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e-Court Goal: Paperless by 2014

By: Dan Wise

An entirely paperless state court in less than four years – that’s the goal.

Peter Caradonna, the manager of the Judicial Branch’s e-Court project, at a Nov. 2 public briefing, sketched out the route and the stages along the way.

In the next month, the Court intends to decide on a master plan addressing major design and implementation questions. By next fall, specifications will be developed and a technology vendor chosen to build the system. Citing typical build-out times rather than a work plan, Caradonna hopes to have the e-Court system installed for pilot testing by spring 2013 and full implementation by 2014.

The Judicial Branch has strong incentives to get there. It has projected savings of \$38 million over the next decade from the development of e-Court. Chief Justice Linda Stewart Dalianis, in opening remarks, said the project is "our top priority, and front and center on everybody’s list of things to do until it is finished." Dalianis appointed Associate Supreme Court Justice Gary Hicks to lead the project for the Judicial Branch.

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Addressing skepticism about its ability to meet this ambitious timetable, Caradonna says the Judicial Branch has no option but to act quickly and keep moving forward. The legislature only funded the project on a year-by-year basis, so additional funding will be contingent on demonstrated progress.

The system will be all-encompassing with documents – petitions, pleadings, and other filings, orders, and notices – created and distributed electronically. More than once during the briefing earlier this month, Caradonna said that there will be no case files with "mixed-media" – paper appendices or signed documents. Anything outside the electronic system cripples its effectiveness.

"If there is a requirement for a piece of paper, we have lost," said Justice Hicks. "If we don't realize a lot of savings on this project, we have failed."

The incentive for lawyers, Caradonna said, is huge: Typical estimates of savings for law firms filing electronically is \$75 per filing. Think: no photocopying, no binders, no postage to multiple parties, no trips to the courthouse just to file or look up something; also, it will be easier to keep track of ongoing cases as dockets and entire files, to a large extent, will be publicly available online.

Another major player is state government. According to the project team, nearly 65 percent of the court's business involves filings initiated by a state Executive Branch agency (Department of Safety, Department of Justice, Health & Human Services, to name a few major players.)

The next couple of weeks offer a brief window of opportunity for the stakeholders, such as state agencies that deal with the courts, the legal community, legal services and other court users, to contribute input on six key issues that will be addressed in the master plan being assembled for approval by Chief Justice Dalianis by mid-December. At the briefing, Caradonna presented the six issues along with some considerations. (These issues are dealt with in greater depth on the [Judicial Branch's e-Court website.](#))

1. Filing fees. Typically, such systems charge fees for the convenience provided by electronic filing. Caradonna said fees range from \$3 to \$12 per "transaction" (which could include filing, retrieval or noticing) with filing fees of \$6 as the median. The presence of filing fees can also attract vendors who provide value-added convenience in filing assistance.

2. Voluntary or mandatory filing. Although Caradonna posed it as a question, there was no doubt which option he prefers. "Under voluntary systems, acceptance is low – only about 15 percent. That won't achieve our goals," he said. Yet, the requirement is a policy decision. If a party does not have computer access or does not know how to use the system, if documents are brought to the courthouse, they can be entered into the system electronically at that time. For example, self-represented litigants would be able to use public-access machines, or kiosks, in the courthouse, to scan and enter their filings, as is done in the federal system. Even with mandatory systems, Caradonna said, about 3 percent of all filings must be entered into the system, due to a variety of exceptions.

3. Vendor vs. court supplied filing channels. Should the e-Court system have a single interface, chosen by the court, to enter and view documents, or should it emulate the IRS e-filing process, which offers taxpayers a choice of vendors with different means of filing tax returns? The multiple vendors can offer different value-added solutions to aid in filing, but a single system allows the court to more strongly control what fees are charged. California and Texas are two states where court e-filing systems use multiple vendors.

4. Physical custody of e-Court files. Will digital court-filings and records be stored in servers at individual courthouses, centralized servers controlled by the court system, at the AOC for example. Or will the records reside in the "cloud" (Internet-accessible storage). Caradonna said the security and accessibility goals of the court system can be addressed without the inefficiencies and extra cost of maintaining individual servers holding data at the courthouses.

5. Implementation in stages – by case type or by court site? Should the system be rolled out by selecting certain types of cases, or by wholesale implementation of the paperless system courthouse-by-courthouse? There are many considerations either way – there is a greater initial return on investment by implementing high-volume case types but there is greater disruption to operations and greater training requirements. The complete system rollout by site requires more testing and likely starts later but the transition, once it begins, occurs more rapidly.

6. Applying e-Court to new cases or "ingestion" of existing active cases. Once again, the white papers written on these options cover many competing considerations. Applying it to active cases is simpler in many ways, but delays the complete transition of the e-Court by many years.

The project development team plans to discuss the various options in the next month, with Chief Justice Dalianis slated to sign off on the master plan options by mid-December. Another public briefing would then be held in early January to provide interested court users and the public with a defined path to implementation.

Visit the [Judicial Branch website](#) for more about the e-Court.

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