



King County

Department of Judicial Administration

**Electronic Court Records
(ECR)**

Master Plan

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INTRODUCTION

The evidence is overwhelming: the King County Department of Judicial Administration (DJA, the Superior Court Clerk's Office) must change its records systems to meet the need for timely, available Superior Court case records. DJA, after carefully evaluating alternatives, has concluded that migration to on-line, electronic court records is the most reasonable solution. This massive change is not about technology, but about legal culture change. This Master Plan lays out essential steps, timing, costs, issues, risks, and a plan for a 5-year Electronic Court Records (ECR) program and component projects.

STATEMENT OF NEED

DJA is relied on by the public and courts for its record keeping. Maintaining timely, accurate, and complete case records are part of the Mission of DJA. DJA does not merely file documents. Clerks index each document into the case "docket" and transfer information to enter into SCOMIS (Superior Court Online Management Information System). Documents are reviewed for required Clerk's actions. After processing, papers are fine-sorted and placed in folders in the Clerk's shelving system.

DJA's goal to provide the record in time is not today satisfying DJA's customers. The sheer number of daily filings — the equivalent to a stack of papers over 8½ feet high — is daunting. The expectations of information age people lead the Court and public to want to see documents right after they are filed. The present standard in court rules (allowing 5 days for the routine flow of papers from filing to when available in the file for check-out) is not acceptable for documents like warrants, temporary restraining orders, judgments, or papers in high-profile matters.

In recent focus groups, hard copy file availability and finding papers in process were named the most frustrating problems for DJA staff and customers. The biggest complaint from our Court is that files, on arriving in the courtroom, do not contain all the current filed material. Further, hard copy management is hugely expensive. It produces only one file per case, accessible to but one user at a time.

ALTERNATIVES ANALYZED

DJA management considered how to speed the flow of papers while continuing to get information needed to maintain indexes and required records. Their goal was to be sure the file used by the Court, staff, or public will be complete, including all recently-filed papers. The following alternatives were evaluated:

1. Increase staffing by 10+ FTE and begin 24-hour operations 6 or 7 days a week.
2. Define the DJA-retained record as only for history. Develop alternatives for day-to-day access and review. For example, litigants might be required to provide "working papers" for all court appearances.
3. Reduce DJA operations to minimum "core" functions. DJA would eliminate support for special programs, stop participating in state-wide developments, reduce or eliminate statistics, and curtail outreach, pilot projects, and the like.
4. Take absolute control over what is allowed to be filed. With enhanced authority, DJA could keep what can be filed to a minimum and require process-supportive features such as bar coding on all documents.
5. Implement Electronic Court Records (ECR) so papers are scanned at filing, being quickly available at multiple concurrent access points. Scanned files would be supplanted in the future with digital (i.e., word-processed or ASCII) documents where possible, enabling increased automation of data capture and information processing.

RECOMMENDATION: Implement Electronic Court Records (ECR)

1. Working "harder, faster and longer" (Alternative #1) will cost the same over a 5-year time frame. It does nothing to accommodate growth. No matter what, papers could never be available in less than

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the 2+ days required for such a large sorting/filing process. Files would still be available to only one person at a time.

2. Redefining the Clerk's record as historic only (Alternative #2) would simply shift the costs of paper processing elsewhere and serve the Court less well.
3. Eliminating some functions (Alternative #3) may help, but at the expense of other important priorities. Such savings would not result in better file availability and the one-user-at-a-time problem remains unresolved.
4. Efforts to define and control filings (Alternative #4), a good idea worth doing, will likely meet with significant resistance and will not achieve results for years.
5. ECR is the most cost effective option, most likely to meet the goal of complete and available files, quickly accessible. Implementing ECR satisfies the need for file completeness and availability. It also enables improvements like workstation or remote access, multiple simultaneous file use, better file navigation, task automation, and portability.

VISION STATEMENT

Replace hard copy case files with electronic records. The official court record will be maintained in electronic form and can be accessed by file users in several ways. This allows automated data capture from digital documents, remote filing and access, and multiple simultaneous use of the case file.

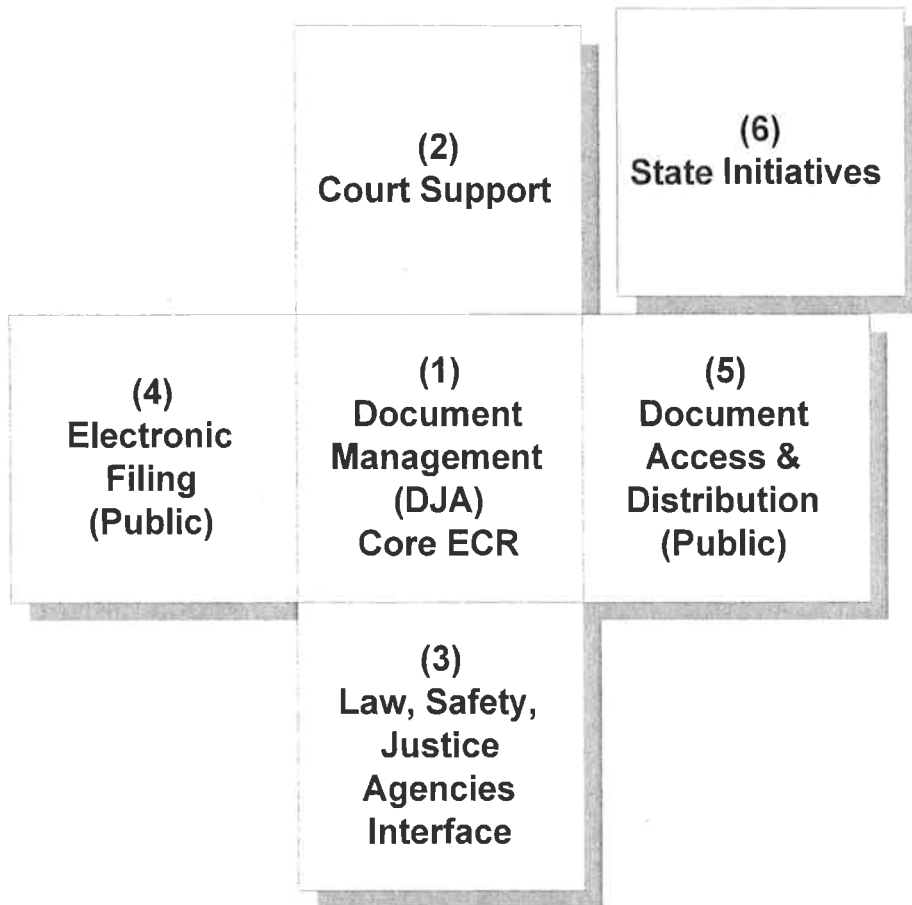
ECR PROGRAM PLAN

DJA is undertaking a 5-year program (1997 - 2002) to implement ECR. ECR will be undertaken in phases, with stakeholders involved in all the component projects. Each advance in ECR features will be tested in "proof of concept" pilot or demonstration project prior to being adopted into the overall program. "Pause points" for systematic review and program adjustment are key milestones in the program plan. The ECR communications program is designed to be sure that all stakeholders are heard and that all issues are resolved. There is dedicated ECR program management and technical staff.

ECR PROGRAM TIME LINES & ISSUES

DJA sees ECR as a multi-faceted program which will unfold through phased implementation in several major projects. Many issues are associated with the implementation of ECR. Each issue will be defined, discussed, and documented in an issue paper where potential solutions are explored. Issues are identified with the component projects; their resolution as part of those projects is part of the critical path.

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(1) CORE ECR: In 1998, this establishes the basic infrastructure of ECR.	
<p>ACTIONS</p> <ul style="list-style-type: none"> ✓ Vendor(s) build and install Core ECR. ✓ Archival scanning with 1997 platform continues, converting to equipment, software, and systems of the selected vendor. ✓ Limited public viewing of scanned images is available in the Clerk's Office. ✓ Demonstrations using selected cases illustrate ECR features and help clarify requirements. ✓ DJA staff learn to process documents as images routed through the workflow system. ✓ DJA maintains hard copy case folders for public and court access (electronic access comes later). 	<p>ASSOCIATED ISSUES</p> <ul style="list-style-type: none"> ◆ Hard copy management. ◆ Document scanning & quality control. ◆ Special case documents: original wills, fingerprints, promissory notes. ◆ Operating dual systems. ◆ Security (technological & sealed records) ◆ Judicial Information Systems (JIS) interface. ◆ Sub-numbering documents. ◆ Indexing techniques, structure, & categories. ◆ Status of Clerk's marks on document images. ◆ Long-term storage strategy (Computer Output to Microfilm, COM). ◆ Reallocation of staff. ◆ Training and support.

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<p>(2) COURT SUPPORT: This follows Core ECR as an expansion expected in 1999.</p>	
<p>ACTIONS</p> <ul style="list-style-type: none"> ✓ ECR is linked with courtroom operations to support business processes beyond access to electronic file folders. ✓ Electronic filing and access is enabled for the Court and Court staff. ✓ Some files-on-line with some pre-fetch service, a supportive index, & some hyperlinks. ✓ Case files are organized into categories facilitating retrieval by judges, staff, and file users. ✓ Software to produce, receive, index, queue, and pre-fetch images is installed. ✓ DJA, the Court, and Superior Court Administration begin to integrate functions and services of ECR, CMIS (Court Management Information System), and other systems. 	<p>ASSOCIATED ISSUES</p> <ul style="list-style-type: none"> ◆ Navigation within the electronic court file folder. ◆ Courtroom initiation of forms and data for filing with the Clerk into the electronic record. ◆ Interface with CMIS for support of real-time information processing. ◆ Adequacy of technology in the courtroom. ◆ Technology hardware management in the courtroom. ◆ Extended training and support.
<p>(3) LAW, SAFETY, & JUSTICE CONNECTIVITY: This is a 1999 expansion built from Core ECR.</p>	
<p>ACTIONS</p> <ul style="list-style-type: none"> ✓ The County law, safety, and justice (LS&J) agencies that are already linked through the King County Wide Area Network (WAN) gain access to electronic case files. ✓ Connectivity grows on the foundation laid by the 1998 case demonstrations. ✓ Electronic transmission of certain documents. 	<p>ASSOCIATED ISSUES</p> <ul style="list-style-type: none"> ◆ County agency access. ◆ Law, safety, & justice connectivity. ◆ Certification of electronic records. ◆ Funding law, safety, & justice technology.
<p>(4) ELECTRONIC FILING: This will be developed for the public and attorneys in 2000, following integration of LS&J agencies.</p>	
<p>ACTIONS</p> <ul style="list-style-type: none"> ✓ Programs and procedures for filing digital (word-processed & ASCII) documents (beyond images) are developed. ✓ Limited public access to electronic records is provided to meet business needs. ✓ Fee collection and other basic transactions are enabled for ECR. ✓ Methods for identifying filers and systems for electronic signatures are adopted. ✓ Automatic capture of data from electronic documents saves data entry labor. ✓ Pattern forms, templates, and “smart forms” (with artificial intelligence) grow in use. 	<p>ASSOCIATED ISSUES</p> <ul style="list-style-type: none"> ◆ Court rules. ◆ Costs and assessing fees for services. ◆ Digital signatures (or alternatives). ◆ Document standards, e.g., should content be preserved alone, or content with format? ◆ Citing to the electronic record. ◆ Using hypertext links in citations of other documents. ◆ Developing a “filing message” to help filers categorize and name their documents for better processing and retrieval. ◆ Acknowledging receipt of filings. ◆ Appellate processes. ◆ Incentives for electronic filing.

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(5) DOCUMENT ACCESS & DISTRIBUTION: This will make filings accessible electronically for the public and attorneys in 2000, following LS&J integration.

ACTIONS	ASSOCIATED ISSUES
<ul style="list-style-type: none"> ✓ Multiple access options are developed, e.g., at courthouses, law libraries, government offices, and public kiosks. ✓ Internet, dial-up, and other access systems are explored. ✓ “Universal browsers” and similar electronic access tools are tested and evaluated. ✓ Security of ECR systems against invasion or disaster is fully developed before going public. 	<ul style="list-style-type: none"> ◆ External access to court records (techniques). ◆ Electronic document remote access dissemination policy. ◆ Remote access to court records (privacy issues). ◆ Security for sealed materials. ◆ Methods & timing for “cut-over” to new systems. ◆ When is the electronic the official record? ◆ Staff re-distribution. ◆ When to stop providing hard copy for access.

(6) STATE INITIATIVES: Simultaneous with all projects, DJA ensures ongoing ECR coordination with related efforts at the state level and elsewhere.

ACTIONS	ASSOCIATED ISSUES
<ul style="list-style-type: none"> ✓ Ongoing communication is maintained with other agencies or projects related to electronic records and files. ✓ Electronic records for appeals. ✓ Electronically available “Judgment & Sentence,” protection orders, etc. 	<ul style="list-style-type: none"> ◆ Governance. ◆ Electronic records standards. ◆ Legislative authority.

ECR STAKEHOLDERS

Support from those significantly affected by ECR is vital to success. DJA must hear and understand their voices, cultivate their input, and benefit from their criticism and advice.

Stakeholders	ECR Interests & Concerns
The Public	Taxpayers pay for new systems. <i>Pro se</i> litigants. Case file users. Cases are open public records unless sealed.
Elected officials & Information Resource Council (IRC)	Provide funding & oversight for King County technology projects.
Superior Court & staff	Need systems to support judicial decision-making, system coordination (e.g., CMIS). Use case file records. Create & file documents.
DJA staff	Design, build, & implement ECR. Work processes will change. Career change & opportunities to come.
LS&J agencies (Prosecuting Attorney, Defenders, Jail, etc.)	Use case file records regularly. Create & file documents. Authenticity, security, reliability of documents.
Other courts, counties	Records for appellate review. Need ECR elsewhere. Shared concerns about resources, standards, and uniform practices.
Attorneys & support staff	Litigants, legal practitioners, who use files regularly. Create & file documents. Work requirements will change. Potential costs/savings.
Office of the Administrator for the Courts (OAC)	Interface with existing data systems (JIS, SCOMIS, etc.). Coordination of statewide systems, policies, & practices.
Law Library & Litigant Support Agencies	Provide court user support. Access to information for litigants.
Title Companies, Messengers,	Business opportunities. Commercial interests in case information,

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Stakeholders	ECR Interests & Concerns
Researchers, Vendors	filer services, information re-sale, etc. Regular case file users.
State of Washington	Standards for archival & electronic records. Archivist policies. Digital signatures.

COSTS & BENEFITS

Costs incurred for important new technology like ECR are justified by the benefits and savings they enable. Many of ECR's concrete benefits to the Court and litigants are difficult to quantify. The return on investment for ECR will be realized in increased efficiency, new productivity, and eliminating tasks required for hard copy handling. The ECR project has attracted County, federal, and grant based support. As the project unfolds, its costs, funding, benefits, and savings will become clearer.

Expected Costs	Benefits & Potential Savings
1997 <ul style="list-style-type: none"> Grant from County Information Resource Council (IRC) for technology consultant Scanning project (infrastructure funds from County IRC technology resources) Scanning project labor from Current Expense Grant from State Justice Institute (SJI) for process consultants Federal grants for demonstrations 	1997 <ul style="list-style-type: none"> Substantially develop infrastructure for document image processing Build knowledge of scanning, imaging Proof of concept tests help to define image resolution & readability standards, Wide Area Network capacity, electronic document security, image viewing requirements, and the value of centralized County technology resources
1998 <ul style="list-style-type: none"> About \$1 million to establish "Core ECR" (DJA imaging & electronic workflow capability) Scanning project labor from Current Expense continued Grants & potential SJI continuation grant 	1998 <ul style="list-style-type: none"> Determine ability of vendors to meet DJA requirements within available resources Develop, test, computer output to microfilm Criminal case demonstration project: proofs of concept (accessing active case records electronically)
1999 <ul style="list-style-type: none"> Scanning project labor from Current Expense continued Federal grants & possible SJI support Planned funding for "Court Support" and "LS&J Connectivity" of \$800,000 (approx.) 	1999 <ul style="list-style-type: none"> Develop connectivity with Court & LS&J systems, agencies Initiate workflow processing of documents within DJA (paper maintained for access only)
2000 <ul style="list-style-type: none"> Scanning project labor from Current Expense continued Costs of infrastructure enhancements for "Electronic Filing" and "Document Access & Distribution" to be determined 	2000 <ul style="list-style-type: none"> Internal processing savings initiated through workflow, intelligent automated data extraction, "smart forms," etc. (ultimately reduces by up to 8 FTE) As agency self-service electronic access grows, reduce staff providing files (up to 3 FTE) Investigation of new fees (e.g., premium court file data access services) & user incentives
2001 <ul style="list-style-type: none"> Scanning project begins to produce noticeable hard copy backfile reductions 	2001 <ul style="list-style-type: none"> Initiation of remote access & elimination of substantial access to paper files reduces staff required (up to 11 FTE through attrition as paper file service needs shrink)

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2002 <ul style="list-style-type: none">Scanning project concludes as it produces substantial hard copy backfile reductions	2002 <p>Remaining staff efforts shift away from physical file support & manipulation to knowledge-worker services for Court & litigants</p>
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RISKS & CONTINGENCIES

All projects of substantial size and scope involve taking risks and require contingency planning. DJA has sought out consultants and experts for advice on how to identify, manage, and respond to potential risks and problems along the way.

- 1. Resource problems:** There is always a risk that a project's costs will be more than projected or that benefits will not be as much as is expected. There is a nominal risk that necessary resources to continue the project might not be available.
These risks are mitigated by dividing ECR into manageable projects, each of which can stand on its own. For example, Core ECR will be valuable even if Extended ECR is postponed.
- 2. Support endorsement problems:** Any big project is under risk that its advocates will lose interest or that the support of key stakeholders will wane.
This risk is mitigated with DJA's aggressive communications project and focus group approach. The program will continue to keep in close touch with all stakeholders, to get their input and keep support levels high.
- 3. Product does not meet expectations:** Some may worry that the final product (an accessible electronic court record) will not meet stakeholders' expectations. What if it is not user-friendly enough? What if it lacks desired special features? Might it be of low quality due to budget constraints?
Expectation management is a central focus for this project. The features promised for each phase or project will be clearly defined, built with user input, and tested for usability. Budgets may constrain the timeline but not quality.
- 4. Project management problems:** Major technology project implementations risk timeline slippage, scope creep, staff turnover, poor quality control, unresolved problems, never-ending enhancement demands, or unmanaged change.
The project management team is continually being trained in project management, aided with the latest project tracking tools. The team will benefit from various County and outside technology user groups and periodic re-evaluations of program progress.
- 5. Technology problems:** The technology for ECR is neither too new, unproved, nor overly complex. There are nevertheless some technology risks: What if King County's Information and Telecommunications Services Division (ITS, the ECR server manager) isn't able to meet security or availability needs? What if it proves hard to attract and keep high quality technology staff? Suppose the integrating technology doesn't work as planned. Every project dreads system failures or disasters, and hopes the problems with vendors or products will be easily resolved.
The "proof of concept" approach will mitigate these concerns, moving the project forward only after careful testing and experience.
- 6. External factors:** The ECR program depends on other organizations to accept changes and revise procedures, the Revised Code of Washington (RCW), the Washington Administrative Code (WAC), and court or agency rules. Failure or refusal to accommodate ECR could prove problematic. The federal government or Washington State agencies could choose to impose proprietary standards not compatible with the ECR direction. The State Archivist could overly constrain the acceptability of electronic records. The Supreme Court or State Bar Association could resist enabling orders or rules. Digital signature implementation could falter and alternatives could be too weak. Any seemingly small problems could become threshold.

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The inclusive ECR project structure and its broad public relations program should surface issues in time to resolve them before they become serious. The State Supreme Court, State Archivist, State Bar Association, the National Center for State Courts, and the State Justice Institute (SJI) are supportive of ECR's goals and are knowledgeable about and involved in the program.

MANAGEMENT

Internal Project Management: The Core ECR Team will include a DJA business process expert, a technology specialist, and a program director. Internal support to the Core Team comes from the Communications Group, DJA's ECR Operations Committee, and the EDM Workflow Team. External support is expected from the Court Technology Steering Committee which oversees Superior Court and DJA technology initiatives. ECR's Team includes important skills in technical support, public relations, project tracking to keep us on schedule, and business processes analysis. Resources are managed through DJA's budgets, grant writing, grant management, and expenditure tracking. The Core Team draws on technical expertise to monitor, coordinate, and oversee hardware and software installation. The program director is responsible for project communication, meeting coordination, procurement, and consultants.

External Project Management: A County-wide Steering Committee formed in 1995 is the primary tool for decision making. For state-level coordination, a state Advisory Committee meets quarterly to review decisions, receive reports, and discuss state-wide implications of programs goals. Special working groups are formed for "proof-of-concept" demonstration projects.

PROOF-OF-CONCEPT PROJECTS AND COMMITTEES

DJA minimizes potential waste and risk by engaging in collaborations, "proof-of-concept" demonstrations, and "safe mode" (not risking disruption of real-time court operations) experiments. This approach is cautious and conservative. When a demonstration project proves a method or approach, DJA builds on it directly.

King County's Electronic Document Advisory Committee (EDMAC) was formed by several County agencies working toward electronic records, to explore how to share County resources, including technology infrastructure. A grant from the Information Resource Council (IRC) engaged a consultant to advise on standards and "best practices" in electronic document management systems. EDMAC was precursor to the Electronic Records Advisory Council (ERAC), which today explores issues and economics associated with County electronic information resources.

DJA's Electronic Document Management (EDM) Workflow Team is a Total Quality Management (TQM) team of DJA staff, formed in 1996. Its mission is to study and chart the flow of documents and work within DJA. This work prepares us to design workflow software for Core ECR. The inter-divisional Team has developed text and computer-aided flow charts of the work steps for criminal case documents. A few obsolete or repetitious work processes surfaced and have been eliminated. The Workflow Team's knowledge, skills, and techniques will benefit DJA as workflow applications are designed.

DJA's Scanning Project began in 1997 to take the place of microfilming inactive case records. (DJA by law preserves case records "indefinitely.") A temporary, rental-based imaging program was procured, along with scanners, servers, and other equipment. The project was assigned to the Regional Justice Center (RJC) in Kent. Court case records archived from SCOMIS were taken from shelves and prepared for scanning. DJA selected the powerful IBM RS-6000 owned by ITS as the server for document images. DJA chose magnetic disks over optical media for image storage.

The Scanning Project has demonstrated much:

- Documents scanned in Kent can be transmitted to Seattle for storage and retrieval.
- Storage and retrieval can be done with excellent access times using magnetic media.
- Access can be from anywhere on the County WAN.
- Images scanned at 200 dots per inch maintain readability even when converted to microfilm and printed.

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- Numerous paper jams can plague “high speed” scanners because older papers are hole-punched, stapled, and worn.
- Time consuming document preparation and careful daily machine maintenance are essential to keep daily volume high.
- Implementing software programs with a vendor located in another state is quite challenging.

The Criminal Case Demonstrations Project is a collaboration of Law, Safety, and Justice system agencies to test how ECR helps them process criminal cases. Participants include DJA courtroom and criminal judgments staff, representatives from the King County Prosecuting Attorney, public defender agencies, the King County Jail, and the Court of Appeals. With grant support, this demonstration is to show how an electronic file folder for active criminal cases can be advantageous for those involved. Fraud and drug cases will be selected for the project. DJA will scan documents as they enter the system and again before they are put in the file. Those working with the files can read them from computers without having to have the paper file in hand.

“What’s the Record?” is a subgroup of the ECR Steering Committee concerned about navigating in the electronic file folder. The group did a detailed analysis of case file contents from a courtroom perspective. They are building a “filing message” toolkit to help litigants name documents clearly. They are defining document categories to support user searching and may try to identify which documents need not be retained in the permanent case file.

DJA’s ECR Communications Team maintains good stakeholder relations. This group of DJA staff helps make sure their colleagues and outside groups are well informed about ECR. The Team is conducting **Focus Groups** within DJA, for Superior Court staff, and for legal staff, attorneys, and others. Focus groups educate participants about ECR, solicit their concerns, and provide defined ways for them to stay informed. Other educational programs include **ECR Web Pages**, **educational presentations**, and speaking at **attorney continuing legal education (CLE) classes**.

The Court Rules & Legal Change Committee of the ECR Steering Committee includes a judge and several attorneys. They have identified where in Washington law, court rules, and County procedures changes may be needed to enable ECR. They will draft a general order to authorize ECR to proceed in King County. Proposed rule changes will be circulated for comment. Formal rule changes will be introduced through regular processes.

The **DJA Hard Copy Management Group** are DJA managers and supervisors making sure that existing hard copy records are supported during ongoing ECR planning and a Courthouse office remodel. The group works on file overcrowding, offsite storage options, and other aspects of hard copy management.

DJA’s ECR Operations Committee are DJA managers and supervisors serving as an internal advisory body on ECR. This group reviews and makes recommendations on any aspect of the ECR Program and related projects that impact the operations and responsibilities of DJA.

ECR PROGRESS MONITORING & EVALUATION

DJA Management will pause at logical points in the ECR Program’s life cycle to measure strategic and tactical progress, consider new realities, and determine how best to proceed. DJA will engage a Quality Assurance Reviewer who will present findings and recommendations upon completing a formal review. The “Pause Points” will occur before each significant milestone. For the “Core ECR” project, formal reviews are planned before a vendor contract is signed, prior to product installation, and before final acceptance of installed systems.