

Statewide E-filing Implementation

Input from Legal Community Will Maximize Benefits
for Both Filers and Courts and Facilitate Rollout

By John Nevin

The Michigan Supreme Court and the State Court Administrative Office (SCAO) are determined to get e-filing right for our customers in the legal community.

Smooth and seamless implementation of a statewide e-filing and integrated electronic document management system (EDMS) is critically important to both attorneys and courts. E-filing will improve service to the public, increase

access to courts, and reduce the cost of filing for litigants. Just as important, this technological step forward provides an unprecedented opportunity to help courts become more efficient by reducing the need to receive, process, store, and retrieve paper files.

Getting the design of the e-filing and integrated EDMS right depends on input from attorneys statewide. Attorneys

are trial courts' repeat customers, and their views on the features and functions of the system must be a key consideration if the full benefits are to be realized.

At the same time, it is important to remember that just as attorneys' needs are not monolithic, every court's resources and needs are not the same. Indeed, Michigan's nonunified court system is more in tune with the nineteenth century than with the twenty-first. As a result, the e-filing backbone and EDMS must be designed to overcome the challenges presented by 165 different local funding units, 20 different case management systems, and other disparities (see diagram below).

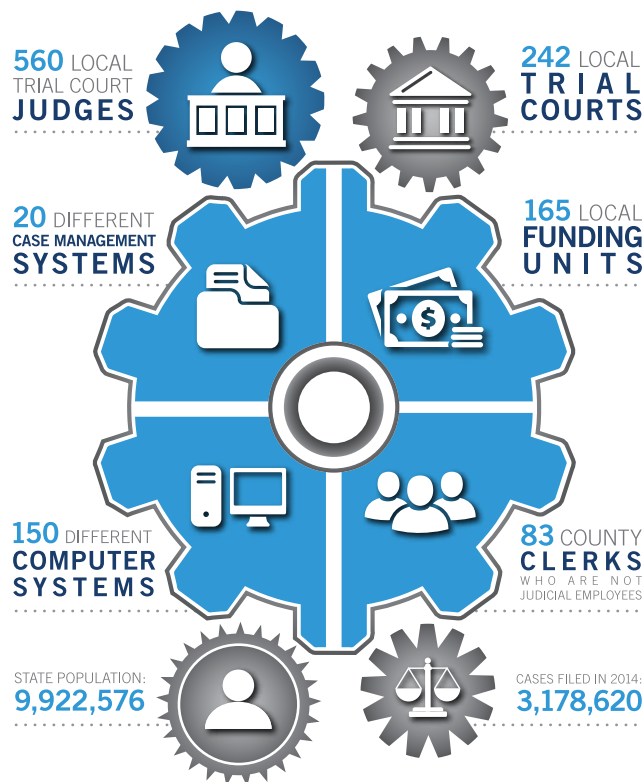
Think back a decade ago. The first iPhone was just introduced and its advanced touchscreen and revolutionary operating system marked a major step in transforming how we communicate and share information. At the same time, social media sites like Twitter and Facebook were in their infancy, and growth was exploding with millions of users signing up each month.

Meanwhile, businesses and government agencies were adapting to changing technologies that required them to update business processes to stay competitive. In particular, this involved implementing new applications that allowed customers to file paperwork electronically instead of making copies

and filing them in person. This transformation both improved service to the public and increased efficiency.

Likewise, beginning in 2007, courts began to implement the e-filing of pleadings and other documents so attorneys could benefit from the convenience of filing from their desks instead of making the trek to the courthouse, standing in line, and filing with the court clerk. Pursuant to Supreme Court administrative orders, e-filing pilot projects were implemented in five trial courts around the state as well as in the Court of Appeals and Supreme Court (see table below for details).

Michigan E-filing Pilot Courts
3rd Circuit (Wayne County)
6th Circuit (Oakland County)
13th Circuit (Antrim, Grand Traverse, and Leelanau counties)
16th Circuit (Macomb County)
20th Circuit (Ottawa County)



While e-filing in these pilot courts has been successful, the model of nonmandatory e-filing, funded by transaction fees, was not workable on a statewide basis. To address this challenge, SCAO turned to the National Center for State Courts to take a more in-depth look at requirements for a statewide e-filing system. During this review, the views of stakeholders

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were solicited, including members of the State Bar of Michigan. As a result, the National Center for State Courts recommended a statewide e-filing system and integrated EDMS, funded by an increase in Michigan's civil filing fees.

The integrated EDMS recommendation was critical because many courts, especially those in counties with smaller populations, did not have the ability to store, manage, and retrieve documents electronically. Their lack of technology would have thwarted a key benefit of e-filing—eliminating paper handling and increasing court efficiency.

Subsequently, SCAO worked with key stakeholders, including the State Bar, to develop legislation to authorize the design and implementation of statewide e-filing and EDMS for Michigan trial courts. With the strong support of the legal community, the state legislature approved the plan, and with the governor's signature, the legislation took effect January 1, 2016.

With authorization and funding secured, SCAO moved ahead with a procurement process to find a vendor. While courts played a central role in providing input in developing system requirements, State Bar members also shared their views, especially in regard to the more than 400 functional requirements that were ultimately included in the request for proposal.

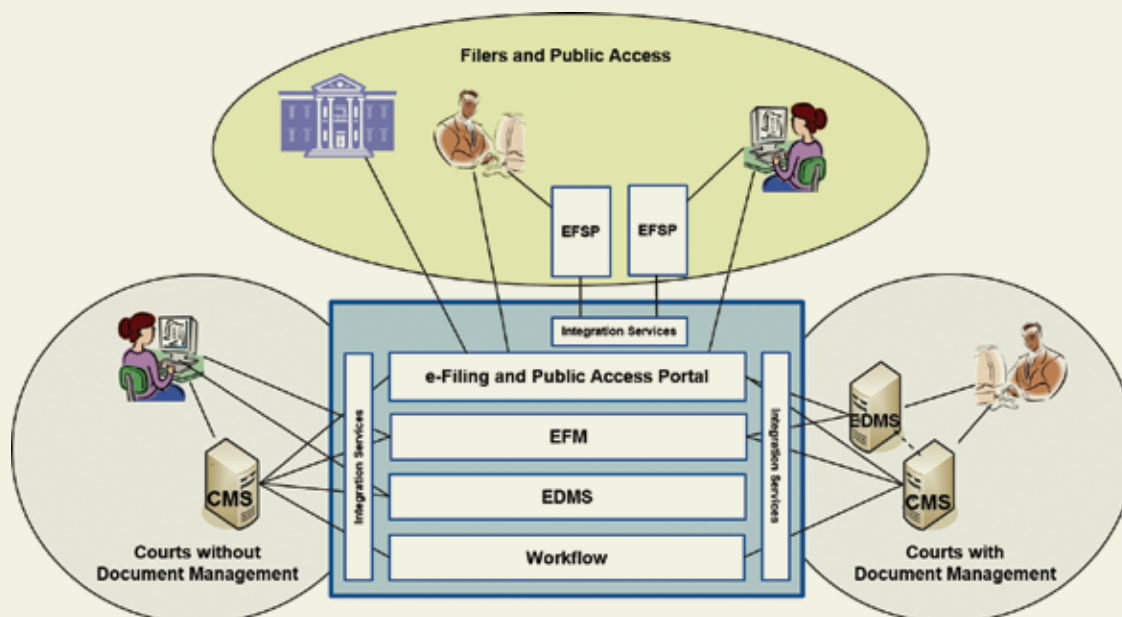
Achieving the anticipated benefits depends on the system's design and making sure both filer and court needs are considered and integrated as appropriate. That's why attorneys and court staff were consulted every step along the way. To

date, stakeholder input has helped ensure the right vendor was chosen. Now, such input will assure that final system design meets the needs of filers and courts across the state.

As previously noted, the vision of more efficient and accessible courts must be achieved in the context of Michigan's diverse and decentralized judicial structure. Therefore, as shown in the diagram below, a future statewide e-filing and integrated EDMS must include:

- multitenant hosted solutions for e-filing and document management that respect and support a balance between mandated statewide functionality and local control;
- a common statewide web portal for filing;
- ability for courts with local document management systems to continue using their local systems while allowing the use of a shared EDMS by courts that desire it; and
- effective integration between the new systems with local case management and document management systems.

In addition, commercial entities (e.g., external electronic filing service providers) that comply with data transfer standards may eventually be able to integrate with the state solution, providing add-on functionality for filers not available via the common portal. Such functionality might include integration with a law firm's billing system and other value-added features.



Based on these general principles, a request for proposal was published with three critical objectives for vendors to achieve:

- **Provide a consistent user experience:** The system must enable a common experience for all filers in the state regardless of jurisdiction and case type. This objective was a direct result of input from attorneys who were frustrated by different systems in courts that currently offer e-filing functionality. This inconsistency is costly and inefficient for filers.
- **Enhance operational efficiency:** From filing to case disposition, the system must allow courts and filers to manage documents and provide for a paperless workflow.
- **Information exchange and accessibility:** The system must allow courts and filers to share documents through a central e-filing backbone regardless of the differences in case management systems in courts statewide.

In their responses, prospective vendors answered dozens of questions, providing information about their respective track records, organizational capacity, solution design and operation, application functionality (including more than 400 functional specifications provided by stakeholders), implementation, and post-implementation support.

Following receipt of the vendor proposals, several were chosen to demonstrate their products for stakeholders in day-long sessions at the Hall of Justice in Lansing. The evaluation committee included several State Bar members who asked key questions regarding the vendors' ability to provide important functionality. Based on the recommendation of the committee, SCAO selected two vendors to engage in further discussions and to answer additional questions about their proposals. Following this additional review process, SCAO chose a final vendor and successfully negotiated a contract, with implementation activities beginning this spring.

Although the major task of choosing a vendor is complete, there are still key roles for the legal community to fulfill in making sure that e-filing and the EDMS system meet both filer and court needs. These include:

- **System modifications:** As questions arise regarding potential modifications that directly relate to attorney usage, we will solicit input from selected State Bar representatives during the buildout process. These questions might relate to the look and feel of the user interface and other issues that inevitably must be addressed because of the complexity of our judicial system.
- **Communications and outreach:** As the key users of the statewide e-filing system, SCAO and the State Bar will

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work together to develop a communications and outreach strategy that makes sure Bar members are fully informed about the new system, receive easy access to training, and actually use it.

- **Pilot testing:** Before any courts go live with the e-filing system, SCAO needs the help of attorneys willing to live test it so any possible kinks or bugs can be worked out. This live testing is important to ensure a smooth rollout to the general public.
- **Ongoing governance:** As noted, technology changes at a dizzying pace, so the e-filing platform will undoubtedly need to be changed and enhanced over time. SCAO hopes that Bar members will help identify potential enhancements for consideration based on their usage and possibly serve on a committee to review and set priorities for implementation of these items.

Statewide e-filing and EDMS are the biggest changes in a generation for Michigan's judicial system. With input from members of the Bar, this initiative will be a great success, helping filers gain from the convenience of filing from anywhere at any time and helping courts be more efficient in providing even better service to the public. Bar members with questions or additional input can contact SCAO's e-filing project manager, Mary Roush, at efiling@courts.mi.gov. ■



John Nevin is communications director for the Michigan Supreme Court and State Court Administrative Office where he provides counsel to trial courts statewide to raise awareness of initiatives to improve service to the public. Previously, he was a communications and policy advisor to the International Joint Commission of the U.S. and Canada and speechwriter for the governor of Michigan. He has a degree in economics from Harvard and an MBA from the University of Chicago.