

Los Angeles County Superior Court

Consulting Services for Statewide Electronic Filing Managers Master Contract

Electronic Filing Manager Concept of Operations

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Document Purpose

This is the Concept of Operations (ConOps) for the Los Angeles County Superior Court/ Electronic Filing Managers (EFMs) acquisition project. This document defines the implementation and operation for the EFM over the life of the project, including participation by the various court stakeholders.

Version	Date	Description/Changes
1.0	9/5/16	Initial draft.
1.1	9/27/16	Organizational model completed.
1.2	10/17/16	Updated business models.
1.3	10/25/16	Updated procurement and financial models.
1.4	10/28/16	Initial complete draft with feedback on financial model.
1.5	11/7/16	Updated financial model. Included performance incentives for EFM provider performance.
1.6	1/27/17	Standardized usage of terms EFM, EFSP, etc.
1.7	2/8/17	Clarified functions of the EFM and the I/GA EFSP solution.
1.8	2/27/17	Added the names of the financial gateway service providers.
1.9	6/21/17	Amended to be permissive of the EFM provider as funds transfer agent between the EFSP and the Court.

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I. Introduction

I. Introduction

California has many large and small courts, and a variety of innovative Electronic Filing Service Providers (EFSPs) based or operating in the state. While some of the courts in California have realized a degree of success and innovation in e-filing, progress has been limited. This has been influenced by the actions of major e-filing vendors who have created a difficult economic environment by:

- Focusing on high-volume courts almost to the exclusion of the smaller courts.
- Creating monopolies through the use of proprietary designs.
- Constraining options for services and payments.
- Creating barriers to entry and operation for innovative e-filing service providers.
- Extracting higher fees for filing and payment processing.

Under the guidance of the Judicial Council of California (JCC) Information Technology Advisory Group (ITAC), a group of courts have come together to execute a work stream to establish master contracts with multiple electronic filing manager (EFM) application providers that can be employed by the courts to expand the adoption of e-filing across the state while supporting innovation and minimizing costs. Specifically, each EFM Provider should accomplish the following:

- Supporting e-filing statewide for all litigation types.
- Integrating with “core” case management systems (CMSs):
 - » The three statewide CMS vendor products:
 - Justice Systems, Inc.
 - LT Court Tech, a Thomson Reuters business.
 - Tyler Technologies, Inc.
 - » Journal Technology’s eCourt.
- Integrating with the California Department of General Services and Judicial Council-approved financial gateway vendors (Elavon and First Data).
- Supporting electronic payment types beyond credit card.
- Providing a zero cost e-filing option for indigent and government filers.

The specific objectives of the EFM work stream are to:

- Create a concept of operations (ConOps), standards, and architecture sufficient to scope the master agreement.
- Draft an RFP.
- Solicit EFM vendor proposals.

- Collect and evaluate EFM Provider proposals.
- Negotiate contracts with the selected solution providers.

A. Project Scope and Approach

The scope of this project is to establish a statewide e-filing environment that employs more than one statewide EFM service to ensure a competitive marketplace that leaves the Court in greater control. Specifically, the project scope includes establishment of the following:

1. An architecture that considers the full e-filing component model.
2. Defined procedures for qualifying, certifying, and onboarding:
 - 2.1. EFM Providers.
 - 2.2. EFSPs.
 - 2.3. Payment gateways.
 - 2.4. Accounting system gateways.
3. Specifications for pruning data submissions.
4. Standards development and maintenance under Electronic Court Filing 4.0 and future releases.
5. Models of ongoing operations for participating entities, electronic and human services.
6. E-filing and interfaces to a limited list of CMS systems (currently four).

The project scope does not currently include writing RFPs and facilitating acquisitions for EFSPs and payment gateways.

B. Document Purpose

One of the critical issues that organizations face when planning for a procurement is how well the organization understands the market that it is about to enter. In this case, the proposition is to fundamentally alter the existing marketplace to eliminate monopolistic incentives that drive up costs to filers.

This document will assist the Judicial Branch in understanding the implications of various decisions that it may face as it plans for procurement of the California E-filing System (CEFS). This analysis will help to inform the procurement process for the e-filing master agreement.

This document outlines the organizational and operational aspects of e-filing under this master agreement and technical operating environment. It describes organizations that are involved in this environment and how they operate – from inception of the master agreement to ongoing operations and potentially termination of service.

C. Document Scope and Approach

The document begins by setting forth the vision and principles that underscore and charter the initiative to create the Master Agreement for an EFM Provider. It builds on this in outlining the organizations and services involved in the e-filing environment under this master agreement. It discussed the nature of the participants and the relationships they have with one another.

The document goes on to describe the operations of e-filing in this environment in terms of both automated and “out of band” activities.¹ It considers procurement efforts, funding, and change management.

D. Relationship to Other Documents

This document is closely related to the Technical Architecture and Standards document drafted in this work stream. It leverages that architecture and operationalizes its concepts and standards.

¹ “Out of band,” in this context, refers to processes that are not automated.

II. E-Filing Vision

II. E-Filing Vision

A. Principles

The architecture outlined below seeks to support some fundamental objectives that the California courts and the JCC are seeking to accomplish. These objectives are:

- *No financial obligations or interest for the Courts.* The e-filing environment should not create a financial interest or obligation for a court. There should be no e-filing transaction or other fees that are paid by the Court. Likewise, the Court employing this service shall not receive revenues from the provision of e-filing services.²
- *The EFM Provider shall provide a no-charge filing assembly and submission service to select filers.* Free filing assembly and submission service shall be provided to:
 - » Filers receiving an indigent waiver.
 - » Government filers.
- *Little or no involvement of the JCC.* There will be little or no operational involvement by the JCC in the e-filing environment. The management and operation of the e-filing environment will be under the authority and responsibility of the individual courts. The role of the JCC will be limited to providing contract and payment administration as necessary.
- *Conformance managed through administrative processes:* Policy will be defined by EFM Providers and trial courts and published by the EFM Providers. Conformance and adherence will be managed out of band in administrative processes. Instead of checking conformance automatically with each transaction, conformance will be tested prior to implementation of new connections and updates of software, standards, or policies.
- *Credit card transaction costs no greater than the branch contract rates.* Payment processing may be provided by EFSPs or payment processing service providers. EFSPs may employ the Financial Gateways under the JCC contract. The payment processing rates charged to the filer are limited to a maximum that is the contract rate.
- *The JCC arranges master contracts for select common services.* These common services are:
 - » Cloud-based identity and access management.
 - » Payment processing.

² This does not apply to filing and other court fees not expressly for e-filing. It is anticipated that e-filing facilities may be used to collect other court fees on behalf of the court.

B. Operational Objectives

1. E-Filing Benefits to Filers

This initiative seeks to encourage nearly universal e-filing throughout California. The key benefits of e-filing to all filers include:

- *Convenience* – The Internet is available 24 hours a day, 7 days a week. With ubiquitous access to the Internet, many court transactions can be conducted virtually, from anywhere in the world. The convenience of e-filing also has the potential to balance access to justice for all filers.
- *Immediacy* – By reducing or eliminating the processing time involved in clerk review, filers receive confirmation more quickly that their documents have been either accepted into the court record or rejected. If the files are rejected, filers can quickly address the errors and resubmit without delay.
- *Accuracy* – From the perspective of the filer, accuracy is improved. The filer is in greater control of how information is recorded in the Court as duplicative data entry is removed. Instead of data entry, the clerk focuses on the accuracy and completeness of the filed document(s).
- *Lower Fees and Cost* – E-filing eliminates fees for delivery of the filing to courier and service to other parties in an existing case. Even if the e-filing system charges fees for e-filing and e-service, these fees are typically less than the fees of legal courier services and an individual's opportunity cost of e-filing and serving opposing parties in person.

This initiative enables particular benefits to government and disadvantaged filers. It provides for free e-filing services to government agencies and indigent filers who are filing under a fee waiver. In addition, the structure and standards of similar statewide e-filing initiatives have proved to be key enablers for the creation of effective self-representative litigant portals that provide greater access to justice statewide.

This initiative is engineered to break down monopolistic practices that commonly develop in e-filing implementations. These include creating vendor lock-in, above-market payment processing fees, and eliminating EFSP competition or discouraging market entry of other EFSPs through vertical integration and predatory pricing.

2. E-Filing Benefits to the Courts

In the courthouse, the key benefits of e-filing include significant potential for cost savings through automation. If e-filing simply emulates today's business processes, real savings are possible in a variety of areas, such as:

- Faster processing and lower filing workloads, including:
 - » *Faster Intake* – Receiving filings.
 - » *Less Data Entry* – Recording filing information in the court CMS.
 - » *Automated Scheduling* – Arranging for the filing to be reviewed or heard by a judge.
 - » *Less Scanning* – Imaging paper documents into a court document management system (DMS) to create an electronic record.
 - » *Less File Management* – Storing, retrieving, and potentially losing paper files.
- Simpler records management, including:
 - » *Simpler File Sharing* – Making copies for multiple people to access concurrently.
 - » *Simpler Document Destruction* – Destroying records based on a retention schedule.
 - » *Less Physical File Storage* – Maintaining a physical warehouse of documents.
- Additional revenues, including:
 - » *Higher Volume of Fees for Public Access* – Providing access to or copies of documents for a fee.

However, e-filing enables some productive changes from today's business processes. The inherent structure, automation, and ease of communication enables a court to visualize, analyze, modify, and optimize work flows and processes. These efforts can extend the benefits to the courts through continuous process improvement.

III. E-Filing Organizational Model

III. E-Filing Organizational Model

A. Organizational Overview [REVISED]

Several entities are involved in both the implementation and day-to-day operation of the e-filing environment. These include:

- Filer
- EFSP
- EFM Provider
- Court
- JCC
- Certification Authority
- Financial Gateway
- Identification and Access Management (IAM) Authority
- Courts' Financial Institutions

Figure 1 depicts the relationships among these entities. The diagram depicts each of the entities in this environment. The lines that connect the entities reflect where there is a relationship between those entities. For example, the EFSP has relationships with:

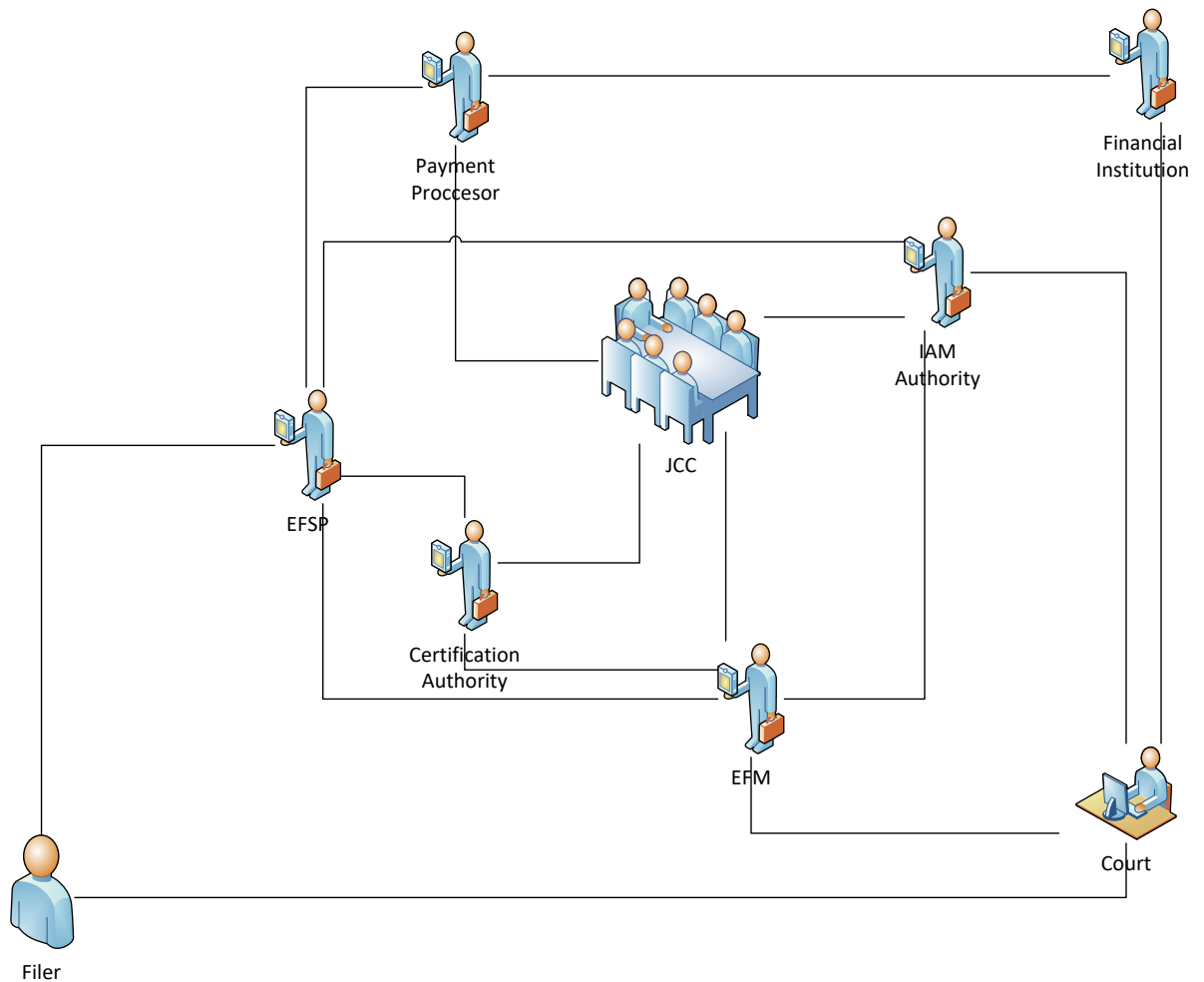
- *Filers.* The EFSP:
 - » Has an agreement with the filer.
 - » Receives filings.
 - » Provides various services.
- *EFM Providers.* The EFSP:
 - » Has an agreement with the EFM provider.
 - » Establishes and maintains a standards-conformant automated interface with the EFM.
 - » Submits filings to the EFM.
 - » Receives information from the EFM about cases and filings.
 - » Submits daily ACH transfers of funds to the EFM.³
- *Financial Gateways.* The EFSP:
 - » Has an agreement with the Financial Gateway provider.
 - » Establishes and maintains a standards-conformant automated interface with the Financial Gateways.

³ If the EFM offers to facilitate payments for statutory court fees to the courts, this payment will include both court fees and EFM service fees. If not, this will include only EFM service fees.

- » **Employs the Financial Gateway for credit card processing.**
- *IAM Authority.* The EFSP:
 - » Has an agreement with the IAM Authority.
 - » Has established an identity with the IAM Authority.
 - » Establishes and maintains a standards-conformant automated interface with the IAM Authority.
 - » Confirms filer identity and authority.
- *Certification Authority.* The EFSP:
 - » Has an agreement with this authority for testing and certification services.
 - » Participates in testing protocols for each release of software to confirm standards conformance and interoperability with the EFM Providers.
 - » Receives certification of conformance and interoperability from the Certification Authority.

Beyond this, the EFSP does not need to establish or maintain a relationship with other entities in this environment. Note that some aspects of these relationships are automated and transactional, involving the technologies that support e-filing. Other aspects are out of band with regard to the electronic transactions and involve efforts to establish and maintain contracts, establish interfaces, and provide support.

Figure 1: E-Filing Organizational Relationships



In addition, other entities will likely participate in the implementation of this environment. These include:

- The ITAC E-filing Work Stream Group.
- Major California CMS providers.

The roles, characteristics, and responsibilities of each of these groups are discussed in the sections that follow.

1. Filers

Filers will include attorneys and self-represented litigants submitting filings to a court.

Role

Filers prepare their filings and other correspondence with the Court. They also prepare correspondence that is to be served on other parties to a case. They establish a relationship with one or more EFSPs to transmit these filings and correspondences electronically on the filer's behalf.

Characteristics

The expected community of filers are characterized by the following:

- Types.
 - » *Private Practice Attorneys* – Attorneys authorized by the California Bar to practice in the state and doing so in a non-governmental role.
 - » *Government Attorneys* – Bar-authorized attorneys serving as a prosecutor, public defender, or attorney representing a governmental agency.⁴
 - » *Indigent Self-Represented Litigants* – These are self-represented litigants that have requested an indigent waiver (request pending) or have received an indigent waiver from the court hearing the litigant’s case.⁵
 - » *Other Self-Represented Litigants* – These are self-represented litigants filing without an indigent waiver status.
- Quantity.
 - » There are almost 182,000 attorneys in the California Bar.⁶
 - » More than 4.3 million court users are self-represented in California.⁷
 - » For unlawful detainer cases, 34 percent of petitions at filing are self-represented, and over 90 percent of defendants are self-represented.⁸
 - » For family law cases, 67 percent of petitioners at filing (72 percent for largest counties) are self-represented, and 80 percent of petitioners at disposition for dissolution cases are self-represented.⁹
- Filings – 2013-2014 new cases filed.
 - » 193,190 unlimited civil cases.
 - » 486,597 limited civil cases.
 - » 155,428 small claims cases.
 - » 272,610 felony cases.
 - » 915,568 misdemeanor cases.
 - » 4,907,906 infraction cases.
 - » 138,968 marital cases (dissolutions, legal separations and nullities).
 - » 242,518 other family law case (e.g., paternity, child support) total cases.
 - » 45,824 juvenile delinquency cases.

⁴ These filers are noted because they will be allowed access to the free electronic filing service.

⁵ These filers also will be allowed access to the free electronic filing service.

⁶ California Bar, Current Districts: Map and Statistics, <http://www.calbar.ca.gov/LinkClick.aspx?fileticket=eX2ZDqhwHFQ%3D&tabid=2178>.

⁷ Statewide Action Plan for Serving Self-Represented Litigants, Judicial Council of California, 2004, Page 2.

⁸ Ibid.

⁹ Ibid.

- » 46,889 juvenile dependency cases.
- » 44,289 probate cases.
- » 27,377 mental health cases.
- » 4,317 civil and criminal appeal filings.
- » 7,410 criminal habeas corpus cases.¹⁰

Responsibilities

Filers have several basic responsibilities in this ConOps for e-filing. They include the following:

- Establish identity and access management credentials for e-filing. This may be established with the Court or through the EFSP of their choice.
- Maintain identity and access management credentials.
- Establish a relationship with an EFSP for e-filing and service.
- Prepare their filings.
- Prepare correspondence with the Court and other parties to a case.

2. EFSP

An EFSP is a business entity that provides electronic filing services and support to its customers (Filers).

Role

At a minimum, the EFSP provides automated facilities to compile filings, file these with the courts, prepare documents for service, effect service, collect and remit fees to the court, maintain records of these services, and report these records to the courts and JCC. An EFSP may provide additional services to filers.

To accomplish this, the EFSP serves as a value-added intermediary between the filer and the EFM Provider that is serving as the e-filing agency for the court. The EFSP will support filing into any and all certified EFM Providers/Courts operating under the JCC e-Filing Master agreement. In addition, the EFSP employs services from the IAM authority and the Financial Gateway. The EFSP also maintains its California e-filing standards conformance and interoperability.

Characteristics

- Quantity.

¹⁰ 2015 Court Statistics Report Statewide Caseload Trends 2004–2005 Through 2013–2014, Judicial Council of California, Preface.

- » It is anticipated that there will be more than a dozen independent EFSPs operating under the JCC e-Filing Master agreement.
- » In addition, each EFM provider operating under the JCC e-Filing Master agreement will provide an EFSP solution that may be used by government filers and indigent filers with a pending or approved court fee waiver request. It is anticipated that there will be two or more such EFSPs.
- Certification.
 - » The EFSP will maintain certification for all releases of its application that is currently in operation.
- Courts Served.
 - » The EFSP will enable filings into all courts operating under the JCC e-Filing Master agreement, through the certified EFM Provider engaged by the Court.

Responsibilities

In this role, the EFSP has several responsibilities. These involve its relationships with Certification Authority, EFMs, Filers, Financial Gateways, and IAM authority. These are:

- Certification Authority.
 - » Establish and maintain an agreement with this authority for testing and certification services.
 - » Participate in testing protocols for each release of software to confirm standards conformance and interoperability with the EFM Providers.
 - » Receive and publish certification of conformance and interoperability from the Certification Authority.
 - » Compensate the Certification Authority for services at contract rates.
- EFM Providers.
 - » Establish and maintain an agreement with all certified EFM Providers operating under this agreement.
 - » Establish and maintain a standards-conformant automated interface with all EFMs.
 - » Submit filings to all these EFMs.
 - » Receive information from the EFM about cases and filings.
 - » Collect EFM fees on behalf of the EFM provider at the master agreement rate.
 - » Submit daily ACH transfers of funds to the EFM.¹¹
 - » Submit statistical and accounting data to the EFM provider for use by EFM provider, Court, and JCC.

¹¹ If the EFM offers to facilitate payments for statutory court fees to the courts, this payment will include both court fees and EFM service fees. If not, this will include only EFM service fees.

- Filers.
 - » Establish and maintain an agreement with the filer.
 - » Provide facilities for a Filer to establish and maintain an identity and access credentials with the IAM Authority.
 - » Receive filings.
 - » Provide various services.
 - » Charge fees for payment processing, EFM services, and court fees at master agreement and published court rates.¹²
 - » Submit payment for court, EFM provider, and financial gateway fees.
- Financial Gateways.
 - » Establish and maintain an agreement with the Financial Gateway.¹³
 - » Establish and maintain a standards-conformant automated interface with the Financial Gateway.
 - » Forward cash remittances through the Financial Gateway to credit the accounts of the EFM and the Court.
- IAM Authority.
 - » Establish and maintain an agreement with the IAM Authority.
 - » Establish and maintain an identity and access credentials with the IAM Authority.
 - » Establish and maintain a standards-conformant automated interface with the IAM Authority.
 - » Confirm filer identity and authority to provide the appropriate access to e-filing services.

Automated Services

It is anticipated that EFSPs will provide a variety of automated services to filers. The suite of automated services is likely to vary from organization to organization. The minimum automated services to be provided by an EFSP are:

- Registration of filers with the IAM Authority.
- Filer identification and authorization, using the IAM Authority.
- E-filing assembly.
- Appropriate court fee collection.
- E-filing submission to the EFM.

¹² The payment processing fees charged to the filer may be no more than that charged by Financial Gateways under master agreement with the JCC.

¹³ The EFSP may contract with and employ one or more Financial Gateways. These may include those under master agreement with the JCC, as well as other entities.

- Service to opposing parties of documents filed into the court.
- Service to opposing parties of documents filed into the court.
- Court fees remittance to the credit of the appropriate court, EFM, and JCC.
- Submission of e-filing transaction and audit logs to the EFM.

This is the suite of services that the government/indigent filer EFSP will provide. However, the appropriate court fee for these filers is zero. Other EFSPs will collect court fees. In addition, other EFSPs may offer other automated services related to e-filing as they see fit.

3. EFM Provider

An EFM provider is a business entity that serves as the intermediary between a court and the various EFSPs certified for filing into the California courts. It provides facilities for the court to maintain and enforce its e-filing court policies. The EFM provider provides a facility for e-filing review by court staff, and provides an automated conduit for the submission of e-filings to the court's CMS and DMS. The EFM provider also provides the court an automated transaction and audit log of all filing and fee collection events.

Role

The EFSP provides automated facilities to collect and forward e-filings to the Court. The EFM provider engages with and accepts filings from all California Certified EFSPs. In the process, the EFM provider applies court e-filing policy and collects filing transaction details. It manages the correspondence regarding documents filed, filing accepted and rejected, and fees charged and collected between the EFSP and the Court.

In this role, the EFM provider enables the Court to establish and maintain e-filing policy in automated files that are used to validate e-filing transactions. The EFM provider also provides a facility that courts may choose to employ to review and accept or reject filings.

The EFM system supplies an automated interface to the Court's CMS and DMS. This interface transmits the filing in a manner that can be consumed by the CMS and DMS. When the filing into these systems has successfully completed, the EFM system forwards a notification to the EFSP solution. In the event of an error, the EFM system will relay that information.

The EFM will provide an accounting dashboard/reconciliation tool to aid Court Accounting staff with financial settlement reconciliation. The accounting dashboard will combine EFSP financial data and Court CMS financial data for use by the contracting Court. The dashboard will:

- Receive and store EFSP transactional financial data.
- Receive and store EFSP daily financial settlement data.
- Receive case and financial transactional data from CMS(s).

- Receive and store Court daily financial settlement data.
- Compare EFSP transactional and settlement data with Court CMS and settlement data.
- Provide staff the ability to mark and storing matches and discrepancies in tracking log.
- Generate reports for auditing purposes.
- Generate Excel output of reconciliation data for auditing purposes.
- Provide easy access to historical data.

Characteristics

- Quantity.
 - » It is anticipated that there will be at least two EFM providers operating under the JCC e-Filing Master agreement.
- Certification.
 - » The EFM provider will maintain certification for all releases of its application that is currently in operation.
- Courts Served.
 - » The EFM provider will manage filings into all courts engaged under the JCC e-Filing Master agreement.
- EFSPs.
 - » The EFM will manage filings from all EFSPs operating their application tested and approved by the Certification Authority.

Responsibilities

The EFM provider has several responsibilities involving its relationships with EFSPs, Courts, Financial Gateways, IAM authority, Certification Authority, and JCC. These are:

- EFSPs.
 - » Establish and maintain an agreement with all certified EFSPs operating under this agreement.
 - » Establish and maintain a standards-conformant automated interface with all EFSP solutions.
 - » Accept filings from all EFSP systems.
 - » Accept transaction, audit, statistical and accounting data for submission to the Court and JCC.
 - » Provide automated notification of e-filing results to the EFSP solution.
 - » Charge the EFSP fees as provided under the master agreement and published in court policy.
 - » Accept daily ACH transfers of funds from the EFSPs.

- If the EFM offers to facilitate ACH payments to the court, the EFM will:
 - Accept payments for statutory court fees and EFM service fees.
 - Submit daily ACH transfers of funds to the court for statutory court fees collected for filings.
- Otherwise the EFM will accept the ACH transfers for EFM service fees only.
- Courts.
 - » Establish and maintain an agreement with the Court in accord with the master agreement.
 - » Establish and maintain a standards-conformant automated interface with the Court and submit filings to the Court CMS and DMS.
 - » Provide a facility to establish and maintain court e-filing policy.
 - » Provide a facility to review, approve, and reject filings.
 - » Provide noticing and alerting of court events to filers.
 - » If the EFM offers to facilitate ACH payments to the court, the EFM will submit daily ACH transfers of funds to the court for statutory court fees collected for filings.
 - » Submit transaction, audit, statistical and accounting data to the Court.
 - » Provide a facility to account for and reconcile e-filing financial transactions.
- Certification Authority.
 - » Establish and maintain an agreement with this authority for testing and certification services.
 - » Participate in testing protocols for each release of software to confirm standards conformance and interoperability with the EFSP solutions.
 - » Receive and publish certification of conformance and interoperability from the Certification Authority.
 - » Compensate the Certification Authority for services at contract rates.
- IAM Authority.
 - » Establish and maintain an agreement with the IAM Authority.
 - » Establish and maintain identity and access credentials with the IAM Authority.
 - » Establish and maintain a standards-conformant automated interface with the IAM Authority.
 - » Confirm EFSP and court employee identity and authority in order to provide the appropriate access to e-filing management services.
- JCC.
 - » Establish a master agreement with the JCC for EFM services.
 - » Collaborate with JCC to design, establish, and maintain the e-filing architecture and standards to be employed under this agreement.

- » Submit transaction, audit, statistical and accounting data to the Court.
- » Provide service level performance reports to the JCC as specified under the master agreement.

Automated Services

It is anticipated that EFM providers will provide automated services to courts and EFSPs. The minimum automated services to be provided by an EFM provider are:

- Court policy maintenance.
- Court policy enforcement.
- E-filing acceptance.
- E-filing review.
- E-filing submission to court CMS and DMS.
- Relaying of the results of e-filing transaction.
- Aggregation and submission of transaction, audit, statistical and accounting data to the Court and JCC.
- Accounting and reconciliation of e-filing financial transactions.

4. Court

The Court will use e-filing to manage one of the key services it provides to litigants and attorneys. Courts will engage EFMs, an IAM, and Financial Gateways to automate the process of filing into the courts.

Role

The Court will establish and maintain a relationship with filers that may involve one or more cases. It will employ a CMS or other application to manage an ongoing relationship between the individual and the court. This relationship will vary, depending on the role of the individual in the case.

Under this ConOps, a court will engage one or more of the EFM providers to collect, manage, and forward filings to the Court. The Court will collaborate with the EFM Provider to establish interfaces to the Court's installation of CMS and DMS. The Court will leverage information from the EFM Provider about e-filing transactions and service level performance to manage the e-filing process.

The Court will employ the IAM to effectively verify the identities of filers and other agents interfacing with the court system, and manage their access to court services and records. The Court will also establish a financial relationship with the Financial Gateways to enable the Court to collect court fees that are due.

Characteristics

- Quantity.
 - » There are 58 Superior Courts in California that may employ the JCC e-Filing Master agreement.
 - » This is a voluntary program and it is likely that some courts will not participate.
 - » The largest of the Superior Courts is committed to employ this agreement.
 - » Dozens of courts are likely to participate.
- CMS/DMS diversity.
 - » Each of the courts operates a unique installation of a CMS and DMS.
 - » The vast majority of these courts employ a uniquely configured version of one of four CMSs.
 - » Any one court may employ one or many CMS/DMS installations.
 - » A handful of courts may employ other CMS applications.
- E-Filing Policy diversity.
 - » The courts will employ a standards-based expression of their e-filing policies.
 - » The policy specifics will vary from court to court.

Responsibilities

Each court will have specific responsibilities in this e-filing environment. These responsibilities involve their relationships with filers, EFM providers, financial gateways, and IAM authority. The responsibilities are:

- EFM Providers.
 - » Establish and maintain an agreement with all certified EFM providers operating under this agreement.
 - » Establish and maintain an automated interface between the EFM application and the Court's instance of the CMS.
 - » Maintain the performance and reliability of this interface.
 - » Establish and maintain e-filing court policy using the EFM provider's facilities.
 - » Employ (at the Court's option) the filing review facilities of the EFM provider.
 - » Ingest filings from the EFM into the courts CMS and DMS.
 - » Provide the EFM information concerning the result of this process (e.g., acceptance, rejection, conditions for completing the filing, successful completion of the filing).
 - » Accept statistical and accounting data from the EFM.
- Filers.
 - » Establish and maintain the Court's relationship with the filer.

- » Provide the filer facilities for:
 - The filer to establish and maintain an identity and access credentials with the IAM Authority.
 - Accessing information about the cases before that court in which they have involvement.
- Financial Gateways.
 - » Establish and maintain an agreement with the Financial Gateway.
 - » Establish and maintain a standards-conformant automated interface between the Financial Gateway and the Court’s financial institution.
 - » Receive cash remittances through the Court’s financial institution.
 - » Receive transaction and audit logs to enable reconciliation of remittances to court fees collected with each filing.
- IAM Authority.
 - » Establish and maintain an agreement with the IAM Authority.
 - » Establish and maintain filer and court staff identity and access credentials with the IAM Authority.
 - » Establish and maintain a standards-conformant automated interface between the IAM Authority and Court CMS/DMS.
 - » Confirm filer identity and authority in order to provide the appropriate access to e-filing services.

Automated Services

It is anticipated that courts will provide a basic set of automated services to filers and EFM providers. These are:

- Registration of filers with the IAM Authority.
- Maintenance of the relationship between the Court and filer on a case-by-case basis and with the Court in general.
- Access to information maintained in the CMS/DMS.

5. JCC

The members of the JCC will provide leadership in the implementation and ongoing operation of the proposed e-filing environment. The JCC has chartered a work stream through the Judicial Council Technology Committee and under ITAC, staffed by subject matter experts (SMEs) and managers of the superior courts who are donating their time to conceive and implement this new e-filing environment.

This group of professionals will support the effort in the near term. The administrative organization for the JCC will serve as a long-term administrative resource to facilitate

implementation of e-filing services, establish needed agreements and contracted facilities that enable the e-filing environment, and provide staff support to service.

Role

JCC will contract with the various service providers and establish the forum for establishing and maintaining an open e-filing environment. JCC will establish and maintain the e-filing master agreement. It will also establish and maintain the agreements for services provided by Financial Gateways, IAM, and the certification authority.

In addition, the JCC will establish a governance and issue resolution structure that is driven by the courts that are party to the master agreement. While the JCC provides administrative support, the courts will lead this organization. The governance and issue resolution organization will also engage the service providers involved in e-filing, including the EFSPs.

Characteristics

As noted above, the JCC will provide an administrative and contract structure to establish the e-filing environment. It will provide staff support to establish the needed master agreements or leverage purchase with service providers and provide administrative mechanisms to enable the execution of those contracts on a statewide basis. It will also serve as an ongoing support staff for the governance, ombudsman, and issue resolution groups that are materially comprised of court representatives.

This support organization is likely to be composed of:

- Program Manager (one).
- Business Analyst (one).
- Technical Analyst (one).

The duties and workload estimates for these positions are presented in APPENDIX A.

Responsibilities

In this role, the JCC has many responsibilities. These involve JCC's relationships with EFM providers, financial gateways, IAM authority, and Certification Authority. These responsibilities are:

- Certification Authority.
 - » Establish and maintain a master agreement with this authority for testing and certification services.
 - » Facilitate the initial refinement and ongoing evolution of the architecture and standards employed for e-filing.

- » Establish testing protocols to confirm standards conformance and interoperability with the EFM providers.
- » Compensate the Certification Authority for services in establishing these testing protocols.
- JCC.
 - » Establish and maintain a master agreement with EFM providers.
 - » Facilitate the initial refinement and ongoing evolution of the architecture and standards employed for e-filing.
 - » Facilitate onboarding of EFSPs, courts, and EFM providers.
 - » Receive statistical and accounting data from the EFM.
 - » Monitor EFM provider conformance to the master agreement.
- Financial Gateways.
 - » Establish and maintain a master agreement with the Financial Gateway.
 - » Facilitate the initial refinement and ongoing evolution of the architecture and standards employed for e-filing.
 - » Receive statistical and accounting data from the Financial Gateway.
 - » Monitor Financial Gateway conformance to the master agreement.
- IAM Authority.
 - » Establish and maintain a master agreement with the IAM Authority service provider.
 - » Facilitate the initial refinement and ongoing evolution of the architecture and standards employed for e-filing.
 - » Facilitate onboarding of EFSPs, courts, and EFM providers as they employ the IAM.

It is important to note that the JCC will have facilitation responsibilities in establishing the e-filing environment under this group of master agreements. While the e-filing work group will provide leadership and subject matter expertise, the JCC's administrative organization will provide staff support. JCC staff will:

- Administer the solicitation for master agreements with:
 - » EFMs.
 - » Financial Gateways.
 - » IAM.
 - » Certification authority.
- Facilitate collaboration between these entities, the courts, and the courts' CMS and DMS providers to create:
 - » E-filing architecture.

- » E-filing governance.
- » Ombudsman.
- » Issue resolution organization and processes.

Automated Services

The JCC will not provide automated services. It will administer service agreements for a select set of automated services. They are:

- IAM.
- Certification Authority.
- EFM Providers.
- Financial Gateways.

6. Certification Authority

The Certification Authority will help ensure that EFM providers and EFSPs provide their respective e-filing services in a manner that ensures interoperability and conformance to court policy. JCC will serve as an administrative resource to establish agreements and contracted facilities that enable the e-filing environment.

Role

The Certification Authority will test the conformance of EFM and EFSP applications introduced into the e-filing environment. The Certification Authority will establish an automated test facility employing an agreed-to instance of the current OASIS EFC standard used by the California courts. This testing infrastructure will leverage all currently certified EFSPs, EFM providers, IAM, master agreement financial gateways, and currently filed court policy files registered with all EFM providers. This testing and certification will be performed as an EFSP or EFM provider brings a new version of its application into the environment.

Characteristics

The Certification Authority is an independent organization with protocols and facilities for testing conformance of applications with respect to interoperability standards. This organization will operate under an agreement with the JCC at the direction of the courts that make up the e-filing governance structure.

Responsibilities

The Certification Authority has several responsibilities in this e-filing environment. These relate to its involvement with EFSPs, EFM providers, and the JCC. These are:

- JCC.

- » Establish and maintain a master agreement with the JCC for:
 - Establishing certification testing facilities and protocols that leverage the current OASIS ECF standard and align with the e-filing architecture and ConOps.
 - Providing testing and certification services to EFM providers and EFSPs.
- » Participate in JCC facilitated efforts (e-filing work stream) to:
 - Define and build the e-filing architecture and standards.
 - Establish testing protocols to confirm standards conformance and interoperability with the EFM providers and EFSPs.
- » Accept compensation from the JCC for services in establishing these testing protocols.
- EFM providers.
 - » Establish and maintain an agreement with EFM providers and EFSP for testing and certification services.
 - » Test releases of EFM software to confirm standards conformance and interoperability with the EFSP solutions using currently active court policy files.
 - » Test releases of EFSP software to confirm standards conformance and interoperability with the EFMs using currently active court policy files.
 - » Provide test results and, as appropriate, certification of conformance and interoperability from the EFMs/EFSP systems.
 - » Charge and collect compensation for services at contract rates.
- EFSPs.
 - » Establish and maintain an agreement with EFSP and EFM providers for testing and certification services.
 - » As requested by the EFSP, test releases of EFSP software to confirm standards conformance and interoperability with the EFMs using currently active court policy files.
 - » Provide test results and, as appropriate, certification of conformance and interoperability to the EFSPs.
 - » Charge and collect compensation for services at contract rates.

Automated Services

The Certification Authority will provide testing services in an automated manner.

7. Financial Gateway

The Financial Gateway will enable online payment of fees using credit cards.

Role

The Financial Gateway is an online service that enables EFSP solutions to accept credit cards for payment of fees. Each Financial Gateway will provide a service that can be called by the EFSP application to collect payment for the fees charged for EFSP services, EFM services, and court fees. The Financial Gateway (or related financial institution) receives instruction from the EFSP to credit the accounts of the court, the EFM provider, and the EFSP.

Characteristics

- Quantity.
 - » It is anticipated that there will be at least two Financial Gateways operating under the JCC Master agreement.
 - » In addition, EFSPs may employ other Financial Gateways of their choosing.
- Rates.
 - » The fees charged for payment processing are limited to the rate negotiated with the two Financial Gateways operating under the JCC Master agreement.

Responsibilities

In this role, the Financial Gateways have a handful of responsibilities to the JCC, EFM providers, EFSPs, and courts. These are:

- EFSPs.
 - » Establish and maintain an agreement with all certified EFSPs for payment processing.
 - » Establish and maintain a standards-conformant automated interface with all EFSPs.
 - » Accept filings from all these EFSP solutions.
 - » Charge the EFSP fees as provided under the master agreement.
- Courts.
 - » Credit the account of the Court for the total court fees collected (as directed by the EFSP).
- EFM.
 - » Credit the account of the EFM provider for the total EFM fees collected (as directed by the EFSP).
- JCC.
 - » Establish a master agreement with the JCC for EFM services.
 - » Collaborate with JCC to design, establish, and maintain the e-filing architecture and standards to be employed under this agreement.
 - » Submit transaction, audit, statistical and accounting data to the Court.

- » Provide service level performance reports to the JCC as specified under the master agreement.

Automated Services

It is anticipated that the Financial Gateway will provide only one service in this environment: online payment processing.

8. IAM Authority

The IAM authority will provide online identity and access management. This is a service that is called by applications in the e-filing environment to authenticate a user or process and specify the services that person or application is authorized to employ.

Role

The IAM Authority is a hosted service under contract with the JCC, and is provided for the benefit of the courts in the judicial branch. It provides a registry of e-filing users, court personnel, and approved EFSPs. It enables consistent authentication and authorization across the e-filing and other court applications. This service is employed by the applications operated by all entities in the e-filing environment to authenticate the actor in this environment that seeks services from any other application. The IAM will provide facilities for filers and other individuals using application in the e-filing environment to register and maintain their credentials on a self-serve basis.

Characteristics

- Quantity.
 - » There will be one or more IAM services in the e-filing environment. If more than one service is employed, these services will be federated.
- Courts served.
 - » The IAM will manage access into all courts engaged under the JCC e-Filing Master agreement.
- EFSP Solutions and EFMs.
 - » The IAM will be employed by all EFMs and EFSP solutions operating their application in this environment.
- Cost reimbursement model.
 - » The IAM will charge courts for the service on a subscription basis.

Responsibilities

In this role, the IAM provides some fundamental capabilities to other participants. These are:

- EFSPs.

- » Provide facilities that can be presented by EFSPs for filers to establish and maintain their credentials with the IAM.
- » Provide facilities for the EFSP to verify the identity of the Filer or other e-filing agent accessing EFPS services, records, and other resources.
- EFM Providers.
 - » Provide facilities for the EFSP to verify the identity of the Filer or other e-filing agent accessing EFPS services, records, and other resources.
- Courts.
 - » Establish and maintain an agreement with the courts to provide IAM services for all applications employed by the courts to serve all parties coming to the Court.
 - » Provide facilities that can be presented by EFSPs for filers to establish and maintain their credentials with the IAM.
 - » Provide facilities for the EFSP to verify the identity of the Filer or other e-filing agent accessing EFPS services, records, and other resources.
- JCC.
 - » Establish a master agreement with the JCC for IAM services.
 - » Collaborate with JCC to design, establish, and maintain the e-filing IAM architecture and standards to be employed under this agreement.
 - » Submit transaction, audit, statistical and accounting data to the JCC and the Court.

Automated Services

It is anticipated that IAMs will provide two automated services:

- Credential management.
- Identity and authorization management.

IV. Concept of Operations

IV. Operations

The California courts are seeking to create an operating environment to support efficient, lower-cost, and innovative e-filing into participating courts. The intended operations of this environment are described below. This considers the business model, procurement approach, financial model, and approach to change management.

A. Business Model

The business model for the e-filing environment considers aspects of both implementation and operations. It outlines the anticipated implementation plan, administration, and operational use cases.

1. Implementation Plan

The e-filing master agreement is being developed in one of several work streams undertaken by the JCC ITAC. These include initiatives to establish master agreements for important IT services and resources that are made available to California courts. Three work streams are critical to the implementation and operation of this e-filing environment.

- E-filing.
- IAM.
- Payment processing.

The e-filing work stream will need to implement architectural components of its own to establish this environment. These include:

- EFM provider master agreement and services.
- Certification authority contract and services.
- EFSP contracts and services.

The implementation will involve a number of steps. These are outlined in the Gantt chart in APPENDIX B.

2. Administrative Model

The e-filing environment will provide fully automated e-filing services linking filers to courts through a network of value-adding service providers. This environment will depend on ongoing, out of band processes that address administrative matters supporting automated operations. Major processes include:

- EFSP Onboarding

An EFSP will establish a relationship with one or more EFM provider to file into California Superior Courts. The tasks within this effort will include:

- » Obtain onboarding information: The JCC will have prepared information to support EFSPs as they successfully come on board the e-filing program.
- » Contact and register: EFSP may contact an EFM provider or the JCC to initiate the onboarding process and notify all interested parties of the EFSP's intent to participate in the program.
- » Engage with other services: The EFSPs must enter into standard agreements with other service providers in this environment:
 - EFM Providers: The EFSP will enter into the standard participation agreement with EFM providers to e-file into the courts supported by those EFM providers.
 - IAM: The EFSP will agree to the standard terms of the IAM and register staff and applications with this service.
 - Financial Gateway: If the EFSP intends to employ the JCC negotiated master agreement with Financial Gateways, it will register as an agent of the Superior Court of California and agree to terms under this agreement.
 - Certification Authority: The EFSP will enter into the standard participation agreement with the Certification Authority to test and certify its service's compliance.
- » Develop interfacing services in accord with the California e-filing architecture and standards.
- » Obtain certification.
- » Schedule go-live with the EFM providers, notifying the JCC and the Courts.
- » Go-live.

- EFSP Solution Certification

As noted above, each EFSP must obtain certification of compliance with the California e-filing architecture and standards as they come on board to the environment. To do so, they will:

- » Enter into the standard participation agreement with the Certification Authority.
- » Compensate the Certification Authority at the standard rates set forth in the Master Agreement with the JCC.
- » Work with the Certification Authority to establish connectivity and interoperability with the test harness used for certification.
- » Participate in the testing and certification process.

- » Obtain results and certification as appropriate.
- » Revise the EFSP application and re-test¹⁴ as needed to obtain certification.

- Court/EFM Provider Contracting and Onboarding

Each of the Superior Court organizations in the state may employ one or both EFM providers under the master agreement. The onboarding process includes the following steps:

- » Obtain onboarding information: The JCC will have prepared information to support courts as they successfully come on board the e-filing program.
- » Entering into a participation agreement between Court and EFM provider for CMS integration, court policy file maintenance, and EFM services.
- » Engage with other services: As with the EFSPs, courts will need to enter into standard agreements with service providers in this environment:
 - IAM: The Court will agree to the standard terms of the IAM and register staff and applications with this service.
 - Certification Authority: The Court will enter the standard court participation agreement with the Certification Authority to test and certify its CMS interface services' compliance.
- » Work with the EFM provider to develop interfacing services between the EFM provider and the Court's CMS, in accord with the California e-filing architecture and standards.
- » Develop court policy file.
- » Work with the Certification Authority to test compliance of the court policy file and the local implementation of the EFM.
- » Schedule go-live with the EFM provider, notifying the JCC.
- » Go live.

- Filer Onboarding

The details of filer onboarding are the primary domain of the EFSP. However, there are a limited number of steps that all filers must take:

- » Enter into an agreement with an EFSP.
- » Establish an identity with the IAM, through either the EFSP or one of the participating courts.

¹⁴ It is anticipated that retesting fees charged by the Certification Authority will be sufficient to cover the incremental cost of the effort and significantly lower than the certification fee.

- EFM Modifications, Upgrades, and Recertification

As described in the implementation plan presented above, each EFM provider will have achieved certification of its service's compliance with the California e-filing architecture and standards. However, it is anticipated that each EFM provider may upgrade or otherwise modify its application from time to time. In such an event, the following steps will be taken to implement the new application into production:

- » Develop the modifications to the existing application and court CMS interfaces.
- » Compensate the Certification Authority for testing and recertification services at the standard nominal rates¹⁵ set forth in the Master Agreement with the JCC.
- » Work with the Certification Authority to connect the modified EFM application to the test harness.
- » Conduct tests that consider interoperability with all currently certified EFSPs, EFM, and court policy files.
- » Obtain results and certification as appropriate.
- » Revise the EFSP application and re-test¹⁶ as needed to obtain certification.
- » Schedule go live.
- » Go live.

- EFSP Solution Upgrades and Recertification

Each EFSP will have achieved certification of its service's compliance with the California e-filing architecture and standards upon implementation. As with EFM providers, it is anticipated that each EFSP will upgrade or otherwise modify its application from time to time. When this occurs, the following steps will be taken to implement the new application into production:

- » Develop the modifications to the existing application.
- » Compensate the Certification Authority for testing and recertification services at the standard nominal rates¹⁷ set forth in the Master Agreement with the JCC.
- » Work with the Certification Authority to connect the modified EFSP service to the test harness.
- » Conduct tests that consider interoperability with all currently certified EFSP solutions, EFM, and court policy files.
- » Obtain results and certification as appropriate.

¹⁵ It is anticipated that recertification services will be provided at a standard rate to all EFM and that the recertification rate will be materially lower than the certification rate.

¹⁶ It is anticipated that retesting fees charged by the Certification Authority will be sufficient to cover the incremental cost of the effort and significantly lower than the recertification fee.

¹⁷ It is anticipated that recertification services will be provided at a standard rate to all EFSP and that the recertification rate will be materially lower than the certification rate.

- » Revise the EFSP application and re-test¹⁸ as needed to obtain certification.
- » Schedule go live.
- » Go live.

- Ombudsman/Issue Management

Given the number of interrelated entities involved in this e-filing environment, there are likely to be disputes between the participants from time to time. The JCC staff administering the program will administer a forum for dispute identification, documentation, discovery, and resolution. This program will be designed in the development of the e-filing architecture and initial implementations. It is anticipated that the dispute resolution process will include steps such as:

- » Register the issue for resolution with the JCC administrative staff.
- » Contact the parties involved in the dispute.
- » Collect data and documentation related to the dispute and make it available to all parties.
- » Perform additional research as needed (JCC e-Filing Program technical and business analyst).
- » Work with the parties to mediate the dispute.
- » Failing resolution through mediation, escalate the matter to the JCC e-Filing Program governance structure.

- Contract Monitoring

The JCC e-Filing Program staff will monitor performance of all contracted entities for compliance with the service level agreement (SLA). The specific metrics will be determined in contracting and architecture development. They are likely to include the following for:

- » EFSPs.
 - Filings.
 - Fees collected and remitted.
 - Reporting performance.
 - Timely processing (all services and functions).
 - Compliance with standards.
 - Disputes.
- » EFM Providers.
 - Court implementation performance.

¹⁸ It is anticipated that retesting fees charged by the Certification Authority will be sufficient to cover the incremental cost of the effort and significantly lower than the recertification fee.

- Service availability.
 - Filings.
 - Timely processing (all services and functions).
 - Reporting performance.
 - Compliance with standards.
 - Service level performance and penalties.
 - Disputes.
 - » Financial Gateways.
 - Transactions.
 - Fees collected and remitted.
 - Reporting performance.
 - Timely processing (all services and functions).
 - » Certification Authority.
 - Entities served.
 - Tests conducted.
 - Certifications provided.
 - Implementation success.
 - Service availability.
 - Compliance with standards.
 - Disputes.
- Service Level Performance and Penalties

Under the Master agreement, the EFM providers will commit to certain implementation and filing services and performance levels for any qualified court applying for services and entering into a participation agreement. These include but are not limited to:

 - » Responding to an application from a court for implementation and EFM services with a proposal in a specified time frame.
 - » Implementing EFM services within the proposed time frame.
 - » Maintaining EFM service availability and performance levels.

If the EFM providers fail to meet their contract commitments, the JCC will have provisions to collect a contractually specified portion of EFM fees until the service levels are met.
 - Termination

There is the possibility that an EFSP or EFM provider will halt the services that they provide under contract in this e-filing environment. The specific steps for termination will be determined in contracting and architecture development.

- Accounting and Reconciliation

As each EFSP processes a filing, the EFSP system must record and report each financial event in that process. This includes (but is not limited to) the collection of all fees from the filer for e-filing submission, successful filing, and payment processing. They will be required to record and report the transactions, financial amounts, and the dates and times of those transactions. The EFSPs will submit these reports daily to the EFM provider, which will forward them to the JCC and the courts they serve.

- Indigent Waiver

A filer seeking an indigent fee waiver will submit the request outside of the automated e-filing environment. When the fee waiver is granted, the filer will be given the IAM credentials to access the no fee EFSP solution.

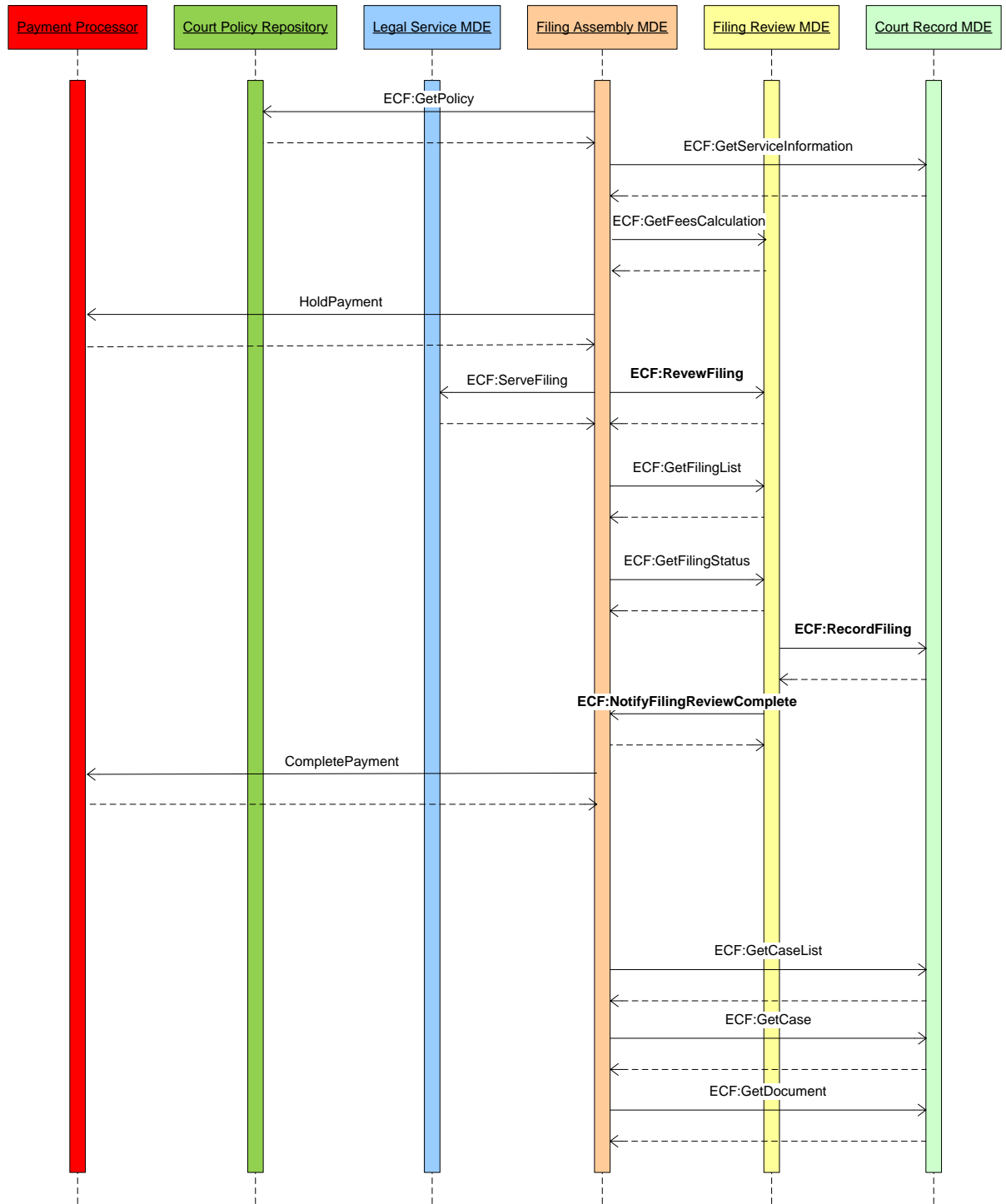
3. Operational Use Cases

E-filing operations will support a sequence of basic functions for a filer. These functions include:

- e-Filing.
- e-Service.
- e-Payment.

The sequence diagram in Figure 2 depicts the entities involved and the sequence of transactions in this process. The vertical lines represent the major design elements (MDEs). Most MDEs are defined in ECF 4.01. Court Policy Repository and Financial Gateway are defined in the technical architecture. The messages between MDEs, including (acknowledgements) are shown descending in sequential order. The messages with an “ECF” prefix are defined in the ECF standard. The other messages (HoldPayment, CompletePayment) will be defined by the California payment processing system.

Figure 2: E-Filing Sequence Diagram



B. Procurement Model

The approach that will be taken by courts engaging companies providing these e-filing-related services is based on the use of master agreements. For each of these services, a master agreement will be established between the JCC and the service provider. The agreement will

specify general terms and conditions, administrative terms related to the provision of the service, and specific terms and rates that would apply to all instances where the master agreement would be employed. Courts will leverage this agreement using participation agreements between the court and the solution provider. They will negotiate specific terms based on the specific needs of the court.

C. Financial Model

This new e-filing environment is being developed to provide economies, remove barriers to access, and provide incentives for service and innovation. One of the objectives of the planned e-filing environment is to deliver economies to filers. Another is to eliminate barriers to indigent filers, enabling them to employ e-filing free of charge. In addition, the government agencies supporting the justice system will not be charged for e-filing. Finally, the environment should economically encourage firms to provide valuable e-filing services and innovate as they do so.

Each of the entities will have a financial stake in this environment. The financial model seeks to estimate the financial impacts and implications of this new environment for all the participants.

1. Financial Assumptions

The baseline financial model is based on some general assumptions about the implementation, rollout, and steady-state operation of the new e-filing operation. These include the following.

Entities

As noted in a previous section, the environment will likely have a variety of entities becoming engaged at various times during the life of the program:

- A single administrative organization supported by the JCC will support implementation and operations.
- Approximately 50 superior court locations will employ the master agreement at full rollout.
 - » Rollout by court will be:
 - Three courts in year 1.
 - Los Angeles (30 percent of state case load) is included.
 - Implementation will be completed by the third quarter of the fiscal year.
 - Courts will complete implementation of e-filing by March and be in production for only 3 months.
 - Ten courts in year 2.

- Twelve courts in each of the following 3 years.
- » The percentage of fee-generating filings will grow:
 - Thirty percent in the first year.
 - Twenty percent in the second year.
 - Approximately 13 percent for each of the next 3 years.
 - To a total of 90 percent at full build out.
- Two EFM providers:
 - » They will both certify in year 1.
 - » They will produce upgrades annually.
- Twenty EFSPs:
 - » Twelve will come on board in year 1.
 - » Eight will be certified in year 2.
 - » They will produce upgrades annually.
- One Certification authority.
- Two Financial Gateways.
- One IAM provider.

Rates

The commercial participants in this environment will seek revenue for their services. Government entities will charge their mandated fees and seek cost recovery. The rates likely to be charged by these service providers are presented in Table 1.

Table 1 – Estimated Service Fees

Service Provider	Service	Rate	Basis
Payment Processor	Collect credit/debit card payments	2.75%	Percent of Transaction Amount
IAM	License for use of hosted identity and access management solution	\$ 0.01032	Stored Identity, Annually
IAM	License for use of hosted identity and access management solution	\$ 0.00280	Authentication
EFM	Filing	\$ 1.75	Per Qualified Filing
EFM	Court Onboarding Service	\$ -	Implementation
EFSP	Filing	\$ 3.00	Per Qualified Filing
JCC	e-Filing Program Administration	\$ 0.10	Per Qualified Filing
Certification Authority	Implement Certification Environment	\$ 100,000.00	Implementation
Certification Authority	Conduct EFM Initial Implementation Test with Certification	\$ 60,000.00	Test
Certification Authority	Conduct EFM Initial Implementation Retest with Certification	\$ 6,000.00	Test
Certification Authority	Conduct EFM Modification / Upgrade Test with Certification	\$ 12,000.00	Test
Certification Authority	Conduct EFM Modification / Upgrade Retest with Certification	\$ 2,000.00	Test
Certification Authority	Conduct Court Implementation Test with Certification	\$ 1,000.00	Test
Certification Authority	Conduct Court Implementation Retest with Certification	\$ 1,000.00	Test
Certification Authority	Conduct Court Policy Modification Test with Certification	\$ 500.00	Test
Certification Authority	Conduct Court Policy Modification Retest with Certification	\$ 500.00	Test
Certification Authority	Conduct EFSP Initial Implementation Test with Certification	\$ 40,000.00	Test
Certification Authority	Conduct EFSP Initial Implementation Retest with Certification	\$ 4,000.00	Test
Certification Authority	Conduct EFSP Modification / Upgrade Test with Certification	\$ 12,000.00	Test
Certification Authority	Conduct EFSP Modification / Upgrade Retest with Certification	\$ 2,000.00	Test

Filings and Associated Court Fees

To provide context to the economics of the e-filing environment, it is useful to understand the dollar volume of the court fees involved in e-filing. This is also useful in estimating the payment processing fees likely to be charged.

The number of cases filed and number of filings per case are presented in Table 2. This table presents a very simplified abstraction of the California uniform statewide fees. For rough estimation, three types of filings and three fees are shown, based on case type. These average rates are rough estimates.

Table 2 – Simplified Court Fee Schedule for Estimation Purposes

Service Provider	Civil Unlimited	Civil Limited	Small Claims	Probate	Mental Health	Family
Initial Filing	\$ 435.00	\$ 305.00	\$ 181.00	\$ 435.00	\$ 435.00	\$ 435.00
Answer	\$ 435.00	\$ 305.00	\$ 181.00	\$ 435.00	\$ 435.00	\$ 435.00
Motions/Other Filings	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00

Table 3 presents a number of the key assumptions about filings that impact the economic viability and impact of the e-filing environment. The table presents the results of study of case filing trends conducted by Orange County Superior Court, estimating the average number of filings per case, by case type. The table also shows estimates of the average life span of cases, the average number of filings per case per year, and percentage of filings subject to the indigent waiver.

Table 3 – Key Assumptions by Case Type

Key Assumptions	Civil Unlimited	Civil Limited	Small Claims	Probate	Mental Health	Family
Indigent Waiver	10%	20%	20%	10%	20%	20%
Life Span (Years)	5.00	1.50	1.00	1.00	20.00	1.50
Average Number of Filings	22.16	10.36	3.66	33.41	59.74	5.18
Filings per Year	4.43	6.91	3.66	33.41	2.99	3.45

Table 4 leverages these measures along with Judicial Branch Statistical Information System (JBSIS) data to estimate annual filing rates. This analysis considers the number of filings in the life of a case and the life span (by case type) to estimate filings by year. This analysis assumes that case load is generally in a steady state: cases are initiated at a rate that is similar to the rate at which they are closed. The assumed rate of indigent filing by case type is used to estimate the number of filings that are likely to be subject to fees. In addition, the average rate of new case filings is drawn from JBSIS reports from 2010 through 2014.

Table 4 – Filing Rates

Key Assumptions	Civil Unlimited	Civil Limited	Small Claims	Probate	Mental Health	Family
New Case Filings - 5 Year Average (JBSIS 2010-2014)	208,287	610,288	182,741	41,990	23,148	415,440
Estimated Average Filings/Year	4,615,619	6,323,653	669,216	1,402,760	1,382,953	2,152,344
Indigent Waiver Filings	461,562	1,264,731	133,843	140,276	276,591	430,469
Net - Fee Generating Filings	4,154,057	5,058,922	535,373	1,262,484	1,106,363	1,721,875

Finally, Table 5 estimates the court fees generated from filings at full build-out. The table uses the simplified and abstracted fee structure from Table 2 and applies this to the filing rates of Table 4. Table 5 analysis assumes that:

- Full build-out is only 90 percent of all filings.
- Each case involves one initial filing and one answer.

Table 5 – Estimated Court Fees

	Civil Unlimited	Civil Limited	Small Claims	Probate	Mental Health	Family
Average Total Annual Transactions						
Initial (90% of Init. Filings)	187,458	549,259	164,467	37,791	20,833	373,896
Answer (90% of Init. Filings)	187,458	549,259	164,467	37,791	20,833	373,896
Motions/Other (Fee Generating Filings - Initial/Answer amounts above)	3,779,141	3,960,404	206,439	1,186,902	1,064,696	974,083
Est. Court Fee Transactions Total						
- Initial	\$ 81,544,361	\$ 167,524,001	\$ 29,768,541	\$ 16,438,928	\$ 9,062,520	\$ 162,644,760
- Answer	\$ 81,544,361	\$ 167,524,001	\$ 29,768,541	\$ 16,438,928	\$ 9,062,520	\$ 162,644,760
- Motions/Other	\$ 75,582,811	\$ 79,208,084	\$ 4,128,776	\$ 23,738,046	\$ 21,293,916	\$ 19,481,661
Total Court Fee Revenue by Case Type	\$238,671,532	\$ 414,256,087	\$ 63,665,859	\$ 56,615,902	\$ 39,418,957	\$ 344,771,181
					Total Court Fees	\$ 1,157,399,518

This provides context to the scale and cost of the e-filing environment. It also is useful in estimating the impact of payment processing fees for e-filing.

2. EFM Provider Fees

It is anticipated that the EFM providers will receive compensation from filing fees. These fees will be collected from filers by EFSPs and passed through to the EFM provider. EFM providers will not be directly compensated for architecture and standard development collaboration, certification expenses, the free EFSP solution, and EFSP onboarding. These costs would be factored into the e-filing fees.

Table 6 summarizes the anticipated fee revenue accruing to the EFM providers. It is based on the rollout schedule assumed above.

Table 6 – Estimated EFM Provider Revenues

Service	Transaction	Fee	Fiscal Year 1 Transactions (Total)	Fiscal Year 2 Transactions (Total)	Rollout Years (3) (Additional Amounts)	Full Build-out (Total)
Filing	Per Qualified Filing	\$ 1.75	\$ 1,816,378	\$ 12,109,189	\$ 3,229,117	\$ 21,796,541
Court Onboarding Service	Implementation	\$ -	\$ -	\$ -	\$ -	\$ -

3. EFSP Fees

It is anticipated that the EFSPs will receive compensation from filing fees. They will not be directly compensated for architecture and standard development collaboration, certification expenses, and EFSP onboarding. These costs would be factored into the e-filing fees charged to filers.

Table 7 summarizes the anticipated fee revenue accruing to the EFM providers.

Table 7 – Estimated EFSP Revenues

Transaction	Fee	Fiscal Year 1 Transactions (Total)	Fiscal Year 2 Transactions (Total)	Rollout Years (3) (Additional Amounts)	Full Build-out (Total)
Per Qualified Filing	\$ 3.00	\$ 3,113,792	\$ 20,758,610	\$ 5,535,629	\$ 37,365,499

This table is based on the rollout schedule assumed above and the use of a transaction fee-based pricing structure. EFSPs will be free to establish whatever fee structure they wish, as long as they are able to meet their financial obligations under the e-filing master agreements. They may offer services on a per-case basis, as a periodic subscription, or under some other framework.

4. JCC

JCC will charge a nominal cost recovery fee of \$0.10 per transaction. Table 8 presents the anticipated revenue from this fee.

Table 8 – Estimated JCC Program Fee Revenues

Service	Transaction	Fee	Fiscal Year 1 Transactions (Total)	Fiscal Year 2 Transactions (Total)	Rollout Years (3) (Additional Amounts)	Full Build-out (Total)
JCC Program Fee	Per Qualified Filing	\$ 0.10	\$ 103,793	\$ 691,954	\$ 184,521	\$ 1,245,517

The table shows the likely total fees in the first 2 fiscal years. It also presents the average additional revenue generated in each of the build-out years after that, until full build-out. Finally, the table projects what the revenue would be at full build-out. Since this total revenue is much more than the anticipated program costs, the transaction fee is likely to be revised downward as the e-filing environment builds out and realizes economies of scale.

5. Certification Authority

The certification authority is performing services for the JCC, EFM Providers, EFSPs, and Courts to ensure that the applications and policy files implemented in the e-filing environment conform to standard. This entity will be asked to:

- Create a California-specific certification environment.
- Provide certification testing and (as needed) retesting for the initial EFM implementations.
- Provide certification testing and (as needed) retesting for the likely upgraded EFM implementations.
- Provide certification testing and (as needed) retesting for the initial implementation of e-filing for a court, using the court’s policy file.
- Provide certification testing and (as needed) retesting for any updates to initial implementation of e-filing for a court, using the court’s policy file.
- Provide certification testing and (as needed) retesting for the initial implementation of an EFSP solution.
- Provide certification testing and (as needed) retesting for any updates to initial implementation of an EFSP solution.

This service has not been established and operated before. However, the certification process has been used in Indiana for statewide e-filing. Based on the experience in Indiana and the requirements for certification in California, fees have been estimated, and the likely revenues are presented in Table 9.

Table 9 – Estimated Certification Authority Fee Revenues

Service	Transaction	Fee	Year 1 Transactions (Total)	Year 2 Transactions (Total)	Rollout Years (3) (Additional Amounts)
Implement Certification Environment	Implementation	\$ 100,000	\$ 100,000	\$ -	\$ -
Conduct EFM Initial Implementation Test with Certification	Test	\$ 60,000	\$ 120,000	\$ -	\$ -
Conduct EFM Initial Implementation Retest with Certification	Test	\$ 6,000	\$ 12,000	\$ -	\$ -
Conduct EFM Modification / Upgrade Test with Certification	Test	\$ 12,000	\$ -	\$ 24,000	\$ 24,000
Conduct EFM Modification / Upgrade Retest with Certification	Test	\$ 2,000	\$ -	\$ 2,000	\$ 2,000
Conduct Court Implementation Test with Certification	Test	\$ 1,000	\$ 3,000	\$ 10,000	\$ 12,000
Conduct Court Implementation Retest with Certification	Test	\$ 1,000	\$ 3,000	\$ 5,000	\$ 3,000
Conduct Court Policy Modification Test with Certification	Test	\$ 500	\$ -	\$ -	\$ 6,000
Conduct Court Policy Modification Retest with Certification	Test	\$ 500	\$ -	\$ -	\$ 1,500
Conduct EFSP Initial Implementation Test with Certification	Test	\$ 40,000	\$ 480,000	\$ 320,000	\$ -
Conduct EFSP Initial Implementation Retest with Certification	Test	\$ 4,000	\$ 48,000	\$ 32,000	\$ -
Conduct EFSP Modification / Upgrade Test with Certification	Test	\$ 12,000	\$ -	\$ -	\$ 240,000
Conduct EFSP Modification / Upgrade Retest with Certification	Test	\$ 2,000	\$ -	\$ -	\$ 10,000
Total			\$ 766,000	\$ 393,000	\$ 298,500

6. IAM Provider

It is anticipated that the IAM provider will offer a cloud-based service. The anticipated fee structure is:

- A small annual fee per stored identity (estimated at \$0.01032).
- A small transaction fee each time that identity is verified (estimated at \$0.0028).

Total fees are driven by the number of users and the frequency with which they log in to access services. The user count estimates are based on the estimated adoption rates. They assume that users, on average, log in once every work week. It is understood that a small number of users will employ this service several times per day. Most self-represented litigants (a very large portion of the user community) will seldom employ this service.

The likely fees are estimated in Table 10. These fees will be paid by the JCC and recovered through the JCC program fee.

Table 10 – Estimated IAM Fee Revenues

Service	Transaction	Fee	Fiscal Year 1 Transactions (Total)	Fiscal Year 2 Transactions (Total)	Rollout Years (3) (Additional Amounts)	Full Build-out (Total)
Maintenance of stored identity	Stored Identity, Annually	\$ 0.01032	\$ 3,469	\$ 23,127	\$ 6,167	\$ 41,629
Authentication of individual	Authentication	\$ 0.00280	\$ 47,061	\$ 313,740	\$ 83,664	\$ 564,732

7. Financial Gateway

The Financial Gateway fees will be based on the amounts of court and filing fees as well as the processing fee rate. Financial Gateways are constrained to charge no more than the rate negotiated under its payment processing master agreement. This is estimated at 3 percent of the transaction amount. For context, these fees are calculated and presented in Table 11.

Table 11 – Estimated Financial Gateway Fee Revenues

Service	Transaction	Fee	Fiscal Year 1 Transactions (Total)	Fiscal Year 2 Transactions (Total)	Rollout Years (3) (Additional Amounts)	Full Build-out (Total)
Payment Processing	Percent of Transaction Amount	2.75%	\$ 86,804,964	\$ 578,699,759	\$ 154,319,936	\$ 1,041,659,566

D. Change Management

Change and evolution are anticipated in this new e-filing environment. As noted above, courts will change e-filing policy over time, EFM and EFSP applications will evolve, standards will evolve, and the master and participation agreements will likely be amended. These changes

will be managed to avoid disruption of service to filer and courts. Change management operations include the following.

1. Court Policy

It is anticipated that courts may modify their e-filing court policies from time to time. The EFM provider will provide a facility for courts to update their policy file. This will enable courts to:

- Make modifications to e-filing policy.
- Test those modifications for compatibility with standards and architecture.
- Stage those modifications for immediate or future implementation.
- Retain a record of court policies and changes over time.
- Roll back to a previous court policy as needed.

Before a new court policy file is implemented, it will be tested for conformance to standards and architecture to ensure interoperability with the EFM and all EFSP solutions. The EFM provider will coordinate this testing with the Certification Authority, on behalf of the Court.

2. Applications

EFM and EFSP applications are likely to be updated often. It is anticipated that each application will be upgraded annually. Before a new or upgraded application is introduced into the e-filing environment, it will be tested and certified. The application providers will work with the Certification Authority to conduct these tests. The Certification Authority will maintain a test environment and protocol that reflects the current production e-filing environment, applications, court policies, architecture, and standards.

3. Standards

It is anticipated that the e-filing standards will be refined over time. This process will be facilitated by the JCC and involve the courts, EFM providers, EFSPs, and Certification Authority. The standards change management process will provide for:

- The introduction, analysis, and vetting of proposed modifications to the standards.
- Staging of the implementation of new or revised standards.
- Development and certification of e-filing and CMS applications employing these new standards.
- Deprecation of old standards and phasing out the use of those standards over a reasonable time frame.

The JCC and the e-filing community will work together to implement this change management protocol.

4. Participation Agreements

Participation agreements will be developed under the terms of master agreements with the JCC. These master agreements will set forth the terms by which participation agreements may be modified, extended, and terminated. It is anticipated that courts will establish these agreements with one or more EFM providers. These will be established on a court-by-court basis as e-filing is adopted throughout the state.

5. Master Agreements

The terms and conditions of each master agreement will set forth how the parties may modify, extend, or terminate the agreement. It is anticipated that the Master agreements will have a limited term and will have provisions for renewal and revision over time.

Appendix A

JCC e-Filing Program Staff Workload Analysis

**WORKLOAD ANALYSIS WORKSHEET - NEW POSITIONS
BUDGET CHANGE PROPOSAL
FISCAL YEAR 2016-2017**

Office/Court:		Information Technology					
Unit		???					
BCP Number/Title:		E-Filing					
Class Code/Title		Technical Analyst					
		Task Quantity	Number of Hrs. for Each Task (or % of Hour)	Per Year/Month/Week/Day	Annual Hours	Percentage of Total	
Activity Name: Develop and Maintain Technical Architecture							
Task Description:(list below)							
1	Develop architecture management process.	1	40.00	Year	40		
2	Design e-Filing Transactions.	1	80.00	Year	80		
3	Design IAM Processing.	1	20.00	Year	20		
4	Design Payment Processing.	1	20.00	Year	20		
5	Identify JCC / Court Provided IP.	1	40.00	Year	40		
6	Manage SME participation.	1	8.00	Month	96		
7	Conduct Design Sessions.	1	8.00	Month			
8	Document and Maintain Standards.	1	16.00	Month			
9	Facilitate architecture change management.	1	16.00	Month	192		
Total Annual Hours:					296	12%	
Activity Name: Establish and Maintain Ancillary Services							
Task Description:(list below)							
1	Maintain and manage IAM minimum configuration required for e-filing.	4	2.00	Month	96		
2	Configure IAM Service for e-Filing Courts.	2	12.00	Month	288		
3	Assist payment processing integration.	2	8.00	Month	192		
4			0.00	Month	0		
5		0	0.00	Month	0		
6		0	0.00	Month	0		
Total Annual Hours:					576	24%	
Activity Name: Technical Certification Ombudsman							
Task Description:(list below)							
1	Define technical certification protocols.	1	80.00	Year	80		
2	Facilitate construction and configuration of certification infrastructure.	1	80.00	Year	80		
3	Facilitate certification process, resolving errors and technical conflicts.	2	16.00	Month	384		
4	Conduct technical research and troubleshooting to resolve disputes and error conditions in certification and e-filing operations.	2	4.00	Month	96		
5		0	0.00	Month	0		
6		0	0.00	Month	0		
7		0	0.00	Month	0		
8		0	0.00	Month	0		
Total Annual Hours:					640	26%	
Activity Name: EFM and EFSP Transition Assistance							
Task Description:(list below)							
1	Provide technical subject matter expertise to support EFM implementation with courts.	2	80.00	Year	160		
2	Provide technical subject matter expertise to support EFSP implementation with EFM.	2	16.00	Month	384		
3	Conduct technical research to support EFM and EFSP implementation and exit.	2	4.00	Month	96		
4	Provide technical subject matter expertise to support exit by EFSP, EFM, or court.	1	24.00	Year	24		
5		0	0.00	Month	0		
6		0	0.00	Month	0		
7		0	0.00	Month	0		
Total Annual Hours:					664	27%	
Activity Name: Technical Contract Monitoring							
Task Description:(list below)							
1	Monitor system performance against SLAs for all e-filing and CMS applications.	1	8.00	Month	96		
2	Work with service providers to identify and resolve compliance issues and ensure SLAs are being met.	4	16.00	Year	64		
3	Monitor and audit security of service provider operations on a regular basis.	1	8.00	Month	96		
4				Month	0		
5				Month	0		
6				Month	0		
7				Month	0		
Total Annual Hours:					256	11%	
Grand Total Annual Hours :*					2,432	100%	
Full Time Equivalents Required to Complete:					1.4		
Currently Authorized Positions:					0.0		
Additional Positions Needed:					1.4		
Number of Positions Being Requested					1.0		

* Note: One full-time position = 1,778 hours - Percentage must equal 100% for positions.

Appendix B

Implementation Plan and Schedule

ID	WBS	Task Name	3rd Quarter		4th Quarter		1st Quarter		2nd Quarter		3rd Quarter		4th Quarter		1st Quarter		2nd Quarter		3rd Quarter		4th Quarter								
			Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
1	1	Phase 1 – Gather Data																											
10	2	Phase 2 – Document E-Filing Operating Architecture																											
21	3	Phase 3 – Draft RFP and Related Tools																											
35	4	Phase 4 – Facilitate Collection, Evaluation, and Selection of EFM Proposals																											
43	5	Phase 5 – Negotiate EFM Contract																											
49	6	Phase 6 - Develop E-Filing Operating Architecture																											
50	6.1	Establish E-Filing Governance Structure																											
51	6.2	Establish E-Filing Program Office																											
52	6.2.1	Hire Program Staff																											
53	6.2.1.1	Hire Program Manager																											
54	6.2.1.2	Hire Business Analyst																											
55	6.2.1.3	Hire Technical Analyst																											
56	6.3	Refine Technical Architecture																											
57	6.3.1	Design e-Filing Transactions																											
58	6.3.2	Design IAM Processing																											
59	6.3.3	Design Payment Processing																											
60	6.3.4	Identify JCC / Court Provided IP																											
61	6.3.4.1	Payment Processing APIs																											
62	6.3.4.2	Reconciliation Utility																											
63	6.4	Jointly Define Standards																											
64	6.4.1	Invite Stakeholders																											
65	6.4.1.1	CMS Providers																											
66	6.4.1.2	EFMs																											

