

**Nebraska Information Technology Commission**

**Project Proposal Form**

**New or Additional State Funding Requests  
for Information Technology Projects**

**FY2007-2009 Biennium**

<b>Project Title</b>	<b>E-Filing in JUSTICE</b>
<b>Agency/Entity</b>	<b>Nebraska Supreme Court</b>

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**Notes about this form:**

1. **USE.** The Nebraska Information Technology Commission (“NITC”) is required by statute to “make recommendations on technology investments to the Governor and the Legislature, including a prioritized list of projects, reviewed by the technical panel, for which new or additional funding is requested.” Neb. Rev. Stat. §86-516(8) In order to perform this review, the NITC and DAS Budget Division require agencies/entities to complete this form when requesting new or additional funding for technology projects.
2. **WHAT TECHNOLOGY BUDGET REQUESTS REQUIRE A PROJECT PROPOSAL FORM?** See the document entitled “Guidance on Information Technology Related Budget Requests” available at <http://www.nitc.state.ne.us/forms/>.
3. **DOWNLOADABLE FORM.** A Word version of this form is available at <http://www.nitc.state.ne.us/forms/>.
4. **SUBMITTING THE FORM.** Completed project proposal forms should be submitted as an e-mail attachment to [rick.becker@nitc.ne.gov](mailto:rick.becker@nitc.ne.gov).
5. **DEADLINE.** Completed forms must be submitted by September 15, 2006 (the same date budget requests are required to be submitted to the DAS Budget Division).
6. **QUESTIONS.** Contact the Office of the CIO/NITC at (402) 471-7984 or [rick.becker@nitc.ne.gov](mailto:rick.becker@nitc.ne.gov)

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**Section 1: General Information**

Project Title	E-Filing in JUSTICE
Agency (or entity)	Supreme Court

## Contact Information for this Project:

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**Section 2: Executive Summary**

The E-Filing in JUSTICE project will be the Administrative Office of the Courts (AOC) attempt to introduce Electronic Filing or E-Filing into Nebraska's Trial Court system. JUSTICE is the case and financial management system used for District and County Courts in Nebraska. Currently 185 trial courts utilize JUSTICE. By adding the E-Filing application for the trial courts we are able to provide 24x7 services to citizens of Nebraska.

Electronic filing works by replacing the traditional method of filing, serving, storing, and retrieving court documents with a more efficient electronic process. Instead of duplicating, packaging, and manually delivering copies of documents to the court and service parties, you send them electronically over the Internet.

Documents are then stored electronically. Any time a judge, attorney, or other party on the case needs a copy of the document; they conveniently retrieve the document from a web site. The service is always available; although cases filed after court work hours are time-stamped the following business day. The court can now move documents around in a matter of minutes as opposed to hours in the conventional mode.

**Section 3: Goals, Objectives, and Projected Outcomes (15 Points)**

1. Describe the project, including:
  - Specific goals and objectives;
  - Expected beneficiaries of the project; and
  - Expected outcomes.

In 2006 the AOC developed an E-Filing Pilot project with three courts. The courts participating in the E-Filing Pilot project are Lancaster County District Court, Hall and Sarpy County Courts. These courts use civil cases to test the concept of E-filing. Some of the specific goals and objectives are to decrease staff time when working with an E-Filed civil case as opposed to a paper file. Additional objectives include the ability for several court staff and judges to have simultaneous access to the electronic version of the file.

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Current paper files allow for only a physical review of the file by a single staffer. A third objective is for trial courts to be able to accept E-filings on a 24x7 basis

The beneficiaries of this project will be the citizens of Nebraska, Judges, District Court Clerks, and Clerk Magistrates, Court staff, Private and Public practice attorneys, Law Firms and others in the court community as well as debt collection companies and other large volume filers with the courts.

The expected outcome will be successful implementation of E-Filing in the pilot courts followed by expansion of the application into other larger volume courts in FY 2008 and FY 2009.

2. Describe the measurement and assessment methods that will verify that the project outcomes have been achieved.

The criteria for success in the County Courts will be that court staff productivity was improved especially in collection agency filings, elimination of paper, reduction in physical storage space and a better experience for attorneys in filing with the courts. For the District Court it is mainly a matter of providing 24 x 7 access to file with the court and the ability for attorneys to work with electronic files instead of paper files with the Court. Successful completion of the pilots at both County Courts and at the District Court could move to expand the pilots to an additional 91 County Courts and 91 District Courts and 2 additional Separate Juvenile Courts

3. Describe the project's relationship to your agency comprehensive information technology plan.

The E-Filing in JUSTICE application is a part of the Judicial Branch's Strategic Technology Plan for 2006 to 2010. The Technology Committee has created a subcommittee whose sole charter is to get E-Filing implemented in Nebraska's Trial Courts by 2010 or sooner if possible.

#### **Section 4: Project Justification / Business Case (25 Points)**

##### **E-Filing in JUSTICE Project**

With over 90 million cases filed each year in the United States, electronic filing is emerging as a proven alternative to conventional case filing for courts and litigants alike. Increasingly, court clerks, judges, and attorneys are trying out the services in a growing number of pilot programs which courts are offering their constituents.

"Electronic filing is the process of transmitting documents and other court information to the court through an electronic medium, rather than on paper."

*Guidebook to Electronic Court Filing*  
*National Center for State Courts*

Electronic filing works by replacing the traditional method of filing, serving, storing, and retrieving court documents with a more efficient electronic process. Instead of duplicating, packaging, and manually delivering copies of documents to the court and service parties, you send them electronically over the Internet. Here's how a document is e-filed:

- Log on to the vendor/provider's web site
- Select case and documents to be filed
- Select filing and service parties from a centrally-maintained list
- Select document from your computer
- Click a button to deliver documents immediately

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- Receive proof of filing and service electronically

Documents are then stored electronically. Any time a judge, attorney, or other party on the case needs a copy of the document; they conveniently retrieve the document from a web site. The service is always available; although cases filed after court work hours are time-stamped the following business day. The court can now move documents around in a matter of minutes as opposed to hours in the conventional mode.

The State of New Jersey offers litigants the Judicial Electronic Filing Imaging System. Started in January of 2001, the system has taken in over 8,900 cases and averages around 350 cases daily out of a daily potential of 750. Unlike the District of Columbia Superior Court, the New Jersey court e-file service is optional. The New Jersey system offers automated docketing which

- drastically reduces data entry,
- minimizes clerical errors,
- centralizes operations,
- improves workflow, and
- maintains the integrity of the mainframe docketing system.

Many US Courts offer e-file services through a pilot program which allows filers the choice between manual filing and electronic. During the pilot period, filers are offered limited on-site training as well as on-line help. Most PCs sold today meet the minimum requirements for browser version, processor, OS, modem, etc. With the client-side plug-in downloaded to the filer's PC, e-filing can begin. Some of the benefits of E-Filing are as follows:

- Enable immediate real-time access to documents and case information
- Provide simultaneous access to documents; enhancing care, custody and control
- Eliminate data entry by automating the intake process and online clerk review
- Improve workflow with our Alerts feature and case monitoring capabilities
- Enable attorneys to view the status of filings or request electronic copies reducing calls and visits to the court house.
- Online case file management and storage
- An automated intake process
- Online Clerk and Judge Review capabilities
- Judicial level infrastructure security
- And complete integration with CMS/DMS applications

4. Provide the project justification in terms of tangible benefits (i.e. economic return on investment) and/or intangible benefits (e.g. additional services for customers).

Some of the tangible benefits for this project would be expansion of court filing hours from the current 8:00 AM to 4:30 or 5:00 PM to a 24x7 time frame. Attorneys would be able to file electronically via a web interface and would not have to physically go to a courthouse to make a filing. Parties to a case would no longer have to go to the court and checkout a physical file. They would simply access the file from their personal computer and view the image. Physical file storage space in a court will be reduced. It would be difficult to pinpoint an economic return on investment until we completed the pilot projects.

Intangible benefits would include a more productive court staff as they would not be keying in as much data into JUSTICE from an E-Filing as they would from a paper filing. Electronic service will be faster as conventional service is performed using the U.S. Postal System. E-Filing includes the use of electronic payments and use of the Automated Clearing House (ACH) system. The use of an ACH lessens the chance of monies being lost or stolen.

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5. Describe other solutions that were evaluated, including their strengths and weaknesses, and why they were rejected. Explain the implications of doing nothing and why this option is not acceptable.

The AOC evaluated the current E-Filing system developed and used by the United States Federal District Bankruptcy Court in Lincoln and Omaha. The system took about ten years to develop and is now mandated to be used to file bankruptcy proceedings in Nebraska. Some of the strengths are 24x7 operations, 200,000 attorneys use the federal system nationwide, and in August 2005 4.6 million docket entries were made in their system, 70% of the docket entries and 99% of case openings were made by attorneys. The federal system set new standards for court electronic filing. Use of the Internet, use of standard commercial browsers, requires documents be in a portable document format (PDF) and the inclusion of public access capabilities.

Some of the weaknesses of the federal system are they are entirely responsible for training attorneys and court staff on how to use the system, the system requires use of a federal payment system called PACER and the system uses proprietary software.

To do nothing is not a good option as the tide of E-filing in state and local courts is growing monthly. The AOC began development work for E-filing in 2002 and 2003. Due to the extreme downturn in the state budget these efforts were stopped and no further work has occurred until this year.

The following is an excerpt from the National Judicial College:

**“RENO, NV, September 14, 2005** - The National Judicial College announced today that a national survey of state judicial officials reveals strong judicial support for electronic filing and high expectations for receptivity among the legal community.

"For over 40 years, the NJC has provided judicial education and professional development for judges and this survey is another informative example of the type of material we provide justice system leaders," said William F. Dressel, president of the NJC. "E-filing is definitely an important subject for judicial officers to understand, and the NJC is proud to be able to provide greater insight through this research."

The report highlights the key benefits that judges believe e-filing delivers to the court—including reduced volume of paper, better access to information, improved efficiency for clerks, reduced storage needs—as well as potential barriers.

The benefits of e-filing are viewed against the backdrop of the perception from over 70 percent of the judges surveyed that caseloads continue to increase. That increasing caseload results in an avalanche of paper and 85 percent of the judges surveyed believe that the volume of paper they must manage is a growing problem.”

Doing nothing is not an option with regard to the courts and E-filing.

6. If the project is the result of a state or federal mandate, please specify the mandate being addressed.

The E-Filing in JUSTICE project is not part of any federal or state mandate.

**Section 5: Technical Impact (20 Points)**

7. Describe how the project enhances, changes or replaces present technology systems, or implements a new technology system. Describe the technical elements of the project, including hardware, software, and communications requirements. Describe the strengths and weaknesses of the proposed solution.

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The E-Filing project will take an existing paper filing process and convert it to electronic data filing with paper being used only when a printed copy of a document is needed. The electronic file will replace a paper file for a court case. The E-Filing application will seamlessly interface with the court's current case and financial management system known as JUSTICE.

The process will consist of the use of an E-Filing Service Provider (ESP), the ESP provides the web interface in which registered users or clients will access and enter the required court filings and fee payments. The ESP will accept the filings and payments and then electronically transmit the filings to JUSTICE or to a state provided E-Filing Manager (EFM). Once in JUSTICE or the EFM, the application will timestamp the filing and send it to a clerk review function for acceptance or rejection. Once accepted the filing will move into JUSTICE for processing and will simultaneously be moved to a Documentation Management System (DMS) where an image of the filing is stored. A notification is also returned to the ESP letting them know the filing was accepted or rejected. The only new hardware that will be introduced in the clerk's office will be a document scanner to scan in paper filings that we need to be included in the case file. This could be due to a "pro se" litigant or for whatever reason a paper document not produced by JUSTICE would need to be included in the case file. There will be new software interfaces developed in JUSTICE to interface to the ESP and to the EFM to interexchange data. The development of the interfaces are the only new communications requirements, once developed they would be re-used for additional courts as the application would expand.

The strengths of the proposed solution are many, the ESP would be responsible for registering and training attorneys and law firms to use the system. The ESP accepts electronic payment of filing fees and transmits them to the courts via the ACH system. The ESP is responsible for collection of fees from the E-Filers. JUSTICE already works with court image files and little or no development is needed.

The weaknesses of the project include how successful the ESP and the courts are in getting attorneys to use the system. The initial courts using the application will not mandate the use of E-Filing so if an attorney chooses not to use the system they can continue to use the current practice of paper filing. Experiences across the country indicate that courts begin to consider mandating the use of E-Filing when the electronic case filing rate goes above 70%. Although the pilot project courts will not include "Pro Se" filers it is anticipated they will need to be accommodated and will be able to walk in to a Court Clerk's office and have the Clerk's office scan in their filing.

8. Address the following issues with respect to the proposed technology:
  - Describe the reliability, security and scalability (future needs for growth or adaptation) of the technology.
  - Address conformity with applicable NITC technical standards and guidelines (available at <http://www.nitc.state.ne.us/standards/>) and generally accepted industry standards.
  - Address the compatibility with existing institutional and/or statewide infrastructure.

JUSTICE is a mature case and financial management system; it is secure, reliable and can scale going forward. The ESP system has great security features and has built-in redundancy and backup facilities to ensure reliable operations. The ESP system can scale as new clients and courts are added.

Both ESP and EFM systems utilize the Electronic Court Filing XML Standard version 1.1 for E-Filing. This is the current E-Filing standard recommended by the National Center for State Courts. The NITC does not have a recommended E-Filing standard at this time.

The compatibility with JUSTICE will be established via an interface that is developed for the pilot project.

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**Section 6: Preliminary Plan for Implementation (10 Points)**

9. Describe the preliminary plans for implementing the project. Identify project sponsor(s) and examine stakeholder acceptance. Describe the project team, including their roles, responsibilities, and experience.

The preliminary plans for project implementation begin with installation of the service in three courts as a pilot project in late 2006. Evaluate the process and procedures used in the pilot courts make change where necessary and then begin rollouts to the higher volume courts across the state.

The plans for project implementation are as follows:

- Project Sponsor is Bill Miller, Deputy State Court Administrator for Information and Technology. He will be responsible for E-Filing project development.

The Project Team will consist of:

- Judy Anderson - JUSTICE Business Analyst
- Kate Miller -JUSTICE Business Analyst
- Dick Burkhart - JUSTICE Technical Analyst
- Ross Johnson - JUSTICE Technical Analyst - (Their role will be to develop and test the interfaces between JUSTICE and the ESP and EFM. They will also be involved with training court staff on how to use the new application.)
- Office of the CIO, Intergovernmental Data Services Division - (They will utilize the DMS and develop an interface into JUSTICE and the ESP.)
- Clerk Magistrates of the County Court - (They will be receiving the application equipment along with their court staff who will be trained to use the application. Similar staff from the Clerk of the District Court will be included as part of the project team.)

We believe stakeholder acceptance of this new technology will be high mainly due to the problems they experience with the existing paper filing system.

10. List the major milestones and/or deliverables and provide a timeline for completing each.

The major milestones are as follows:

- FY2007 Pilot Project implementation in one District Court and two County Courts.
- FY2008 E-Filing in JUSTICE implementation in fifteen District Courts and fifteen County Courts.
- FY2009 E-Filing in JUSTICE implementation in fifteen District Courts and fifteen County Courts.
- FY 2010 E-Filing in JUSTICE implementation in ten District Courts and ten County Courts.
- FY 2011 E-Filing in JUSTICE implementation in ten District Courts and ten County Courts.

Until completion of the pilot project and when measurements of objectives in the pilot project are known much more information will be available to create an implementation plan and schedule to begin installation in other courts. It is believed that it will be best to schedule installation in a District and County Court in the same county due to the nature of appeals and to lesson travel and training requirements for both court staff and attorneys registering to use the system.

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11. Describe the training and staff development requirements.

Training and staff development will be provided by the ESP for registered users of the system and will be completed in a variety of methods including schedule training classes in the cities where the E-filing is available, web based training classes, user manuals and guides. Training will include how to register, file a document and to check on the status of the filing and payment of fees along with other aspects of E-Filing.

On the court side training and staff development will be provided by JUSTICE Business Analysts. Training will take place in existing JUSTICE Training centers in Lincoln and North Platte as well as on site in the courtrooms. Court staff will need to be trained on processing electronic documents and images in place of paper. Processes and procedures will need to be developed and recorded for the E-Filing application.

12. Describe the ongoing support requirements.

Ongoing support will include application updates/patches and maintenance of the systems used in E-Filing. These should be normal system support issues. Court staff and attorneys using the system will require the normal support required of any electronic data processing system. If new features are made available court staff and attorneys will need to be made aware and trained on how to utilize new features and functions.

**Section 7: Risk Assessment (10 Points)**

13. Describe possible barriers and risks related to the project and the relative importance of each.

The potential barriers and risks related to this project are as follows:

- Lack of funding to complete the project in a timely fashion. The importance of this risk is very high. Without additional funding it will be very difficult for the AOC to implement this project on its own.
- Failure to succeed in getting court staff trained. The court staff will be making some significant process/workflow changes to implement E-Filing. If the AOC does not provide adequate training to court staff the project will have a greater risk for gaining court acceptance.
- Failure to gain acceptance by the court community (i.e. Attorneys, law firms, legal staff). This poses perhaps the greatest risk as the court community must use E-Filing to make the project a success. We can not afford a "build it and they will come" attitude for this project.
- Failure to complete a working technology interface for ESP's to allow for the true interexchange of data between the ESP's system and JUSTICE. There is a risk here but the risk is minimal and once the interface is built it will be easily transferred to the other trial court systems.

14. Identify strategies which have been developed to minimize risks.

There are several strategies in place to mitigate the barriers and risks associated with this project.

- The approach is to begin as a pilot project in two County Courts and one District Court. The courts are located near Lincoln and the pilots are being done only for civil cases with attorneys who understand we are in a pilot or test phase for E-Filing. Only after lessons are learned and there are real productivity gains will there be consideration for expansion into additional courts.
- An E-Filing subcommittee of the Supreme Court's Technology Committee includes Judges, Clerks of the District Court, Court Administrators and private sector attorneys in developing a

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draft of Interim E-Filing and Service Rules which have been sent to the Supreme Court for review and adoption.

- JUSTICE Business and Technical Analysts have been assigned to the project to help provide guidance in court workflow and processes as well as develop training for court staff.
- An ESP has been selected for the pilot project; this ESP has been successful around the United States in developing and implementing E-Filing in state court systems.

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**Section 8: Financial Analysis and Budget (20 Points)**

15. Financial Information

Financial information is provided in the spreadsheet below.

Financial and budget information can be provided in either of the following ways:

- (1) If the information is available in some other format, either cut and paste the information into this document or transmit the information with this form; or
- (2) Provide the information by completing the spreadsheet provided below.

**Instructions:** Double click on the Microsoft Excel icon below. An imbedded Excel spreadsheet will be launched. Input the appropriate financial information. Close the spreadsheet. The information you entered will automatically be saved with this document. If you want to review or revise the financial information, repeat the process just described.



Excel Spreadsheet  
(Double-click)

**Financial information from the embedded spreadsheet appears at the end of this PDF version of the document.**

16. Provide a detailed description of the budget items listed above. Include:

- An itemized list of hardware and software.
- If new FTE positions are included in the request, please provide a breakdown by position, including separate totals for salary and fringe benefits.
- Provide any on-going operation and replacement costs not included above, including funding source if known.
- Provide a breakdown of all non-state funding sources and funds provided per source.

The software is the current JUSTICE system, the Electronic Filing Manager (EFM) and the Electronic Service Provider (ESP).

The list of hardware is listed in the table below.

<b>Hardware is a High Quality Scanner</b>	<b>One per Court</b>	
<b>Fiscal Year</b>	<b>Quantity</b>	<b>Dollars</b>
FY-2007	3	\$10,500.00
FY-2008	30	\$105,000.00
FY-2009	30	\$105,000.00
FY-2010	20	\$70,000.00
FY-2011	20	\$70,000.00

No new FTE positions are required for this project.

Ongoing operations will include expanding disk space in the central AS-400 to accommodate the additional images that will be stored in the Document Content Manager. The preliminary cost to add 100+GB of native AS/400 disk storage is about \$3,600. Funding source would be Program 570.

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No additional funding is known at this time. There is the possibility of a County purchasing a scanner for a court on its own and that scanner could be used in this project per the approval of the county.

17. Please indicate where the funding requested for this project can be found in the agency budget request, including program numbers.

The AOC budget request for this project is in program number 570.

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Section 8: Financial Analysis and Budget

(Revise dates as necessary for your request.)

	Estimated Prior Expended	Request for FY2007-08 (Year 1)	Request for FY2008-09 (Year 2)	FY2009-10 (Year 3)	FY2010-011 (Year 4)	Future	Total
1. Personnel Costs	\$ 27,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00		\$ 127,000.00
2. Contractual Services							
2.1 Design							\$ -
2.2 Programming	\$ 25,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00		\$ 45,000.00
2.3 Project Management							\$ -
2.4 Other							\$ -
3. Supplies and Materials							
4. Telecommunications							
5. Training	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00		\$ 50,000.00
6. Travel	\$ 2,500.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00		\$ 22,500.00
7. Other Operating Costs							
8. Capital Expenditures							
8.1 Hardware	\$ 10,500.00	\$ 105,000.00	\$ 105,000.00	\$ 70,000.00	\$ 70,000.00		\$ 360,500.00
8.2 Software							\$ -
8.3 Network							\$ -
8.4 Other							\$ -
<b>TOTAL COSTS</b>	\$ 75,000.00	\$ 150,000.00	\$ 150,000.00	\$ 115,000.00	\$ 115,000.00	\$ -	\$ 605,000.00
General Funds		\$ 125,000.00	\$ 125,000.00	\$ 90,000.00	\$ 90,000.00		\$ 430,000.00
Cash Funds	\$ 75,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00		\$ 175,000.00
Federal Funds							\$ -
Revolving Funds							\$ -
Other Funds							\$ -
<b>TOTAL FUNDS</b>	\$ 75,000.00	\$ 150,000.00	\$ 150,000.00	\$ 115,000.00	\$ 115,000.00	\$ -	\$ 605,000.00