



State of New Hampshire Judicial Branch

E-Filing Policy #6 (Day Forward or Ingest)

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

*Should the implementation start with new cases filed or include active cases?
What about closed cases?*

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

The move to electronic case processing involves two kinds of non-electronic cases; active and closed. The issues relating to active cases are the most pressing. It is preferable to not mix electronic and paper files within a single case. Although some courts do this, it can present issues for those involved. Some factors must be considered while deciding the fate of existing active case files: Case duration, file size, chance of reopening, information sharing (case information requested by justice agencies or others may benefit from conversion).

Possible Approaches:

- Day forward – The use of e-Court is restricted to newly filed cases or new filings on existing paper based cases.
- Ingest active – Active case files are scanned to create a unified electronic case file and all subsequent filings are immediately stored using e-Court.
- For reopened cases, have a policy of scanning upon reopening.

The sooner paper is eliminated the better; consideration should be given to implementing some scanning work before the e-filing system is implemented. How valuable and necessary is it to keep some material forever?

(See New Hampshire e-Court Project e-Court Issues and Choices Part 2 , pp. 19-23 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]

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

Alternative 1 - Day Forward

The day forward implementation method utilizes e-Filing solely for newly filed cases. All new case files are entirely electronic and active cases remain on paper until disposition. Over time the use of paper will dwindle while electronic case files grow.

Alternative 2 – Ingest Active Case Files

The court ingests (primarily through scanning) existing active case files. This decision is typically made on the basis of case type.

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

The e-Court team recommends the selective ingestion style outlined as alternative two. The value of ingestion will be determined by an analysis developed by the court staff. Ingestion of the selective active cases is then built into the implementation plan so it is coordinated with the system deployment.

Decision: Use of e-Court will begin with newly filed cases. Selected active cases will be ingested into the e-filing system based on objective criteria.

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.