

Court Document E-filing  
Category: Government to Business  
State: Nebraska



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## **B. Executive Summary** (May not exceed one page in length)

In 2008 the Nebraska Administrative Office of the Courts (AOC) launched its enhanced electronic filing initiative, implementing the final piece of the puzzle to the long-held vision of a complete online process linking attorneys to the court system. What began starting in 2006 as an idea to take advantage of an off-the-shelf solution; evolved into a custom –built application that was designed using feedback from both the court clerks and attorney filers.

How it works:

- The court document electronic filing initiative consists of two parts: The attorney filing interface and the clerk review interface.
- Before being granted access to the system, each filer must be verified to be in good standing with the Nebraska State Bar Association.
- New cases, as well as subsequent filings on existing cases can be e-filed.
- The filer selects the filing jurisdiction, enters party information via Plaintiff, Defendant, and Party-Other data entry screens, and uploads PDF versions of their filing document(s). Each filing is then sent to the appropriate court's clerk review.
- Upon acceptance, an email notification is sent to the attorney, and the filing information is inserted into the JUSTICE database. Document images are overlaid with a filed date/time stamp and are inserted into the database as well.
- There is also an independent view for Court business analysts to be able to see what is pending in any court at any given time, although they are restricted from accepting or rejecting filings.
- A complementary user management piece allows the business analysts to set up users for clerk review, assign access to a specific court and/or type of filing.

URL for attorney filing demo: <http://www.nebraska.gov/courts/efile/demo/>

URL for internal functions of court document e-filing powerpoint:

[http://www.nebraska.gov/courts/efile/internaldemo/Internal\\_Functions\\_Court\\_Document\\_E-filing.ppt](http://www.nebraska.gov/courts/efile/internaldemo/Internal_Functions_Court_Document_E-filing.ppt)

## **C. Description of the Business Problem and Solution:**

### **Problem Statement:**

The Nebraska Administrative Office of the Courts (AOC) had a vision. They wanted to have the best, and most complete online suite of services linking attorneys to the court system in the country; making it a seamless process for attorneys to get information from, and deliver information to any court in the state, 24x7x365. In addition, these services must protect individuals' sensitive information, make the system as convenient as possible for the users, and ensure that the end result saves the court system time and money.

### **Barriers, Challenges and Opportunities:**

The pilot e-filing solution rolled out in February 2007 in one court, later a second was added, and in total was available for approximately 14 months. Although this service did break ground for electronic filing in Nebraska courts, due to an added per-filing fee that was prohibitive to the target audience, adoption was very low. Only 2 courts were brought on to the system, and these were accepting a limited amount of civil filings types. There were a handful of active e-filers, essentially volunteers to be the beta users of the service. In total, only 4677 filings were processed in the period the off-the-shelf product was provided.

### **Issue or problem context:**

E-filing was a priority of the Nebraska Supreme Court technology committee and a key focus of the technology plan outline in 2006. It was to be the culmination of a process initiated in 2004 when the Nebraska court system rolled out an online case search that provided users with the ability to return case information from 185 of 186 Nebraska court jurisdictions. This case information contains details on parties, actions, etc. but actual documents related to the case still had to be obtained from the clerk's office. Distribution of scanning equipment allowed clerks the ability to image documents being filed over the counter. In 2007 an enhancement to the online search was piloted, giving users the ability to view these documents as well as documents from the pilot of the e-filing initiative. In addition an online calendar search was launched in late 2007 to allow attorneys and the public to find hearing dates and times.

### **Assessment and Decision Process:**

While all this was happening, the AOC was constantly evaluating, tracking adoption, and making adjustments to their strategy. For 2008, it was decided that everything else was on track and that only the off-the-shelf e-filing solution was not performing up to expectations. So a commitment was made to build a better system to fit the specific needs of Nebraska. This new system must:

- 1) Be economical
- 2) Be simple to navigate
- 3) Be easily expanded and enhanced over time

So in the span of less than 8 months, a new way of filing online was planned, prototyped, developed, tested and launched.

#### Solution:

The decision to look for a customized e-filing solution was made in September 2007 and the state network manager, Nebraska Interactive, was chosen to handle the development. Because the vendor works on a self-funding model, there was no up-front cost for the project, and this vendor had also performed the development on the other online services being offered by the AOC, there-fore had an existing knowledge of their internal systems. The focus of the project was to develop an e-filing application that: 1) required no additional user fees and 2) that eliminated what was a somewhat unnecessary complexity to the system found in the off-the-shelf solution, tailoring it to Nebraska requirements and streamlining it for attorneys' and clerks' ease-of-use. The resulting application employs a simple progression of data entry screens, from defendant(s), to plaintiff(s), to optional third parties, to a document(s) upload function, to a user confirmation page prior to submission. Filing a standard new case takes approximately 2-3 minutes. Subsequent filings on existing cases can be performed in less than a minute. For the clerk review, the application employs user groups to determine what should be displayed on log in. Clerks are presented with only the appropriate list of pending filings for the county/court/case type assigned to them.

#### Length of Time in Operation:

Work began on the application in September of 2007. Launch was projected for April 2008, when the prior service would be taken offline. This was done to ensure a smooth transition for the pilot user group. The new service processed the first live filings on April 14, 2008, and has now been online for 14 months.

#### Baseline and Changes in Metrics:

The decision to abandon the original pilot and invest more resources in the revised initiative was defined by the desire to increase adoption, and the customized tool that was ultimately developed has been able to accomplish this.

- Over 75 firms/entities have signed up for the service with over 500 attorneys participating.
- County Attorneys' offices and Public Defenders in several jurisdictions have been quick to adopt the system; with a total of 68 users already signed up from these different entities and more requesting access on an on-going basis
- There are currently 11 District and 15 County courts accepting electronic filing
- All jurisdictions accepting online filing, have available both civil and criminal filing types.
- To-date, there have been over 3000 new cases initiated electronically, and over 17,000 subsequent filings.

#### Leverage and Transferability:

Because the customized e-filing service was designed to be scalable, and flexible enough to be used for varying case types, in a multitude of courts, it is highly transferable and could be leveraged in a number of ways. For example, currently the county sheriff's offices file many Service Return documents with the courts. Filing of this type of document is available through the electronic service. However, manually

entering these by hand would not create any efficiencies for the sheriff staff, so the AOC is working with them on a way to deliver bulk data in raw form which can then be converted for clerk review.

#### Innovative Characteristics:

E-filing has many notable features:

- No additional cost to the filer.
- No need to enter payment information, filing fees are transferred to the court of filing via ACH using accounts set up by the attorneys.
- Log in ID's are linked to the filer's active bar number, in order to associate the attorney name with the filing(s) being submitted to the court. Attorney subscriber accounts are set up with the Nebraska.gov portal. Many attorneys in the state already have an account in order to access the AOC's JUSTICE case search (<https://www.nebraska.gov/courts/justice/index.html>). This makes e-filing convenient; as users can continue to use the same user names and passwords they were issued for the case search.
- The application can recognize a "free" filer, such as a county attorney, vs. a "fee" filer (private attorney) and knows when to initiate funds transfer and when not to.
- The Administrative Office of the Courts has implemented a privacy policy related to e-filing and online document image viewing to protect sensitive information that can be required in certain types of filings, such as date of birth, social security number, etc. from exposure. To handle this issue, a Confidential Document can be attached to a filing along with the Complaint or other initiating action document. The clerk can view and accept both PDF's; however the Confidential Document will not be accessible online. This process has also been adopted for over the counter filings.

#### Communications Plan:

Court services including e-filing have been demonstrated for clerks and attorneys in-person through convention/meeting presentations, via group web-conferencing, and individually on an on-demand basis. Each individual court is provided with flyers, and clerks are encouraged to communicate directly with the filing attorneys in their jurisdiction.

Information is available both on the Supreme Court Web site

(<http://www.supremecourt.ne.gov/court-information-tech/e-filing.shtml>) and the

Nebraska.gov subscriber portal

(<http://www.nebraska.gov/subscriber/basicservices.html>) The AOC and Nebraska Interactive continue to work together to find new ways to raise awareness.

#### **D. Significance of the Project:**

Beneficiaries/Stakeholder group: Attorneys/Law Firms

Making court document e-filing available was a significant step in the courts' outreach to their constituency. The service has broad appeal among the varying types of users in its target audience. Large firms which file and manage a high volume of cases take advantage of the online process to save them time, and money; versus having to

package and mail, or physically deliver, case filings to the clerk. Small firms, which may be an independent practice or a small partnership, take advantage of the online process as a substitute for having to hire a runner, due to lack of in-house personnel to deliver court documents. Attorneys/firms in the rural parts of the state, take advantage of the online process, as there can sometimes be great distances to travel in a county to the county seat where the courthouse is located, and electronic filing offers convenience and again, time and money saved. What really stands out as significant, however, is the courts' responsiveness and willingness to adjust when given feedback from the pilot that this was not the direction the filers wanted to go. It is a tribute to the AOC's dedication to making e-filing work that they were able to react quickly, choose a new direction, and commit to it. This dedication has now been rewarded with an innovative new solution, but also with the adoption they were looking for.

#### Policy, Strategy and Goal Alignment

E-filing represents the state of Nebraska's goal to rapidly expand eGovernment services to citizens and businesses. Electronic court document filing at the federal level is already mandatory. It is anticipated that all of Nebraska's trial courts will have the E-filing application in use by the end of 2010.

#### **E. Benefit of the Project:**

##### **Constituent/Service Benefits**

- File any time day or night.
- Eliminate the need for runners/mailing.
- Eliminate the need for check payments.
- Eliminate the need for printing multiple hard copies of documents.
- Email Confirmation with assigned case number and judge.

##### **Court System Financial Benefits**

- Reduce time spent on data entry by court clerks.
- Reduce check processing.
- Reduce expenses for storing documents.

##### **Court System Non-Financial Benefits**

- Better able to serve the needs of the attorneys, as filings are date and time stamped at the time of submission, not when the clerk performs the accept function.
- E-filing assists with standardizing the way case information is entered into the court database.
- Advancement of electronic access goals, the more cases that are e-filed, the more documents are available for online viewing.

The main benefit to the courts themselves comes in time and labor savings. Online filers are completing a data entry process which would otherwise be done by a clerk when hard copy documents are submitted to the court. Court offices struggle with the same budgetary constraints as any government entity which directly impacts staffing. Case filing data entry loads were increasing and it was becoming more and

more difficult for clerks to manage. When a case is e-filed, clerk review is a simple process of viewing case details and PDF's submitted by the attorney, and one-click to accept and transfer everything directly into the database.

- On average, a new case that is electronically filed saves approximately 5-7 minutes of data entry time for the clerk, and a subsequent filing on an existing case that is submitted electronically saves 3-5 minutes for the clerk.
- Conservative estimates indicate that to-date; the court system has saved more than 1,100 hours as a direct result of implementing e-filing.
- Sarpy County Court saw an increase of 20% in civil case filings in 2008, but due to the fact that 37% of all civil cases were electronically filed, no additional staff was added. Existing court staff were able to manage the increased filing load.
- Smaller courts may only employ one person. E-filing allows a clerk in another county to easily help out, since there is no need for them to travel to work filings.
- Conversely, larger courts with high case loads are receiving assistance from smaller courts whose personnel has the time to help, again with no need for travel.
- Electronic filing is also of benefit in the courts' disaster recovery plan, since clerks can access clerk review from any location with an Internet connection.
- Cost avoidance will continued to be realized by the courts in the on-going maintenance and enhancement of the application by its selected vendor, at no charge.

#### Alignment with NASCIO's 2009 state CIO priorities

**Budget and Cost Control** - As indicated by the statistics provided, as e-filing continues to be expanded, the court system will continue to realize greater labor savings which will have a positive impact on controlling costs.

**Security** - The application development shop, and the hosting facility are both Cybertrust certified. The code is run through a security scan to test for vulnerabilities each time a bug fix, change or update is deployed, and on a regular quarterly basis. There is no need for financial information to be entered by the user; banking information is encrypted and stored in a secure database, and transferred to the payment engine when necessary to process a transaction. The application runs on SSL so sensitive information is encrypted for transfer.

**Electronic Records Management/Digital Preservation/E-discovery** - Administrative Office of the Courts is coordinating with the Secretary of State Records Management Division to update policy which currently addresses paper documents and microfiche, to include PDF format.

**Green IT** - Due to the continued emerging success of e-filing, the Administrative Office of the Courts is building out the application with an eye toward ultimately achieving a completely paperless system.