



State of New Hampshire Judicial Branch

E-Filing Policy #3

(Vendor or Court provided e-Filing Services)

Issue: (State the issue and whether it is specific to certain level of court or case type)

Should the system support multiple independent vendors who provide services to litigants, a single vendor that will service litigants, or should the Judicial Branch provide the e-filing Services?

Discussion: (Provide the factual setting or context for the issue):

The concern about multiple vendors is that the Judicial Branch gives up control of fees and there is competition among vendors for pieces of the project. With a court provided model, the court system would be responsible for upgrading to current technology and would be responsible for all operations; providers can be hired and work can be contracted out. The court retains tight control over the investment and the type of services provided. In most states the system is either provided by the court or by a single vendor. Very large states (i.e California) use multiple vendors.

Most of the recent implementations of statewide e-Filing systems have used the court provided e-Filing approach. In other words the state courts buy, install, integrate, and operate the e-Filing system themselves. The vendors provide software maintenance and updates. All of the services can be provided directly by court staff or outsourced. The states taking this approach include Arizona, Utah, Minnesota, and Wyoming. Although the initial investment to implement this style may be higher, it puts more control of the fee structure and case type coverage, in the hands of the courts.

(See pp. 28-34 at <http://www.courts.state.nh.us/nh-e-court-project/e-court-issues-choices.htm>.)

Authorities: (references to statutes, rules, codes or administrative orders pertinent to the issue)

N/A or general administrative authority

Alternative Solutions: (list all identified alternative solutions for the issue)

Alternative 1 – Multi-Vendor EFSP (Electronic Filing Service Provider)

In this model the court provides an interface to the case management system. This interface is based on an industry standard. Various commercial vendors have systems that will integrate using that standard. After the system is connected, tested, and certified, the vendor offers the e-Filing services via an internet portal

Alternative 2 – Single Vendor EFSP

This is similar to Alternative 1 only there is one vendor portal for all filers. This generally runs the same way except it is far less complex because the documents are coming from one place. Usually this single vendor will provide courthouse staff and judges access to its system. The result is that the document management system is actually hosted and maintained by the vendor. Fee collection is the same as Alternative 1.

Alternative 3 – Court Provided e-Filing

This approach involves the courts developing or purchasing a commercial off-the-shelf (COTS) e-Filing application either as a separate “front-end” or as an “add-on” (integrated) to an existing case management system.

Position/Recommendation (does the NH e-Court Advisory Committee have a recommendation on this issue)

1. Explore the Feasibility of Vendor

Since our preliminary finding is that the NH case load is 65% State initiated, in both models the court needs to provide e-Filing for State agencies that use the courts. These case types represent a majority of the courts’ work and therefore that is a high priority target to solve. If that functionality needs to be provided and can not be provided through the use of an Electronic Filing Service Provider (EFSP), it may be better to provide a more generalized e-Filing solution to meet the needs of all.

If the scope addressed by EFSP vendors is small it does not justify the added complexity to the system.

2. Prepare for Court Provided e-Filing

The NHJB has commenced a Lean Six Sigma effort that will gather information about the NH caseload and the cost of paper handling related to each case type. This should continue. Some of the information from this will allow us to measure how much of the problem a vendor would address should we use that model.

If the court provides the e-Filing portal it will allow the court to best control the rate and coverage of the implementation. This will prevent the risk other jurisdictions experience when the portal vendor's priorities became unaligned with the goals of the court. Although this choice may require an additional initial investment, it will secure the maximum cost savings by allowing us to cover the whole problem scope.

Decision:

The Judicial Branch will control vendor provided e-filing services. The vendor selected to provide *e-Court* services will be managed by the Judicial Branch which will control fee structure and types of cases for e-filing. The Judicial Branch will control support services, which may be provided by an outside vendor.

The New Hampshire Judicial Branch Administrative Council recommended that the New Hampshire Supreme Court adopt the recommendations made by the NH e-Court Advisory Committee. The Supreme Court adopted the recommendations.

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