



SUPREME COURT OF KANSAS

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Honorable Senator Tim Owens, Chair

Testimony in Support of SB 46 – E-filing

February 14, 2011

Mr. Chairman, and committee members, thank you for the opportunity to testify in support of this bill.

The Judicial Branch is moving toward e-filing capability, to allow easier access to the court. This legislation would clarify that the Supreme Court, rather than the chief judge of a judicial district, would issue an order stating when records and information would be maintained in a computer information storage and retrieval system, rather than in dockets and journals. It is anticipated that the statewide rollout of e-filing will be staggered with judicial districts coming online at different times and in phases by different case types. The roll out requires statewide planning and coordination. While individual districts will be consulted about the schedule, this legislative change facilitates the statewide coordination that will be required for successful implementation.

The legislation also deletes language that refers to the clerk keeping papers filed in each case carefully enveloped in a wrapper or folder and that requires to clerk to initial time and date stamps. Under the amendment, clerks would record the date and time of receipt of all filings. Both amendments should be included in one bill.

Moving to electronic filing and a paper-on-demand-only court system will increase efficiency for those who file documents with the court, allowing around the clock web access without the costs of creating, mailing, or delivering a paper document. Once fully implemented, this program has the potential to save costs for law enforcement agencies, state agencies, county and district attorneys, and anyone else who files documents with Kansas courts. The court system itself will be able to function more efficiently, reducing retrieval, storage, and data entry costs. Once information is entered about a document, the information will populate other data points, the paper will be electronically routed and stored, and those involved in a court case will automatically receive relevant notifications.

I ask that you consider this bill favorably. Thank you for your time and I'd be happy to answer questions that you may have.

Senate Judiciary

2-14-11

Attachment 1

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What is E-Filing?

Electronic filing, or E-Filing, is the process of submitting court documents over the Internet, rather than on paper, and receiving an electronic response from the court as to the status of the filing. It also allows filers to pay filing fees, notify other parties, receive court notices, and retrieve court information electronically.

Today, most court documents are prepared electronically with word-processing software. A paper filing process requires that these documents be printed out and delivered to the courthouse with the appropriate court fees and instructions. At the courthouse, staff reviews the paper documents, process payment, make entries into the court's case management system, and place the paper documents in the file jacket for the case. Paper case files are then routed to the appropriate judge or staff for processing. Eventually, the paper documents may be routed to an appeals court or to archives.

With E-Filing, the document is prepared in the same way by filers, but sent electronically via the Internet. Court documents and related case information is electronically exchanged with the court. The electronic information is retained, organized, and routed to court staff, but all of the work is done directly on computer screens, rather than by referring to paper documents.

Advantages to the Courts

The filing, tracking, and processing of paper court documents creates inefficiencies, redundant activities, and higher costs to the courts throughout Kansas. By way of illustration, the first four cases on the Kansas Supreme Court's October 2009 docket created 9,774 pages of pleadings, briefs, and other documents (counting numbers of copies necessary for service and assuming all parties had copies of the record on appeal). In yet another case on that docket (a civil case appealed after a trial), more than 21,400 pages were created. In one of the more voluminous cases currently on appeal, the record on appeal is approximately 20,000 pages and the briefs already filed (with more to come) total approximately 800 pages. Assuming the parties have duplicate copies of the record on appeal, the standard number of briefs are filed with the court and served on the opposing party, and the responding party files briefs of approximately the same length, this case alone will create approximately 88,800 pieces of paper. If one assumes an extremely conservative cost of 10 cents per page for photocopying, printing, and postage expense, these six cases account for almost \$11,000 in expenses. In FY 2008, there were 491,596 cases filed in Kansas state courts. E-Filing provides courts with the ability to electronically receive and process documents submitted for filing. Since filing and payment procedures will be automated with an E-Filing system, operational efficiency is improved.

Advantages to the Filers

E-Filing enables filers to submit their court documents electronically online and receive responses from the court on the status of their filings without leaving their office or home. Filers no longer need to incur costs related to the delivery and processing of their court documents. Documents can be submitted electronically 24 hours a day, 7 days a week, and 365 days a year, eliminating racing the clock to the courthouse. In addition, E-Filing is cheaper and faster than mail and delivery services. Status information returned electronically by the court ensures filers that their documents were received at the courthouse and allows filers to track action taken on their documents. E-Filing is convenient, saves times, and reduces paperwork.

Preparing the Courts for E-Filing

Approximately 8 years ago, the Kansas Supreme Court and the Office of Judicial Administration adopted a long-term goal of having a fully integrated electronic court system in all 31 Kansas Judicial Districts and the appellate courts. Electronic filing is the next and final step in achieving that goal. Previous steps have included:

Implementation of software driven case management systems (CMS's) used in every district court.

A CMS manages the receipt, processing, storage, and retrieval of data associated with a case and performs actions on the data. For example, statistical information regarding case types and financial information regarding each case are handled through the CMS. In addition, the CMS allows for the creation of an electronic register of action (ROA), which is an electronic docket sheet that itemizes each document filed in a case; the setting of events, such as hearings or trials; and all judicial actions. A CMS—FullCourt—was selected by a previous study committee for implementation in the district courts. Grant funding led to the installation of the FullCourt CMS in 29 judicial districts (103 counties), with counties paying any associated hardware costs. At the time of implementation, two judicial districts—the 3rd (Shawnee County) and 10th (Johnson County)—had a CMS written by the information technology staff in each of those courts or counties; both of those counties continue to maintain their systems. As a result, 29 of the 31 judicial districts utilize the same CMS, allowing for uniform reporting and accounting to OJA. In addition, the district courts are able to transfer data to other entities, such as to the Department of Revenue regarding matters that impacts the suspension of drivers' licenses. The two judicial districts that do not use Full Court are responsible for writing programs that permit the data transfer in a manner that allows integration of the information with that of the other 29 judicial districts. A portion of case filing fees are paid into a technology fund that pays the maintenance costs for the Full Court software system. The Kansas appellate courts utilize a CMS developed by OJA. Costs of this system are also funded by the technology fund.

Implementation of document imaging and management systems

A document imaging system is a process of scanning paper documents to create an electronic image, and a document management system (DMS) manages the receipt, indexing, storage, and retrieval of those electronic documents by associating them with a case and creating electronic information about the document. Most Kansas judicial districts use the FullCourt document management module; three judicial districts use other software packages—18th (Sedgwick County, using FileNet), 7th (Douglas County, using OnBase), and most counties in the 22nd (Brown, Doniphan, and Marshall Counties, using LaserFiche) (Nemaha County, which is in the 22nd Judicial District, uses the FullCourt DMS). The appellate courts also use LaserFiche document imaging and management system.

Implementation of electronic methods for fee and fine payments through CitePay USA.

Currently online payments for traffic fines and fees are available statewide. In August of 2011 online payments will be available for all types of fines and fees including restitution. Over the counter credit card payments will also be made available then.