additional inquiries that were addressed by Judicial Council Information Technology staff. The next step is to wait for the Governor's May budget revise expected to be delivered on Friday, May 13, 2016.

**Action:** The committee received the report.

#### Item 5

##### **Update on Sustain Justice Edition Case Management System**

**Update:** Mr. Richard D. Feldstein provided an update and report on the work related to the Sustain Justice Edition case management system. Mr. Jake Chatters provided an update on the work related to the Placer Court Hosting Center. He shared that Justice Slough and he would be presenting to the Trial Court Budget Advisory Committee's (TCBAC) Revenue and Expenditure Subcommittee to receive their approval on the JCTC recommendation. If approved, they would forward the recommendation to the TCBAC for approval.

**Action:** The committee received the report.

#### Item 6

##### **Update on the Video Remote Pilot Project**

**Update:** Ms. Kathy Fink, Manager in Judicial Council Technology Information, provided an update on the video remote pilot project. The Language Access Plan Implementation Task Force (LAPITF) proposes to pilot technology solutions for Video Remote Interpreting (VRI) for California courts. This project was previously approved by the Judicial Council's Technology Committee and Executive & Planning Committee (E&P) for consideration at the Council's February meeting, but was deferred until June 2016, pending final legal review.

**Action:** The committee received the report.


---

#### **A D J O U R N M E N T**

---

There being no further business, the meeting was adjourned.

# Judicial Council Technology Committee Open Meeting

The background features a large, faint, circular seal of the Judicial Council of Pennsylvania. The seal contains a central figure holding a scale and a sword, surrounded by the text "JUDICIAL COUNCIL OF PENNSYLVANIA" and the year "1926".

June 13, 2016

# Call to Order and Roll Call

- Welcome
- Open Meeting Script
- Approve minutes

*Hon. Marsha G. Slough, Chair, Judicial Council Technology  
Committee*



JUDICIAL COUNCIL  
OF CALIFORNIA

# Chair Report

*Hon. Marsha G. Slough*



JUDICIAL COUNCIL  
OF CALIFORNIA



# Action: Technology Budget Change Proposals

Facilitator: Hon. Daniel J. Buckley, Vice-Chair



JUDICIAL COUNCIL  
OF CALIFORNIA

# Action: Report on E-Filing Workstream: Final Deliverables

*Hon. Terence L. Bruiniers, ITAC Chair*



JUDICIAL COUNCIL  
OF CALIFORNIA

# Update: Information Technology Advisory Committee (ITAC)

*Hon. Terence L. Bruiniers*



JUDICIAL COUNCIL  
OF CALIFORNIA

# Adjourn

*All*



JUDICIAL COUNCIL  
OF CALIFORNIA



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: June 23–24, 2016

---

Title	Agenda Item Type
Judicial Branch Administration: Trial Court Electronic Filing—Approval of Electronic Filing Standards and of Policies on Electronic Filing Managers	Action Required
	Effective Date
	July 1, 2016
Rules, Forms, Standards, or Statutes Affected	Date of Report
None	June 3, 2016
Recommended by	Contact
Information Technology Advisory Committee (ITAC)	Hon. Sheila Hanson, <a href="mailto:SHanson@OCCourts.org">SHanson@OCCourts.org</a>
Hon. Terence L. Bruiniers, Chair	Mr. Robert Oyung, <a href="mailto:ROyung@SCSCourt.org">ROyung@SCSCourt.org</a>
Hon. Robert Freedman, Vice-chair	Mr. Snorri Ogata, <a href="mailto:SOgata@LACourt.org">SOgata@LACourt.org</a>
ITAC E-Filing Workstream	
Hon. Sheila Hanson, Executive Sponsor	
Mr. Rob Oyung, Executive Sponsor	
Mr. Snorri Ogata, Project Manager	

---

### Executive Summary

The Information Technology Advisory Committee (ITAC), with approval from the Judicial Council Technology Committee, recommends that the Judicial Council approve the National Information Exchange Model/Electronic Court Filing as the technical information exchange standards for e-filing in all state courts and direct ITAC to develop a plan for implementation of these standards. The committee also recommends that the council approve a set of high-level policies and functional requirements for trial court Electronic Filing Managers (EFM). Finally, it recommends that the council direct ITAC, in collaboration and coordination with the council's

Branch Accounting and Procurement office, to undertake and manage a procurement process to select multiple statewide EFMs to assist the trial courts with e-filing.

## **Recommendation**

The Information Technology Advisory Committee (ITAC), with the approval of the Judicial Council Technology Committee recommends that the Judicial Council:

1. Approve the National Information Exchange Model/Electronic Court Filing (NIEM/ECF) as the technical information exchange standards for the purposes of e-filing in all state trial courts; direct ITAC to develop a plan for implementation of these standards, including the effective date; and report back to the Judicial Council on the implementation plan at a future date.
2. Approve the following statewide policies:
  - (a) The California judicial branch will select more than one statewide EFM for the trial courts; and
  - (b) Individual courts will retain the authority to determine which EFM(s) they will use.
3. Approve the following high-level functional requirements for trial court EFMs:
  - (a) EFMs must support all case types.
  - (b) EFMs must have the ability to integrate with all statewide case management systems (CMSs) included in the statewide CMS Master Services Agreement (currently, Tyler Odyssey, Thomson-Reuters C-Track, and Justice Systems) and Journal Technologies eCourt.
  - (c) EFMs must describe their approach for integration with “nonstandard” CMSs, including a free-standing e-delivery option.
  - (d) EFMs must integrate with Judicial Council-approved financial gateway vendors, if directed.
  - (e) EFMs must support electronic payment types beyond credit card payments.
  - (f) EFMs must provide a zero-cost e-filing option for indigent and government filers.
  - (g) EFMs must clearly disclose all costs and services to the e-filing service provider (EFSP) community.
  - (h) EFMs must support electronic service of court-generated documents.
  - (i) Electronic Filing Service Providers (EFSP) must integrate with all statewide EFMs in all participating counties.
4. Direct ITAC, in collaboration and coordination with the council’s Branch Accounting and Procurement, to undertake and manage a procurement process to select multiple statewide EFMs to assist the trial courts with e-filing.

## Previous Council Action

The Judicial Council has for many years advanced the development of electronic filing and service in the California courts. In 1999, it sponsored Senate Bill 367 (Stats. 1999, ch. 514), which enacted Code of Civil Procedure section 1010.6, the statute authorizing electronic filing and service in the trial courts. The bill analysis states:

[T]here is no question that the age of electronic filing and service is coming to California . . . [T]he Judicial Council, who sponsored this bill, says the time has come to set up some rules to safeguard the security of the documents, the integrity of the court filing system, and the rights of the parties, while facilitating the institution of electronic filing in the courts.<sup>1</sup>

In 2002, to standardize the practice of electronic filing and service throughout the state, the Judicial Council adopted rules of court on electronic filing and service.<sup>2</sup> The report states:

The proposed rules define functional rather than technical requirements. Because of the rapid pace of technological development, the Court Technology Committee (CTAC)<sup>[3]</sup> decided against including technical requirements in the rules. Instead it is recommending that courts, electronic filers, and vendors comply with the evolving technical standards from the California Electronic Filing Technical Standards (CEFTS) project in their electronic filing procedures.<sup>4</sup>

As anticipated, the technical standards relating to electronic filing and service continued to evolve. In 2004, Judicial Council staff initiated the Second Generation E-Filing Specification (2GEFS) to define standards for statewide electronic court filing. These standards have been used by many courts in California during the past decade. However, California is the only state that continues to recognize 2GEFS as an e-filing standard. Elsewhere, NIEM/ECF has become the standard for the information exchanges involved in e-filing.

In August 2014, the Judicial Council adopted the Judicial Branch Strategic Plan for Technology 2014–2018. This strategic plan serves as a roadmap for court technology initiatives with clear, measurable goals and objectives at the branch level. The plan includes a strategy to “Promote the

---

<sup>1</sup> Sen. Bill 367 (Dunn, 1999), Bill Analysis, Sen. Rules Comm., p. 5.

<sup>2</sup> Judicial Council of Cal., *Electronic Service and Filing (adopt Cal. Rules of Court, 2050–2060; repeal Cal. Standards of Jud. Admin., § 37)* (Oct. 16, 2002). The rules on electronic filing and service in the trial courts are presently numbered as rules 2.250–2.259. Separate rules on electronic filing and service in the appellate courts have subsequently been adopted by the council.

<sup>3</sup> The Court Technology Advisory Committee has since been renamed the Information Technology Advisory Committee.

<sup>4</sup> *Id.* at p. 2. The latest version of CEFTS, *Electronic Filing Technical Standards Project–Technical Standards* is included as an attachment to the October 16, 2002 Judicial Council report.

Digital Court.” Electronic filing is identified in the plan as a core component of the Digital Court.

## **Rationale for Recommendation**

### **Background**

The institution of electronic filing in the California trial courts, though slower than many would desire, is finally beginning to take off. In 2012, the Legislature enacted Assembly Bill 2073, which authorized the courts to require electronic filing in all civil cases. A pilot project on mandatory e-filing in the Superior Court of Orange County was a success.<sup>5</sup> The data collected showed that the pilot project resulted in significant cost savings for the court and was generally less or equally expensive for litigants, and it demonstrated the project’s relative ease of use and convenience for represented and self-represented litigants.

The increase in e-filing is directly associated with the trial courts’ acquisition in recent years of new CMSs that have the capacity to provide for e-filing. As these CMSs have been implemented and e-filing has become available, more courts have instituted e-filing—some on a mandatory basis. In response to a survey of the trial courts in March 2016 (with 51 out of 58 trial courts reporting), 23 courts indicated they have some e-filing capacity while 28 (mostly small courts and a few medium courts) have reported no capacity. Courts’ e-filing programs are sometimes available only in certain case types—civil, probate, and family law being the most common. Of the 23 courts with e-filing capacity, 12 programs have mandatory e-filing, 21 programs have permissive e-filing, and 10 programs have both.

For the purposes of this report, it is important to understand several key features of California e-filing system. First, e-filing is intended to be more than an e-delivery system, where documents are transmitted electronically to the court as e-mail attachments that may then be uploaded and processed by a clerk. It is also intended to be a true e-filing system, where documents are transmitted to the court with information that enables them to be integrated into the court’s CMS. This provides for a much quicker, more automated, and more efficient process.

Second, California law authorizes both direct e-filing and e-filing through an EFSP. In most instances, parties or their attorneys file through an EFSP. A party or attorney sends the documents through a user interface to the EFSP for filing. The EFSP handles the actual filing, including compliance with any technical requirements. After filing, the EFSPs also provide feedback to the parties about the case—such as information about hearing dates and the progress of the case. EFSPs can provide their clients with additional services, such as providing for the service of documents on all parties in the case. Under current law, a court can institute mandatory e-filing only if it has more than one EFSP or direct e-filing. (See Code Civ. Proc., §

---

<sup>5</sup> See Judicial Council of Cal., *Report on the Superior Court of Orange County’s E-Filing Pilot Project* (Sept. 30, 2014), [www.courts.ca.gov/documents/lr-SC-of-Orange-e-file-pilot-proj.pdf](http://www.courts.ca.gov/documents/lr-SC-of-Orange-e-file-pilot-proj.pdf).



1010.6(d)(1)(B); Cal. Rules of Court, rule 2.253(a).) This requirement fosters competition and provides the public with a choice.

Third, when the documents and other information are ready to be electronically filed, the EFSP transmits the filing in the proper format to the court's EFM. The EFM is a holding queue for electronically stored documents. The documents reside there temporarily so that the clerk can review them (for validity, completion of fee payment, etc.) Once the clerk has completed the review process, the documents are sent to the CMS, where the filed documents are permanently retained. Currently, many courts have an EFM connected with and provided by the same vendor as their CMS. However, as explained below, there would be distinct benefits of making available to the courts the alternative of selecting a "statewide" EFM from among several options.

### **Recommendations**

***Recommendation 1. Approve NIEM/ECF as the State of California trial court e-filing standard.*** As explained above, for historical reasons, some courts in California rely on the Second Generation E-Filing Specification (2GEFS) to define the information exchange standards for electronic court filing. This standard is increasingly out of date and should be replaced. In its place, ITAC recommends approval of the NIEM/ECF standard.

NIEM is a "community-driven, standards-based approach to exchanging information."<sup>6</sup> NIEM is cosponsored by the federal Departments of Homeland Security, Justice, and Health & Human Services. Its purpose is to disseminate information-sharing standards and processes to enable federal, state, and local jurisdiction automation.

ECF is a technical standard to facilitate the creation and transmission of legal documents among attorneys, courts, litigants, and others.<sup>7</sup> ECF also provides technical standards for how court CMSs electronically communicate information such as court locations, fee schedules, cases, and status back to the EFM and EFSPs. ECF versions 4.0 and later conform to NIEM.

Together these standards provide direction to courts and technology vendors on creating interoperable electronic filing and data exchange solutions. NIEM and NIEM/ECF have been adopted by the Joint Technology Committee, which is an advisory body to the Conference of State Court Administrators, National Association for Court Management, and National Center for State Courts.

A California NIEM/ECF standards-based electronic filing environment will allow millions of filers to interact with multiple EFSPs to electronically share case documents and case data with multiple EFMs who in turn will electronically share those documents and data with trial courts operating one of the four statewide CMS solutions. The filer simply chooses the EFSP that best

---

<sup>6</sup> For additional information, see [www.niem.gov](http://www.niem.gov).

<sup>7</sup> For additional information, see [www.oasis-open.org/committees/tc\\_home.php?wg\\_abbrev=legalxml-courtfiling](http://www.oasis-open.org/committees/tc_home.php?wg_abbrev=legalxml-courtfiling).

meets their need and does not have to consider what CMS is being used in a given county. EFSPs, EFMs, and CMS vendors have all adopted NIEM/ECF.

If the council approves the NIEM/ECF standards, ITAC recommends that the council also direct it to develop an implementation plan. Because some California trial courts with e-filing are still using earlier information exchange standards, it will be important to clarify how the transition to NIEM/ECF is to be made. The implementation plan would address issues including how the approval of the new standards would impact the courts currently using other standards, whether those courts would be required to change to the NIEM/ECF standards, and, if so, by when.

The implementation plan would also provide clear guidance to the courts on the specific standards to follow. If extensions of the new standards are developed for the California trial courts, the plan would indicate who has the authority to develop those extensions and how they would be approved.

In sum, ITAC recommends that the council approve NIEM/ECF as the technical information exchange standards for the purposes of e-filing in all state trial courts; that the council direct ITAC to develop a plan for implementation of the new standards; and that ITAC report back to the council on the implementation plan at a future meeting. These recommendations would bring California into alignment with the rest of the country, which is a critical requirement for national e-filing vendors wanting to deliver services in California.

***Recommendation 2. Approve the statewide policies regarding Electronic Filing Managers.***

ITAC recommends that the council approve the following two statewide policies with respect to EFMs:

***(a) The California judicial branch will select more than one statewide EFM.***

California is the largest trial court system in the country and can accommodate multiple EFMs. Recent single vendor-driven statewide EFM solutions implemented outside of California lack a competitive environment for the filing community. In addition, a single EFM, that is also a CMS vendor, could potentially control too much of the court technology infrastructure creating risk to the branch from cost and business continuity perspectives.

In the recommended, multiple EFM environment, individual trial courts will be able to choose from more than one statewide EFM based on what works best in their county. A trial court may also elect to have more than one EFM. Multiple EFMs will ensure competition, which leads to greater access, quality service, innovation, and cheaper services.

***(b) Allow individual trial courts to retain authority as to which EFM(s) they will use.***

Each trial court currently determines when and with whom to implement e-filing. This authority is critical going forward as the biggest barriers to e-filing identified by trial courts are:

- Insufficient funds to pay for it (integration with CMS, EFM, EFSP);
- Insufficient staff to train and guide e-filers; and,
- Inexperienced/untrained staff in the new world of e-filing.

The decision on when to e-file must reside with each individual trial court as there are many local issues that determine acceptance and success. In addition, trial courts with an existing e-filing capability may not immediately or directly benefit from a change to a statewide solution. Over time, however, trial courts will need a means to contract with a statewide EFM and will want negotiating leverage on choosing the statewide EFM solution that best meets the needs of their county.

***Recommendation 3. Approve high-level functional requirements for trial court EFMs.*** ITAC recommends that the council approve the following nine high-level functional requirements:

***(a) EFMs must support all case types.***

Anyone in California should be able to e-file on any case in any court permitting e-filing. EFMs typically focus their e-filing efforts only on civil cases, which are easily monetized. Yet the majority of court case filings are not in civil, meaning a civil-only e-filing solution would limit a trial court’s ability to implement a “digital court,” thereby limiting public access to the court. E-filing in California must support all litigation types.

***(b) EFMs must have the ability to integrate with all statewide CMSs included in the statewide CMS Master Services Agreement (currently Tyler Odyssey, Thomson-Reuters C-Track, and Justice Systems) and Journal Technologies eCourt.***

In 2012, the trial courts created a Master Services Agreement (MSA) with three primary case management vendors: Tyler Technologies, Thomson-Reuters, and Justice Systems. Since then, 30 trial courts have purchased one of these CMS solutions. Several California trial courts had a historical relationship with Journal Technologies (also known as Sustain). Over the last few years, several of these courts have implemented or signed contracts with Journal Technologies. Across the four (4) CMS vendors, over 80% of the state’s population will be served. Any statewide EFM will be required to integrate e-filing into all four CMS alternatives.

***(c) EFMs must describe their approach for integration with “nonstandard” CMSs, including a free-standing e-delivery option.***

Many courts have yet to decide if they will be replacing or upgrading their existing CMS solution. Courts utilizing a CMS other than one of the four platforms mentioned above will need insight into what it will cost to integrate their existing CMS into the statewide e-filing solution, if they choose. For some courts, it may not be economically feasible to implement a complete e-filing solution. Therefore, the selected EFMs must describe how a free-standing e-delivery (e.g., a standalone e-filing solution not integrated into the court’s CMS) would be deployed and

supported. This solution would provide courts with more options to move toward the “digital court” vision.

***(d) EFM must integrate with Judicial Council-approved financial gateway vendors, if directed.***

The California judicial branch is typically able to negotiate cheaper online banking fees than private companies or individual trial courts. These “merchant” fees (typically 2–3%) are either passed on to the filer, which leads to additional costs to the filer, or absorbed by the courts, which leads to increased expenses to the branch. Should a more attractive branch alternative be available, the EFM may be directed to use such services with the intent to provide filers with the lowest possible online commerce fees.

***(e) EFM must support electronic payment types beyond credit card.***

In the “paper world,” a large portion of filing fee transactions are conducted using payment methods other than credit cards. Some EFM vendors only support credit card payments. Other “digital currencies” are available, widely used, and often cheaper than credit card options. In addition, one of the ways the EFSP community differentiates services is through the handling of court-related fees. The court should accommodate as many electronic payment methods as practical, thereby increasing access to the court. Therefore, credit cards, e-Checks, and Automated Clearing House (ACH) payments should be minimally supported electronic payment types.

***(f) EFM must provide a zero-cost, e-filing option for indigent and government filers.***

Many court filings come from government or indigent filers. Courts want the operational benefits of e-filing across case types. These filers, however, cannot be charged for certain filings. The fee waivers/exemptions should apply to e-filing convenience fees as well. Free e-filing transactions are not typically attractive to for-profit EFSPs. Therefore, the EFM will be required to provide a zero-cost, e-filing option for this population.

***(g) EFM must clearly disclose all costs and services to the e-filing service provider (EFSP) community.***

The costs associated with e-filing are in four primary areas:

1. Court filing fees;
2. EFM Management fees;
3. EFSP fees; and
4. An optional court “cost recovery fee.”

EFMs may also operate as an EFSP, which may create a competitive imbalance. In some implementations, the EFM can add on additional costs to dilute revenues to EFSPs and/or optional court recovery fees. Therefore, the EFMs will be required to clearly disclose any and all costs for the services they will provide to the EFSP community.

***(h) EFMs must support electronic service of court-generated documents.***

The courts generate case documents that need to be distributed. If e-filing is mandatory, or if all parties on a case agree to e-file, e-service of court documents should also be available. Allowing courts to distribute/serve court-generated case documents through e-service will improve court operations.

***(i) EFSPs must integrate with all “statewide” EFMs in all participating counties.***

EFSP economics make large counties very attractive and smaller counties less so. Attorneys, the primary customers of EFSPs, typically practice law in multiple counties. To ensure a consistent level of service and a common experience, all EFSPs doing business in California under the statewide EFM program will be required to integrate with all statewide EFMs and provide services to all counties participating in the statewide EFM solution.

***Recommendation 4. Direct the Information Technology Advisory Committee to undertake and manage the vendor selection process for a statewide trial court EFM solution.*** Upon approval by the Judicial Council, a procurement process will need to be initiated to identify, evaluate, select, and ultimately implement a statewide e-filing solution. The ITAC workstream model has proven to be quite effective and efficient to achieving the objectives outlined in its annual agenda and the *Tactical Plan for Technology*. Therefore, it is recommended that an ITAC workstream be authorized to undertake the procurement process for a statewide e-filing manager solution on behalf of the branch in cooperation and collaboration with Branch Accounting and Procurement, which will provide procurement support services on behalf of the Judicial Council.

### **Comments, Alternatives Considered, and Policy Implications**

These recommendations were developed by the ITAC E-Filing Workstream. The workstream benefitted from the input of participants representing various roles (judicial officers, administrators, technologists, lawyers) from a number of courts, as well as members of the Judicial Council staff. The following courts participated in the workstream: Contra Costa, Los Angeles, Monterey, Orange, Sacramento, San Bernardino, San Diego, San Joaquin, San Mateo, and Santa Clara.

In May 2015, the workstream kicked off with an E-Filing Summit in San Francisco. At this meeting, interested trial courts and Judicial Council staff were invited to hear about three different approaches to e-filing and the experiences of states and courts that have implemented them:

1. The State of Texas (vendor-driven, statewide e-filing);
2. The State of Colorado (court development, statewide e-filing); and
3. The Superior Court of Orange County, California (trial court-implemented solution).

Over the next several months, the workstream evaluated all models presented at the summit; two of those e-filing models were given consideration but ultimately rejected:

1. The status quo alternative of every trial court forging their own path was primarily rejected because it lacked a consistent framework, failed to address the needs of filers that transact with multiple courts, and did not create synergistic economies of scale. There was also a concern that smaller courts would largely be ignored due to low return on investment.
2. The court-developed “build” option, modeled after Colorado, was primarily rejected because the level of effort, resources, coordination, and ongoing management is too high for the branch at this time.

The workstream therefore decided to refine its recommendations to provide a variation of the Texas (vendor-driven) approach, with four primary differences:

1. Selection of “more than one” EFM;
2. Requirement that all EFSPs work with all statewide EFMs;
3. Requirement that all EFSPs provide services in all participating counties; and
4. Changes to how monies are managed (court fees, EFM fees, EFSP fees, Merchant Bank fees, and optional court cost-recovery fees).

The balance of the high-level recommendations capture unique expectations and requirements for California. For example, unlike Texas, California has established an EFSP-friendly environment that encourages many EFSPs to differentiate themselves in the marketplace through other value-added services. This is most evident in the Superior Court of Orange County, which has certified 14 EFSPs. While all EFSPs can support the needs of all filers in the court, each company has unique areas of focus such as:

1. Self-Represented Litigants (Legal Aid Society of Orange County and TurboCourt)
2. Civil Collection Cases (ISD Corporation, a division of Journal Technologies, Inc.)
3. Full Service Civil (One Legal, Rapid Legal, and First Legal)
4. Complex Civil (File & Serve Express, formerly Lexis)

The Texas model, largely adopted by several California trial courts that have chosen Tyler for their CMS, is very efficient for courts using Tyler Odyssey but not as EFSP-friendly as many in the state would prefer. For example, it allows very little differentiation on services by the EFSP community around money management. In Texas, Tyler not only provides the EFM for all transactions, it's also the market share EFSP leader (70 percent of all transactions).

A number of the recommendations brought forward by this workstream are intended to ensure a competitive e-filing marketplace that balances the needs of all four constituencies: the court, the filers, the EFM, and the EFSPs.

### **Comments on the recommendations**

Prior to presentation to the Judicial Council, comments on the recommendations were solicited from and received by court executive officers, court information officers, as well as the Joint Technology Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee. Overall feedback was positive and supportive.

During the workstream process, feedback was solicited from 10 EFSPs that currently practice in California. In total, eight companies responded to the following questions:

1. Do you have any concerns if the state chooses multiple e-filing managers?
2. What percentage of your customers would you guess file in multiple counties?
3. Would you object to the state requiring all “statewide” EFSPs to work with all “statewide EFMs”?
4. The state is considering a requirement that all EFMs accept all of the following payment types. Please rank (1–5, 1 being top) your priorities:
  - a. Filer’s Credit Card
  - b. Filer’s e-Check
  - c. EFSP’s Credit Card
  - d. ACH with EFSPs
  - e. Drawdown accounts with EFSPs
  - f. If you have another idea, please add it here\_\_\_\_

All but one EFSP expressed no/limited concerns about multiple EFMs with the general consensus that this was a “healthy model.” The lone dissenting EFSP was from a company that does not currently do business in California.

Not surprisingly, an EFSP focused primarily on self-represented litigants responded that only 30 to 40 percent of their customers file in multiple counties, while the traditional full-service EFSPs that cater to law firms responded that 90 to 100 percent of their customers file in multiple counties.

The majority of EFSPs did not express concerns about all EFSPs working with all EFMs, although two did express concerns about the return on investment in such a model.

Payment types saw a wide variance in responses. The more full-service EFSPs wanted alternatives to credit card payments, in particular e-Checks and ACH payments.

In addition, the four major CMS vendors were surveyed about their readiness to work with statewide EFMs and their support of national e-filing standards. All four vendors are ready to

begin working with EFM, and at least two of them will likely bid to become a statewide EFM. All four vendors support the NIEM/ECF e-filing standards.

### **Implementation Requirements, Costs, and Operational Impacts**

Until the procurement process is complete, it will not be clear what implementation costs, if any, will be incurred with the recommended approach. It is possible that a zero-implementation cost model could be established.

Because e-filing is highly disruptive to individual trial courts, the ultimate solution must leave participation authority with the local court. Before implementing e-filing, a court must have a modern CMS, a document management capability, financial resources to navigate through the transition to a digital court record, and staff available to train and operate in the new environment. In the long run, e-filing is proven to increase operational efficiencies. The timing of the transition, however, must be a local court decision.

Finally, a coalition of EFSPs (and other interested groups) has been formed and is called the Coalition for Improving Court Access (CICA). CICA submitted comments and questions, which are attached. CICA is largely supportive of the recommendations of the workstream but seeks clarification in a few areas. It is recommended that the workstream that is formed to develop and manage the procurement process consider and respond to CICA feedback, and where appropriate, take it into consideration during the next phases of this project.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

The recommendations in this report support Goal III, Modernization of Management and Administration, of *Justice in Focus: the Strategic Plan for California's Judicial Branch* (adopted December 1, 2006).

In addition, e-filing supports Goal 1: Promote the Digital Court—Part 2: Access, Services, and Partnerships outlined in the judicial branch *Strategic Plan for Technology (2014–2018)* and is identified as a focus area in the judicial branch *Tactical Plan for Technology (2014–2016)* under the “E-filing Service Provider Selection/Certification” and “E-filing Deployment” initiatives.

E-filing also is consistent with the [Chief Justice's Access 3D vision](#) for full and meaningful access to the courts.

### **Attachments and Links**

1. *Strategic Plan for Technology (2014–2018)*,  
[www.courts.ca.gov/documents/jctc-Court-Technology-Strategic-Plan.pdf](http://www.courts.ca.gov/documents/jctc-Court-Technology-Strategic-Plan.pdf)
2. *Tactical Plan for Technology (2014–2016)*,  
[www.courts.ca.gov/documents/TPTF-Tactical-Plan-2014.pdf](http://www.courts.ca.gov/documents/TPTF-Tactical-Plan-2014.pdf)
3. National Information Exchange Model website, [www.NIEM.gov](http://www.NIEM.gov)



4. OASIS Electronic Court Filing (ECF) standards,  
[www.oasis-open.org/committees/tc\\_home.php?wg\\_abbrev=legalxml-courtfiling](http://www.oasis-open.org/committees/tc_home.php?wg_abbrev=legalxml-courtfiling)
5. Coalition for Improving Court Access (CICA): comments regarding the draft e-filing  
workstream recommendations (Feb. 19, 2016)

DRAFT

Concept	Description	Source	Notes
Case Management System Replacement for the Sustain Justice Edition Courts	Replace the Sustain Justice Edition case management system for Humboldt, Lake, Madera, Modoc, Plumas, San Benito, Sierra, Trinity, and Tuolumne.	SJE Consortia	As previously discussed, work is underway for this BCP. They'll be using information gained from their RFP as a basis for the proposal alternatives.
Forms Modernization	Revise Judicial Council forms for better alignment with modern business practices and technology.	ITAC	Judicial Council forms are used by attorneys, justice partners and the courts. In response to the expansion of e-filing and e-service, and the rapid deployment of new court case management systems, this project will enable courts to better integrate the data submitted to courts. The project will also address access to forms to ensure that this effort is well coordinated with statewide e-filing and the self-represented litigants portal initiatives.
Appellate Court Document Management System	Provide funding for a document management system for the Appellate Courts.	JCIT	The appellate courts have engaged a contractor to outline their business requirements for a document management system. Their objectives include (1) Electronic document storage; (2) Public access to electronic documents on the website; and (3) Ability for internal automated workflow processes.
Statewide E-Filing Manager	Purchase a statewide E-Filing manager.	Jake Chatters	An E-Filing manager will assist those filing cases electronically to the trial courts, as well as all trial courts allowing electronic filing of cases.
Pro Per E-Filing Portal	Purchase a statewide Pro Per E-Filing Portal.	Jake Chatters	A Pro Per E-Filing Portal will benefit self-represented litigants and all trial courts.
Upgrade A/V and Granicus for Fourth District	Upgrading the audio visual system; including funds to support streaming of oral argument on the web. (Granicus)	Fourth district court of appeal	The court is interested in upgrading their outdated audio visual equipment and increasing their teleconference usage as a cost saving measure. The court is also considering implementation of the Granicus system used for live streaming of Judicial Council meetings, Supreme Court oral argument sessions, and Language Access Task Force meetings. Equipment and basic software is in place for the courts of appeal in the 1st district, 2nd district and 5th district. There may be an opportunity for the other courts of appeal to join with the fourth district in a joint procurement for the equipment needed.
Upgrade Sixth District Server Room	Update their server room including hardware and relocation.	Sixth district court of appeal	The current server room at the court hasn't been upgraded for 18 years ago. Discussions are underway to determine what Judicial Council Facilities management can do to address the matter.
Video Remote Interpreting (VRI) spoken language pilot implementation and support	A comprehensive multi-phased pilot for the courtroom, and will include traditional intra-court usage, use of independent contractors, and further on-demand shared VRI interpreting.	Language Access Implementation Task Force	Funding for the second phase of the pilot would be the focus of this request. 1. Test and/or finalize use and technical minimums which will govern all VRI going forward (see LAP Recommendation Nos. 12-14 and Appendices B-D), and 2. Prove the concept of inter-court and inter-region sharing of staff resources via VRI access to the same interpreters.2. Prove the concept of inter-court and inter-region sharing of staff resources via VRI access to the same interpreters.
Civil Case Coordination System	Provide a system to automate, track and manage Civil Case Coordination Complex petitions.	Trial and Appellate Court Services	Petitions for coordination under Code of Civil Procedure sections 403 and 404-404.9 and the California Rules of Court are filed with the Judicial Council. Recommendations are made to the Chief Justice who then assigns the cases pending in different counties to one court. Judicial Council staff are required to keep a "register of all coordination proceedings" under the California Rules of Court, Rule 1550(a). They do not have a system for managing these cases.
CCPOR deployment	Deploy CCPOR to 8 additional (the remaining XS, S, and Medium courts).	CCPOR program	CCPOR has not been deployed to 15 courts (Alpine, Colusa, Mono, San Mateo, Santa Barbara, Siskiyou, Stanislaus, Yolo, Alameda, Contra Costa, Los Angeles, Orange, Sacramento, San Bernardino, and San Diego). Deployment would occur in two phases, beginning with the courts that do not require integration or conversion.
Disaster Recovery	Help equip courts to implement improvements to disaster recovery capabilities resulting from a review in this area by the ITAC Disaster Recovery Workstream.	ITAC	The ITAC Disaster Recovery Workstream will review this area and make recommendations. This will be to implement their recommendations to benefit the trial courts.
Case Management System Replacement for other remaining trial Courts	Replace the case management systems for the remaining courts that do not have a modern case management system.	JCTC Chairs	The BCP for the courts yet to select a case management system will be submitted September 2017 for funding in FY18/19.