



State of New Hampshire Judicial Branch

E-Filing Policy #5

(Implement by Whole Court or Case Type)

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

Should the system be implemented by case type or should entire courts be implemented at once?

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

The eventual goal of the NH e-Court project is that a very “different” court will be the result as opposed to a court that processes one kind of case very differently. The whole court approach means all the business of an entire court is implemented at once. A court type is selected (either Superior or Circuit Court) to be the test bed and build the model there, account for any kind of business the court would do and then replicate that around the state.

In case type, certain types of cases are selected for implementation. Case type, rather than a slow rollout by location as with the Family Court and Odyssey, would engage a large number of lawyers and staff in the e-court process statewide and build momentum. However, a piecemeal approach by case type may stretch out the project timeframe and result in lost opportunities for return on investment through redesign. It will also require staff to work with two different processes if one case type in civil for example was selected for the NH e-Court implementation and others were maintained in the existing system during the design stage. There is concern that during development stage, the courts would be operating in two different worlds if the system was implemented by case type.

A true pilot project method, during which a model court was constructed and a Business Process Reengineering (BPR) focused on creating that model, would produce a low risk case test bed that could be rapidly deployed as opposed to focusing on a particular location. There could be a one court model, then several adaptor courts and then statewide rollout. Doing a whole court process would require putting the LEAN process into place for every kind of case type. Applying

the LEAN process to a whole court provides an opportunity for consolidation and “collapsing” of case types that are unnecessary in the new e-court world. Whole court gives maximum flexibility for reconfiguration.

See New Hampshire e-Court Project e-Court Issues and Choices Part 2 , pp. 13-18 at <http://www.courts.state.nh.us/nh-e-court-project/NH-eCourt-Issues-and-Choices-Part-II.pdf>

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

NH Constitution Part 2 [Art.] 73-a [Supreme Court, Administration]
NH Constitution Part 1 [Art.] 8, [Accountability of magistrates and Officers; Public’s Right to Know]

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

Alternative 1 – Whole Court

This is an implementation style used by many courts that are independently funded and operated. It’s also commonly used in courts which have secured a large lump sum investment that provides adequate funding for the entire scope. Example: The Oregon e-Court project provides a one court pilot followed by 5 early adopter courts and then a statewide rollout for the remaining 30 counties.

This style is typically a lengthy process because the integration and workflow for all court-specific case types need to be specified, built and tested. The transition is usually seamless, as the entire organization (staff, judges, attorneys, self-represented, state agencies) of the specific court is trained and changes processes simultaneously. Businesses often utilize this model to quickly unify business practices across an organization. For example, an insurance company builds a model claims office and subsequently rolls that out to various locations across the country. The same model can be used to create a model court, in which the unified processes and systems proven in that court are implemented statewide.

Alternative 2 - Case Type

As the country’s most common implementation style, the focus rests on a case type or bundle of case types. Each selection of case type(s) may be implemented statewide or in a more limited jurisdiction. Case types would be selected based on a combination of factors such as:

1. Potential savings - Courts study each caseload to determine how many cases of each case type are filed and how intensive those cases are from a paper handling perspective. Case types are then ranked from highest to lowest opportunity for potential savings.

2. Cost and complexity to implement – Solutions may be too complex and too costly, despite a case type having great potential savings.

3. User capabilities – Often case types have a focused user community. Focused case type user communities commonly possess higher skills and enable rapid adoption.

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

The NH Judicial Branch e-Court project manager recommended a “mixed case/whole court” implementation because of the expectation that the NH e-Court project would produce a “different” court.

Decision:

In the course of planning, the project manager learned that the NH E-Court Project was not adequately funded for a comprehensive whole court approach. Instead, he recommended, and the Project Advisors adopted, a case type model, beginning with circuit court small claims cases.

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

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