

File & Serve *Xpress*™



SENATE UNIFIED COURT TECHNOLOGY STUDY
COMMITTEE MEETING - *SENATE RESOLUTION 986*

Considerations for Statewide e-Filing Programs

October 24, 2014

Agenda

- National Judicial & Legal Expertise
- Why Mandating is A Critical Success Factor
- Equal Access to Justice: Uniform & Competitive
- Communication, Training & Support
- Funding Options
- Lessons Learned & Road Tested Recommendations



TAMMY CARTER

VP, Government & Legal Services

- Founder of CaseFileXpress
- 25+ years professional consulting
- 13+ years legal & judicial industry

BACKGROUND

- 2001: Assisted with the development of a Texas statewide e-Filing system
- 2002: Founded CaseFileXpress - First Approved Electronic Filing Service Provider for the state of Texas
- 2011: Asked to speak before the Texas Supreme Court regarding statewide mandate
- 2012: File & ServeXpress was formed through an acquisition of two of the pioneers of e-Filing and electronic service – CaseFileXpress and File & Serve
- Frequent writer and presenter on the topics of legal e-Filing, court implementation and law firm automation.
- Has trained thousands of attorneys, paralegals and court personnel in the use and benefits of e-Filing.

File & Serve *Xpress*™



500+

JURISDICTIONS NATIONWIDE



45 Million

DOCUMENTS PER YEAR



165,000

REGISTERED USERS



19,000 Users in Georgia



Used by the Largest **100** Law Firms in US

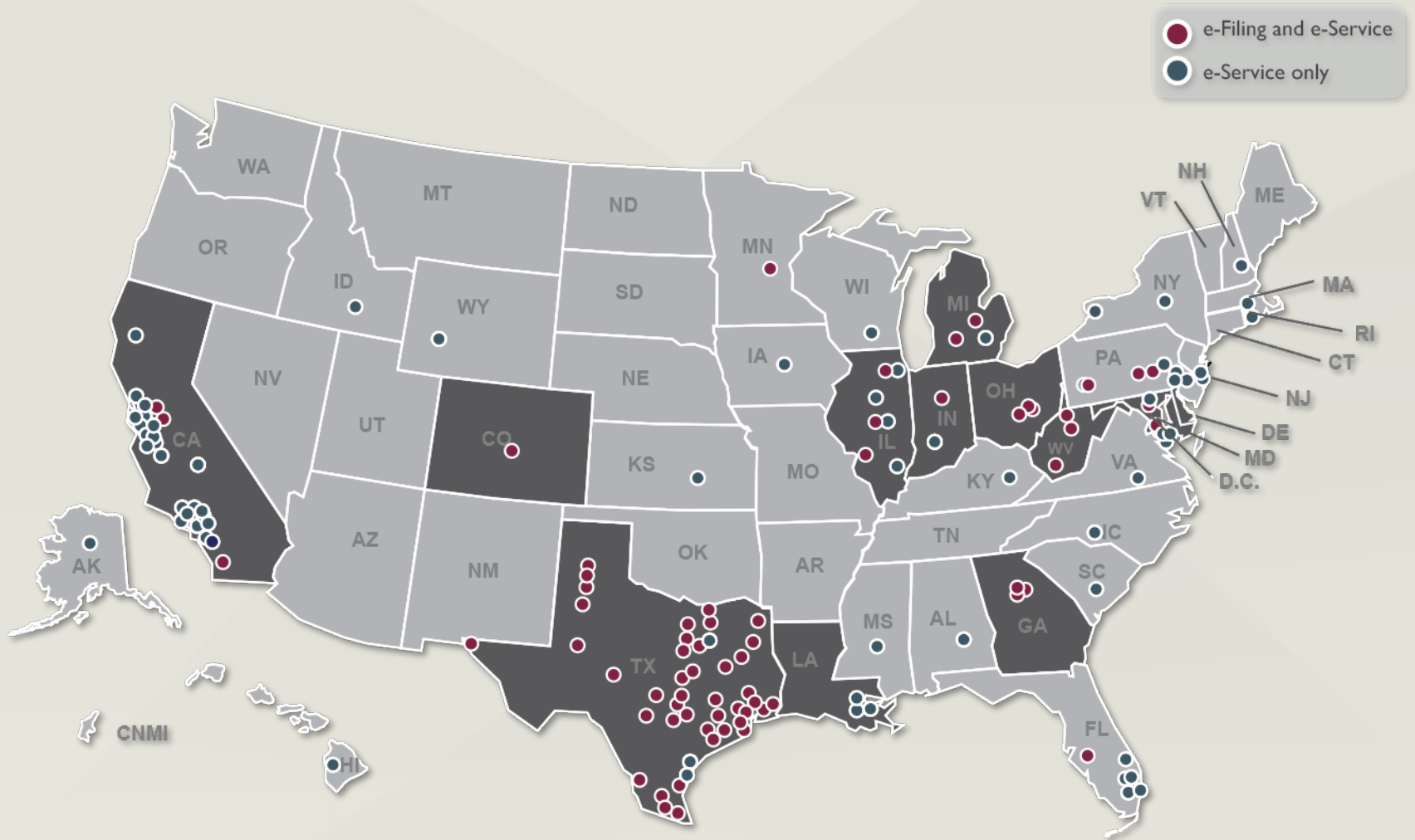


23+ Years in e-Filing & e-Service Industry

Support Numerous Courts & Government Agencies

Nationwide Experience

KEY INITIATIVES ACROSS MULTIPLE STATES & JURISDICTIONS

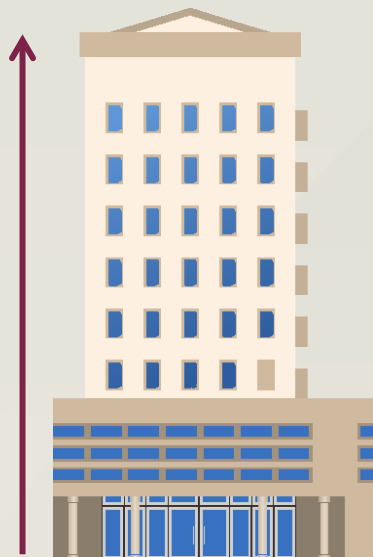


“To be honest, I don’t know how we ever lived without electronic filing before, There is just no way to accurately quantify the list of benefits that our court system has realized from File & Serve. It has been overwhelmingly beneficial to every single member of the court system here in Delaware.”

*- Retired Chancellor Chandler,
Delaware Chancery Court*

Fulton County e-Filing Statistics

Court	Cases	Documents	Pages
State Court	24,848	1,536,313	12,817,558
Superior Court	1,104	208,489	3,050,509
Total Courts	25,952	1,744,802	15,868,067



528 stories

(e-File and e-Service pages)

More than 4x's the height of the Bank of America building in midtown Atlanta



1904+ trees saved

(totaling almost 3 acres of forest)

FSX Experience in e-Filing Models

SINGLE PROVIDER

Sole Provider for e-Filing Services

Delaware	Sangamon County
Washington DC	Baltimore City
Madison County	Prince George's County
Marion County	Fulton County
State of Colorado	San Diego
Denver County	Kanawha County
	Cuyahoga County

HYBRID

Combination of Sole Provider and Competitive Models

State of Texas (2014)

COMPETITIVE

Multiple e-Filing Service Providers

San Francisco

Orange County

Contra Costa County

Sate of Texas (2003-2013)

“ With File & ServeXpress, I just upload a file to the court, hit a button and the document is instantly transmitted to everyone. The time-savings are substantial for all parties involved. ”

*–Lee W. Davis - Attorney,
Goldberg, Persky & White P.C.*

99.9%

AVAILABILITY & UPTIME



Why Mandating is a Critical Success Factor

Voluntary Challenges

VOLUNTARY = Slow Adoption Rate

- ✓ Heavy Adoption lags: Ex: TX 20% of state filings for 10 years
- ✓ Courts are slow to realize cost savings
- ✓ State revenue does not reach potential

VOLUNTARY = Duality of Systems and Costs

- ✓ Efficiencies are not gained - Must maintain dual systems -manual and automated Productivity savings are not realized - Still paying for storage and labor associated with paper processing

VOLUNTARY = Low Incentive for Provider Participation

- ✓ Limited revenue streams and reduced market size less attractive

VOLUNTARY = Confusion

- ✓ Multiple options, processes, and procedures lead to confusion for Courts and legal community

Mandate Advantages

- ✓ **Economies of Scale**
 - ✓ Decrease costs and increase productivity
 - ✓ Gain efficiencies in processing
 - ✓ Gain consistency, and standardization
 - ✓ Volume is essential to meet funding requirements

- ✓ **Uniformity**
 - ✓ Uniform rules further filer adoption; ease confusion; and assist the clerk in streamlining processes
 - ✓ Counties will develop their own solutions if the state system does not provide necessary functionality or is not available when needed

- ✓ **Access to Justice**
 - ✓ Equal access to justice
 - ✓ Consistent rules and processes across jurisdictions

Equal Access to Justice: Competitive & Uniform

Serving All Filers



Judges, Clerks,
Court Staff



Legal Aid
Organizations



Self-Represented
Litigants



Attorneys
Prosecutors
Public Defenders



Court Reporters
Sheriff's Office



Proven Track Record of Success with Benefits to All Parties

For the Courts

- ✓ 24/7 Specialized Support
- ✓ Custom modules for judicial and clerk review workflows
- ✓ Effective Fee Collection Solutions
- ✓ Instant web-based access to case files and from CMS/DMS
- ✓ Flexible Integration and phased implementation options
- ✓ Meets the needs of the Legal Community, including Public Access and Self-represented parties

For the Legal Community

- ✓ 24/7 Specialized Support
- ✓ Flexible billing and payment options
- ✓ Increased real-time access to files by all staff
- ✓ Long term storage solution
- ✓ Built-in electronic service solutions
- ✓ Verifiable proof of delivery
- ✓ Economic savings compared to paper-based process

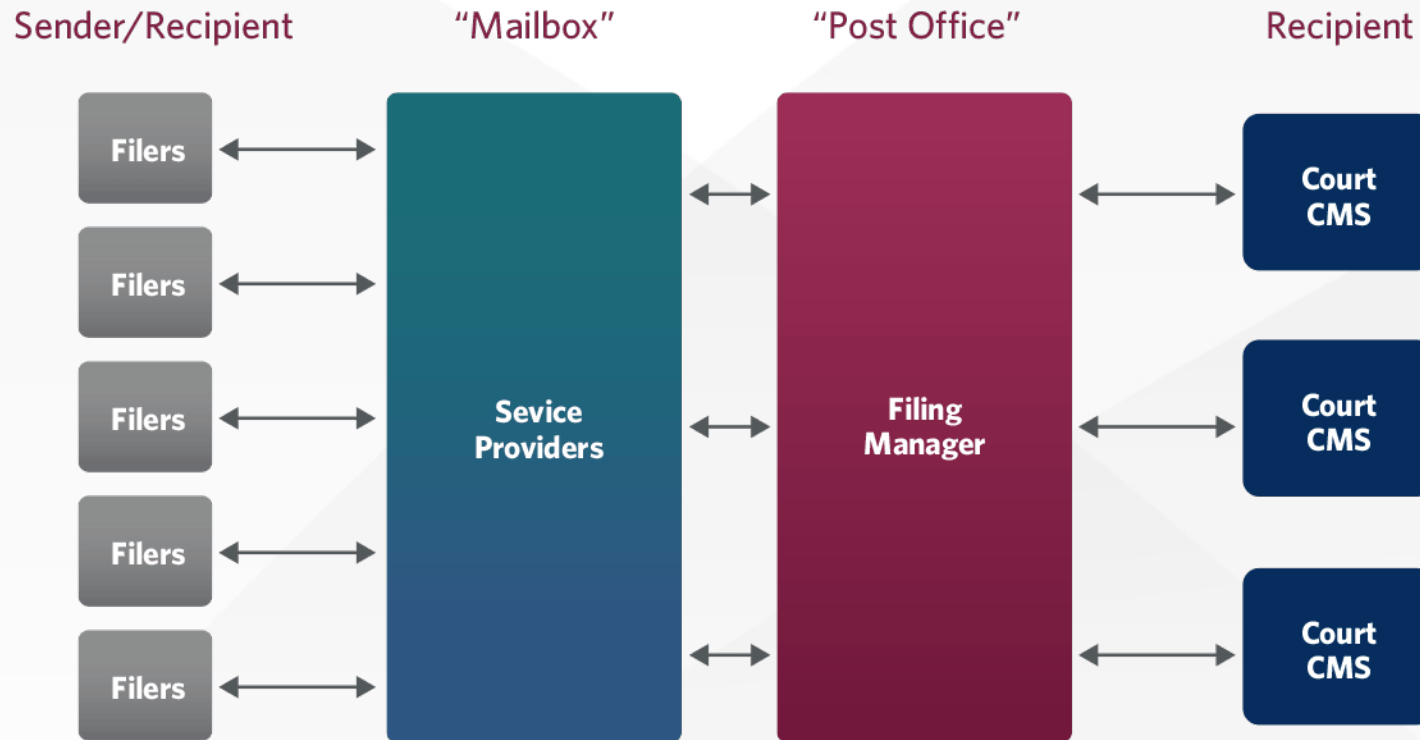
For the Public

- ✓ 24/7 Specialized Support
- ✓ Web-based access to e-Filed documents
- ✓ Easy to use interface
- ✓ Out-of-the-box public access terminal solutions for filing new documents
- ✓ Reduces errors with streamlined process
- ✓ Fee waivers for indigent users
- ✓ E-Service to self-represented parties via U.S. mail or fax delivery
- ✓ Built-in online help tutorials and manuals

“DC Superior Court does not have the resources to operate a 24x7 help desk.”

-Judge Brook Hedge,
The Superior Court of the District of Columbia

Competitive Model



The Filing Manager acts as the Mail Box and the Post Office providing a common set of services and consistent connectivity between all the stakeholders.

Uniform & Competitive Advantages

✓ Courts

- ✓ Supports statewide e-Filing mandate
- ✓ Gives options & choice to the filing community
- ✓ Shared burden of costs
- ✓ Ensures consistency across jurisdictions

✓ Agnostic Post Office

- ✓ Standardized point of data entry/exit
- ✓ No financial conflict of interest
- ✓ Guarantees Timely Funds Transfers
- ✓ Held to Court & Provider SLAs

Uniform & Competitive Advantages

✓ Multiple Service Providers

- ✓ Adherence to state standards
- ✓ Competition drives innovation
- ✓ Availability of pricing plans and service options
- ✓ Awareness, training & support on a statewide scale
- ✓ No single point of failure
- ✓ Creates opportunities for State-based and local businesses

✓ Filers

- ✓ One system to file in all counties
- ✓ Have a choice in their e-Filing provider reduces push back
 - ✓ Select pricing plans that work for them
 - ✓ Choose the functionality that fits their needs
 - ✓ Works in their environment: Mac/PC
- ✓ More options for training & support from providers
- ✓ Equal access to justice

Communication, Training & Support

Training & Education

- On-boarding Program
- Quick Start Kit
- Quick Guide Manuals
- Online Demos and Online Training Program
- Lunch & Learn Series
- Monthly and On-Demand Webinars
- Monthly eNewsletter



Client Support Resources

- Integrated Help within application
- 24x7 Toll Free Client Call Center
- Dedicated Court Support Number
- Online Live Chat
- Email Support
- Website resources and FAQs



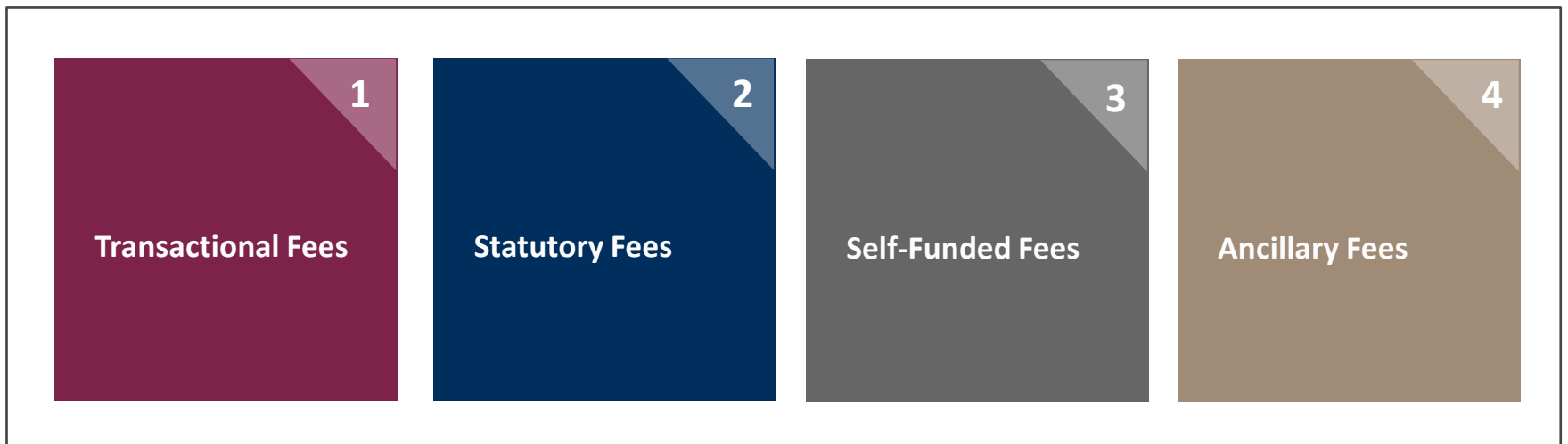
Marketing Communication & Outreach

- Develop approaches to local markets
- Communicate with judicial, clerk, bar, and legal associations
- Develop Marketing Collateral
 - ❖ Email Campaigns
 - ❖ Press Releases
 - ❖ Mail Campaigns
 - ❖ Advertisements
 - ❖ Website Resources
 - ❖ Articles & Newsletters
 - ❖ Judicial, Legal & News Publications
 - ❖ Judicial & Legal Events Associations



Funding Options

4 Cost Recovery Models

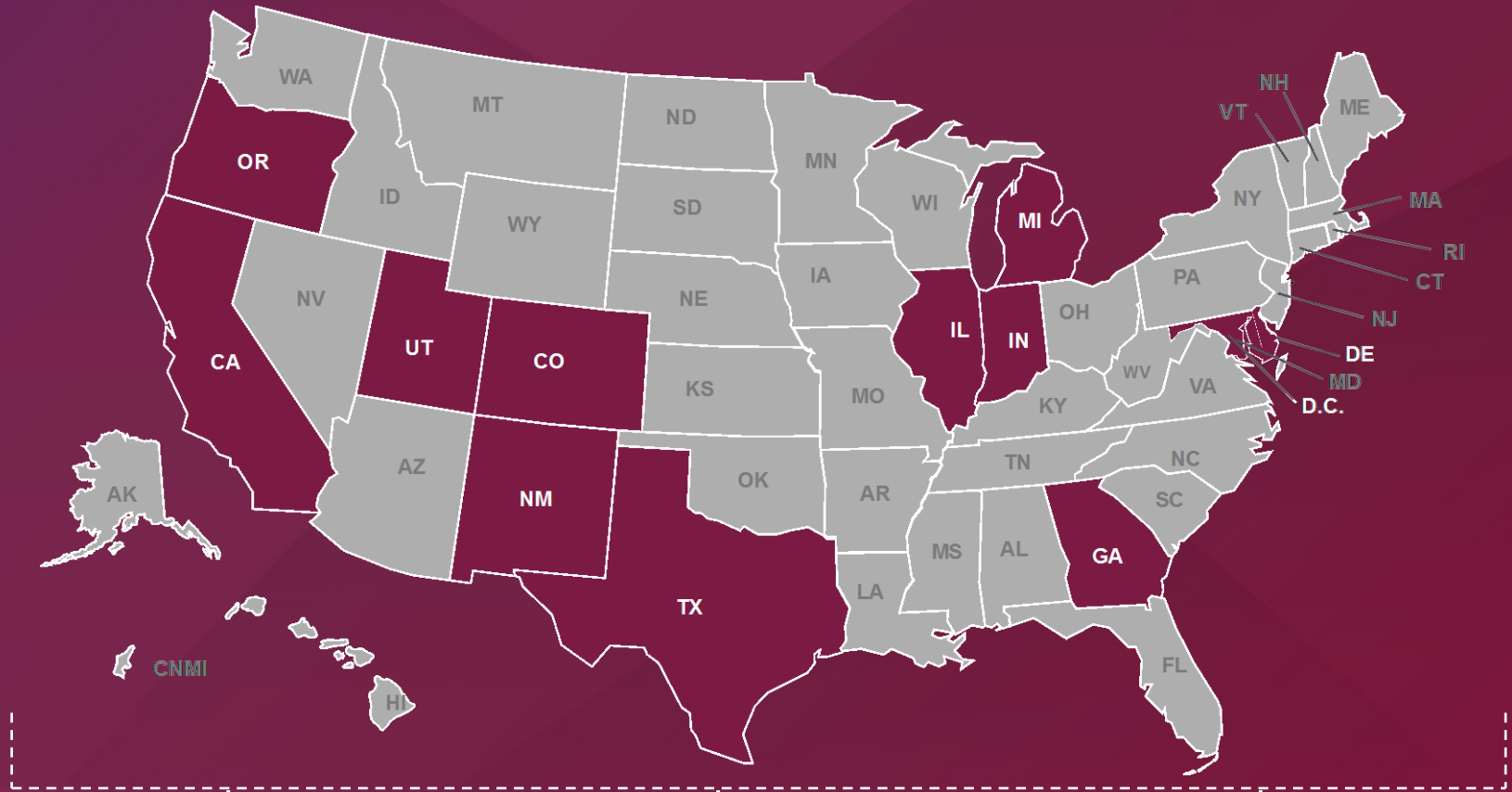


Transactional Fees

Filers within this model are typically charged a transactional fee of \$5-\$13 per transaction—the e-Filing system is then offered free of charge to the court.



Transactional Model in Practice



- California
- New Mexico
- Utah
- Oregon

- Illinois (Madison County)
- Indiana
- Colorado
- Texas

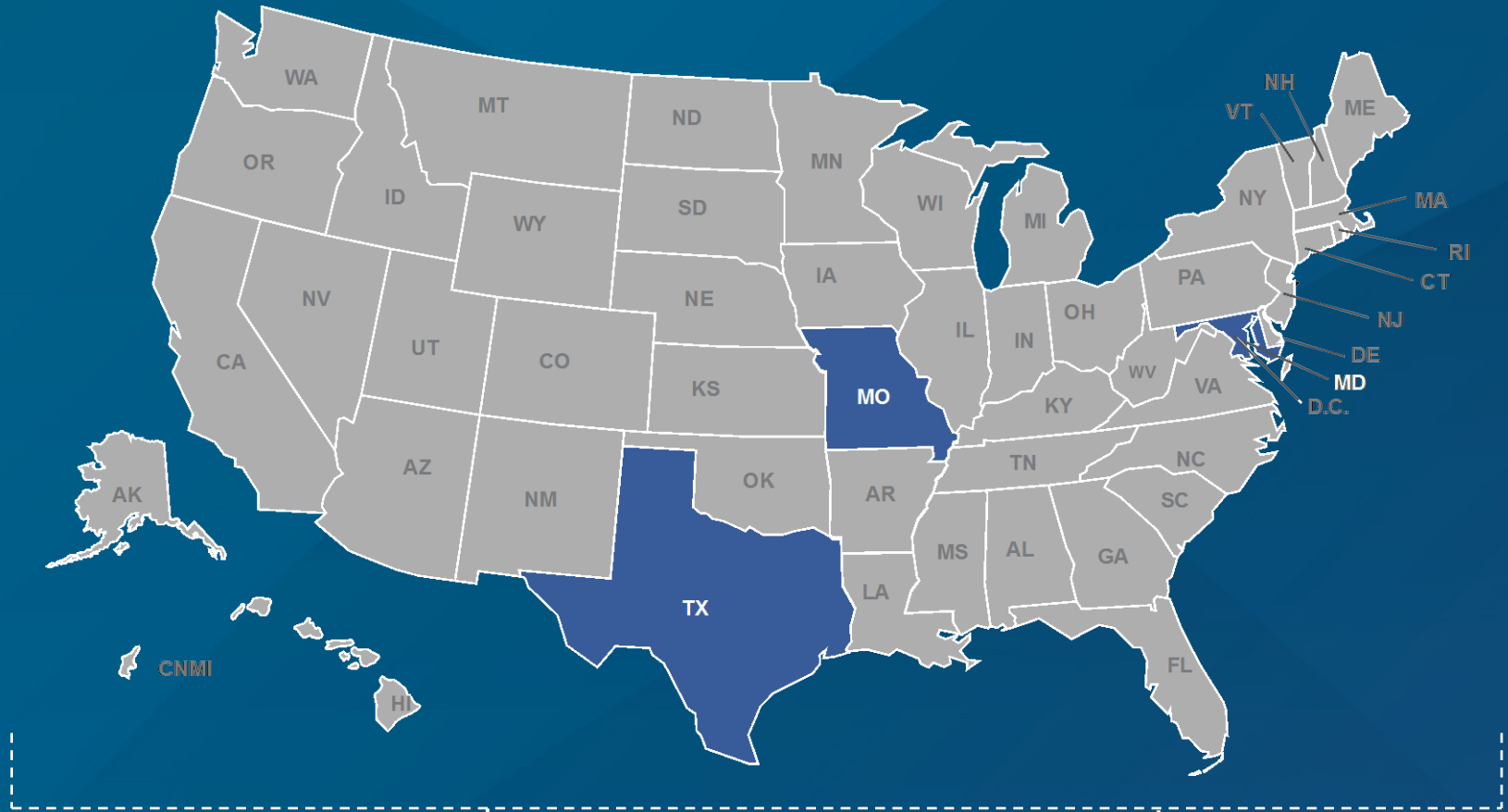
- Michigan
- Washington, D.C.
- Delaware
- Georgia

Statutory Fees Increases

Courts legislatively increase their statutory fees for certain document types and create technology funds that are then used to procure and support technology improvements.



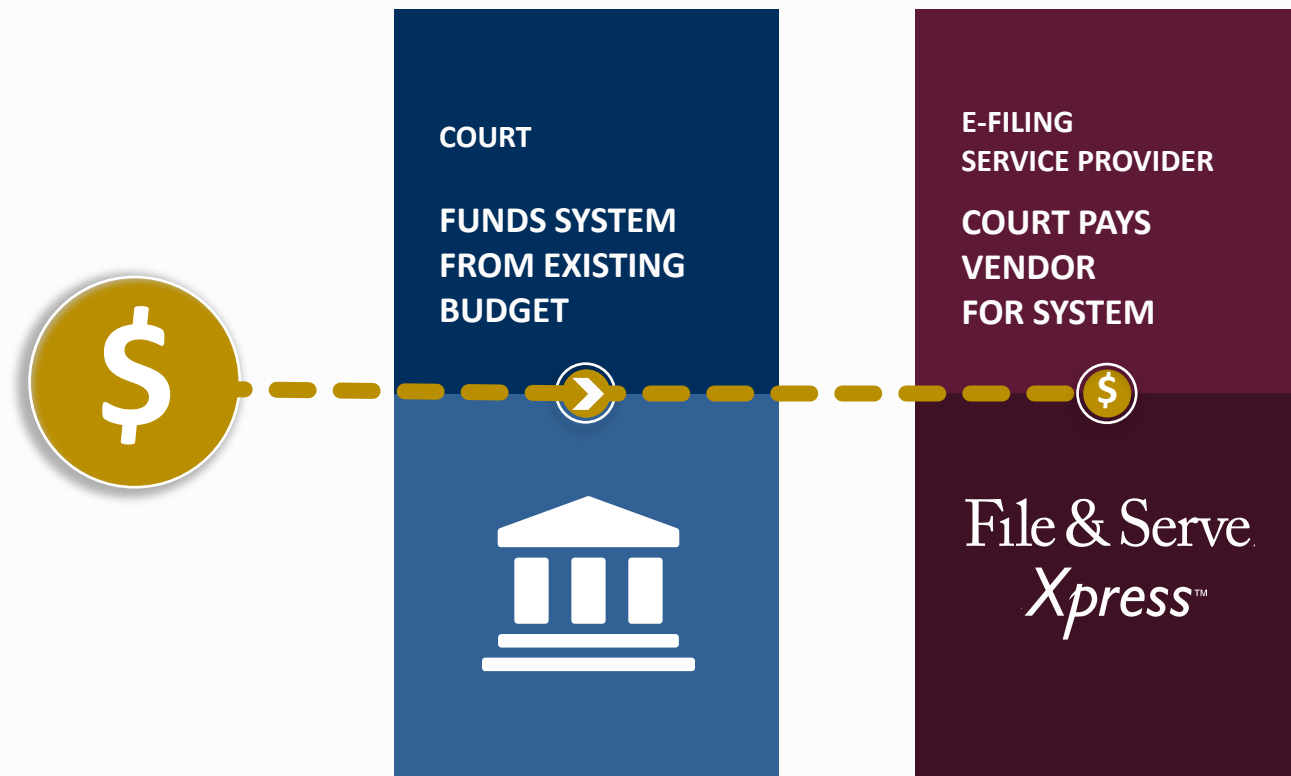
Statutory Model in Practice



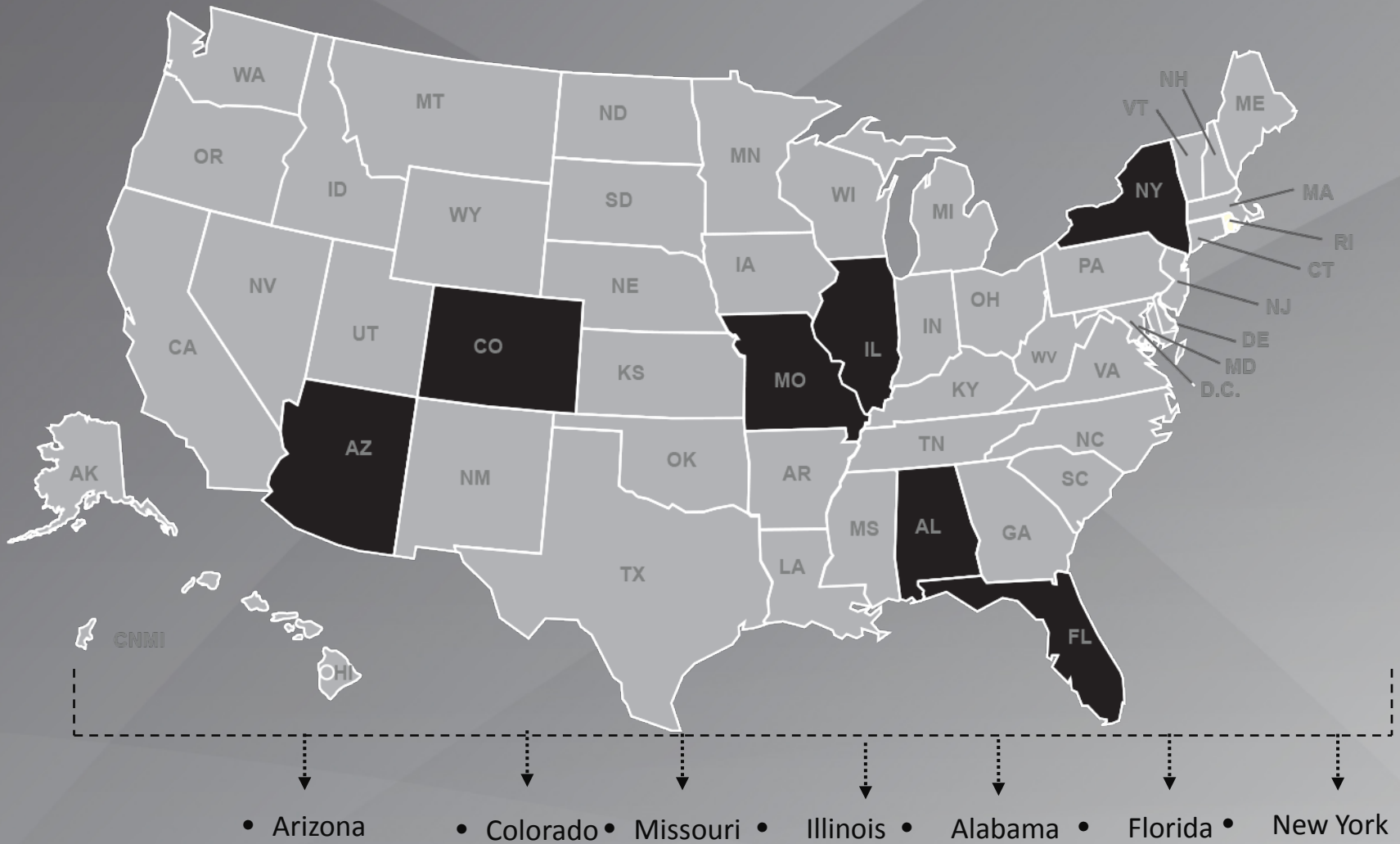
- Federal Courts
- Texas State Courts
- Maryland
- Missouri

Self-Funded Fees

Systems are funded through existing budgets.

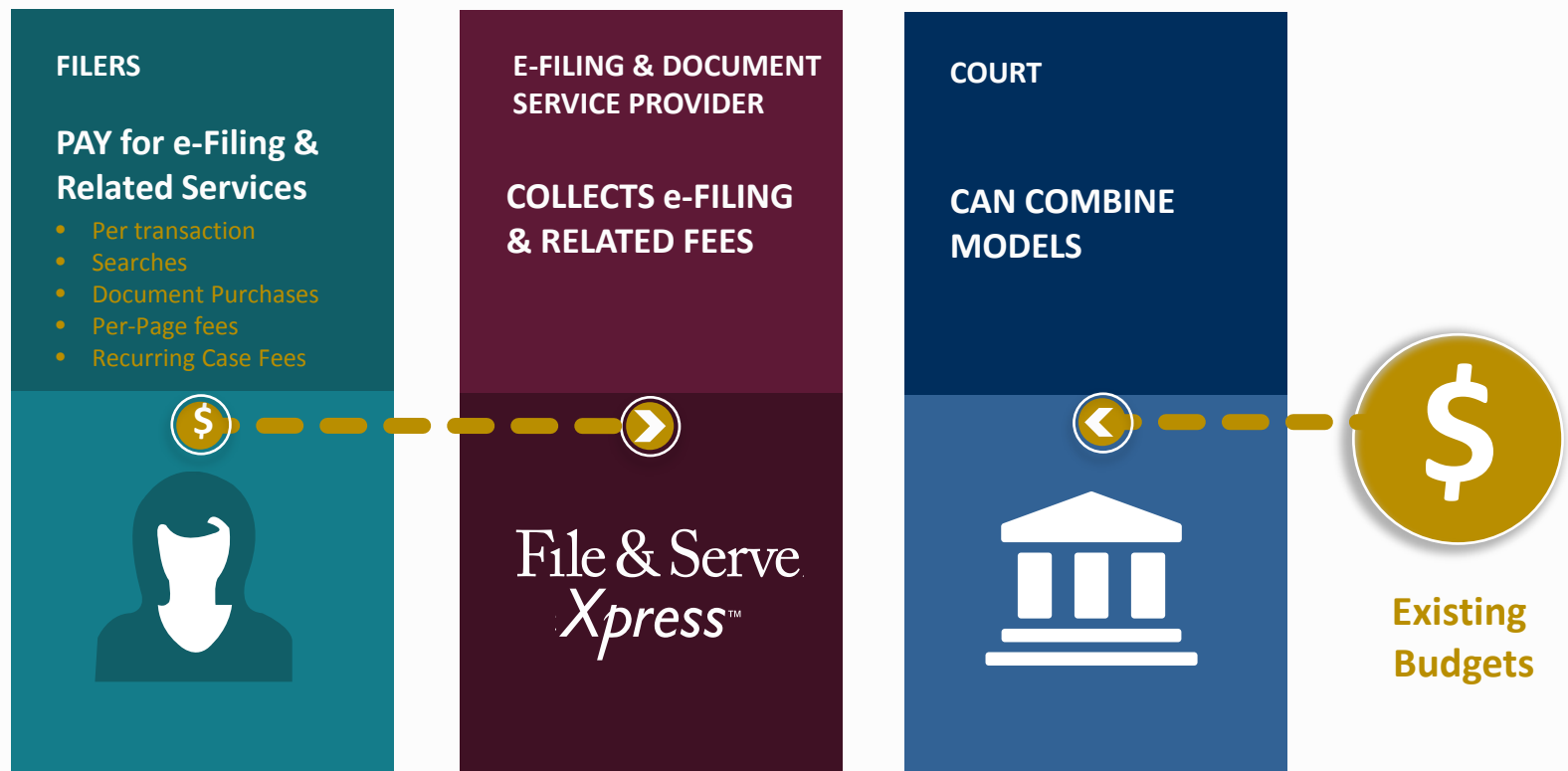


Self-Funded Model in Practice



Ancillary Fees Model

These funding structures can be implemented alone or in any combination of the other 3 models whether your court has funding set aside for e-Filing, and without placing undue burden on filers.



Ancillary Fees – Examples

► Search and Document Fees

- Filers and the public charged to run searches and access documents in cases they are not a party
- Convenience fees for web-based access to the information, or, could be provided at no additional costs via access-terminals at the courthouse

► Per-Page Pricing Fees

- Discourages lengthy pleading practices

► Recurring Case Volume Fees

- Paid by the case-initiator for every 50 docket entries to accommodate for increased costs by the court to manage more complex cases

Lessons Learned & Road Tested Recommendations

10 LESSONS LEARNED



10

Must-Haves

1. Internal court operations
2. Know all costs involved
3. Consider all types of filers
4. Follow industry standards
5. Update rules of procedure
6. Easy, Reliable, Intuitive
7. Training, education & support
8. 360 Degrees of communication
9. Use a phased approach
10. Forge a partnership

Road Tested Recommendations



1. Implement a Statewide e-Filing Mandate

2. Offer an Equal Access Solution: Uniform & Competitive

3. Create Uniform Rules of Procedure Statewide

4. Select a Cost Recovery Model in Advance

5. Ensure Communication, Training & Support

Thank You

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