

The “Paper-On-Demand” Court

ECM in Courts

Introduction

Electronic Content Management (ECM) systems provide significant, paradigm-shifting value to courts of all types. In fact, the savings to a court are greater than any other single technology initiative. This White Paper seeks to describe those benefits so that court leaders can evaluate whether the technology is a good fit for their organization.

This White Paper proposes that the most significant ECM component to a court is Workflow. Because of the significance of Workflow Technology to courts, this paper could just as easily be called “Workflow Technology in Courts”.

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2. Paper-On-Demand

The concept of “Paper-On-Demand” is a way of thinking. It is a discipline that when made pervasive throughout the court enterprise, dramatic cost savings follow.

“Paper-on-demand” means that all content is stored in a digital format at all times and is only made into paper format when needed. If a constituent or party to a case requires paper, then a copy can be printed for that individual need, but the paper is not used within the court.

Once everyone within the court enterprise understands the paper-on-demand philosophy and value, everyone can help by questioning every piece of paper that is found. The “paper-police” have an easy job, because paper stands out like a sore thumb.

ECM enables a paper-on-demand environment by providing the means to store, retrieve, secure, route, and sign documents, all within a digital environment. When executed properly, the benefits to this dramatic shift in process and culture are tremendous.

3. ECM Technology

ECM Technology is a classification of systems that include several related technologies. The AIIM organization is a good resource for acquiring an in-depth independent definition of ECM (Visit the AIIM website at <http://www.aiim.org>).

AIIM defines ECM as:

“Enterprise Content Management (ECM) is the strategies, methods and tools used to capture, manage, store, preserve, and deliver content and documents related to organizational processes. ECM tools and strategies allow the management of an organization’s unstructured information, wherever that information exists.”

Source: <http://www.aiim.org/What-is-ECM-Enterprise-Content-Management.aspx>

In courts the primary content that is being managed are documents, and by far the largest collection of documents are found in case files. Documents often originate in paper form, but can be managed in any number of digital formats. Paper documents are scanned to a digital image format.

Courts may also need to manage other digital assets, including video, audio, and photographs. A good ECM solution allows for the management of all popular digital file formats, and therefore, the discussion herein is inclusive of a diverse set of digital data.

4. Courts

There are many different types of courts, and all can benefit from ECM technology. Because many of the benefits are derived through process improvement, courts with higher complexity will benefit significantly more than simpler courts. For example, courts that handle Domestic Relations, Criminal or Juvenile cases will derive more benefit than courts that handle traffic violations. Higher caseload will also drive increased value of an ECM solution.

5. Paradigm Shift: The Electronic Case File

Most courts utilize a paper case filing system similar to the way courts managed files a century ago. In a paper system, the case file is created at case initiation and lives in a filing system controlled by the court for the life of the case, plus a defined retention period.

The paper file is the epitome of inefficiency. Here are just some of the major problems:

- Paper is expensive, takes up space and degrades over time
- Misfiling rates commonly are 2% or greater
- Retrieving a paper file is time consuming – a large paper-based court requires a substantial staff to manage the file room
- A physical paper file can only be in one place at a time which leads many offices to create and maintain duplicate copies of the file
- With a paper file, only one task can happen at a time on a case, which increases court backlogs
- Fraud opportunities abound when the paper file is the primary record
- Remote access is difficult or impossible
- Offices become overrun with paper, which frustrates staff and clients
- It is difficult to secure or seal all or part of a paper case file

An electronic case file repository is at the heart of a good ECM solution. The electronic repository provides court workers and outside parties with an efficient consistent view of the case file on demand. The case file can be presented in different ways, depending on the user’s role. For example, case workers in the trial court may see a different file organizational structure than prosecutors. Any number of users can view electronic documents simultaneously. Security is granular and can be defined at the case, case type, or document level.

High-speed scanners are often deployed to allow for the capture of new documents and for the scanning of existing case files. E-filing is a popular and growing mechanism to allow documents to arrive in an electronic format from the filer, reducing the need for scanning and indexing (see E-filing discussion below).

Documents need to enter the repository in a controlled way based on rules defined by the court. These rules are enforced on all documents and require that incoming documents be reviewed for quality and “indexed” to the appropriate case. Courts will generally establish a set of document codes that provide a shorthand convention for identifying a document’s purpose (for example an “Order to Change Parenting Time” might be coded “ORDPT”). This provides consistency and efficiency in capturing documents. Courts are inherently easy to move to an electronic case file because most have been performing efficient “indexing” of their documents for many years.

6. Workflow Technology – The Key to Process Efficiency

Establishing an electronic case file repository (as described above) provides key benefits to the courts, but doesn't stop there. Many courts make the mistake of focusing on creating the electronic case file repository and miss out on significant extra value provided by Workflow Technology. **Workflow allows for automated routing and processing on documents and data contained in the electronic repository.** So an electronic repository is essential for Workflow to be possible.

Documents that enter the court are either coming from inside the court, outside from the public, or inter-agency. **Most documents that enter the case file have a process attached to them.** In a paper filing system the process is performed by passing the paper document around to the appropriate user's inbox or desk. In an ECM system the workflow becomes the inbox and a whole lot more.

Workflow allows the court to take the myriad of routing and processing rules and model a system to ensure they are performed efficiently and consistently. In many courts the processing rules are stored in key staff member's brains. Workflow does not remove the value of the knowledge worker. **In virtually every situation Workflow makes knowledge workers more valuable to the organization, while preventing less experienced employees from making processing mistakes.**

Another way to think of the role of Workflow Technology is that it **fills in the processing gaps that are not addressed by the Court's Case Management System (CMS).** No CMS can perform every processing step for every court, and some are better than others. ECM does not replace the CMS; it is complementary in almost every way. The Workflow will read data from the CMS and in many situations update the CMS.

Workflow never forgets: Many processes in a court are time-based. For these processes, a court reaction or event is required within a specific time period. For example, a party may be served a notice to appear or respond within a particular timeframe. As deadlines pass, the court's responsibility changes. Workflow can effectively manage any number of these time-based items and automatically queue a task to a user when needed (but only when needed). This lifts a tremendous load from court staff to track and remember.

Nothing falls through the cracks: The Workflow process is designed without cracks for documents to fall through. Documents cannot be accidentally discarded or shoved in a desk drawer. Because capture is performed on all documents as near as possible to their origination or receipt, the opportunity to lose documents is essentially eliminated. Once the system is in place, the staff will quickly develop a confidence that every document is in its appropriate place and secure.

Configurable Workflow: Change is constant in a court environment. Processing rules are driven by outside forces such as crime, civil litigation, and changes in the law. A good Workflow solution must be easy to change. More important, it must be easy for the court itself to change. The solution must be configurable, with little or no custom programming, because custom programming makes change difficult and expensive.

Rigorous Audit Trail: Keeping track of documents and their history is paramount to running an efficient and transparent court. Legislation and privacy regulations require case information security to be airtight. A proper ECM implementation will provide an audit trail of every action performed on every document and process, including viewing, printing, routing and more. The solution must track both the action performed as well as who and when. Additionally, workflow actions can be tracked allowing you to pinpoint to the second exactly how long it took for each processing step. This allows a tremendous opportunity to identify bottlenecks in court processes.

7. Cost Savings

A properly implemented ECM solution will pay for itself in 12-18 months. In business terms, this is among the fastest ROI of any technology initiative. **It has been shown that a court using ECM with Workflow utilizes its human resources approximately 30% more efficiently than a paper-based court.** (References available upon request.)

A court will typically achieve cost savings, such as:

- Improved user productivity
- Immediate, secure, multi-user access to case files
- Improved security and disaster recovery
- Improved audit ability and accountability
- No lost files or documents lead to better justice
- Workflow allows for better load balancing, resource utilization and sharing
- Improved effectiveness of CMS and other line-of-business applications
- Better customer service
- Better employee work environment, which improves retention and reduces recruiting costs and other work-related issues
- Space savings
- Copier and printer cost savings

8. Electronic Signature

Signing documents electronically represents the “last mile” of court efficiency in an ECM solution. When all the documents in the case file are electronic, electronic signature is needed to efficiently and legally sign documents. *Author’s Note:* See “About the Author” (page 8) for information about a unique electronic signature solution.

9. E-Filing

E-Filing allows parties to file with the court clerk completely electronically through the Web. E-Filing involves registering with the court and can be performed by attorneys or by individuals (Pro-se). Once registered with the court, the filer will complete an online form and possibly attach supporting documents that are all transmitted to the court for review. The court will review the filing and either reject or accept it, which will update the court’s Case Management System (CMS) and send electronic notifications (service), as appropriate.

E-Filing goes hand-in-hand with electronic service, where the E-Filing system will notify parties through electronic means. Workflow is key to E-Filing because the filed transaction needs to go through an approval process. As with manually filed documents, the rules for each type of transaction can be complex, and therefore, workflow is an ideal solution for managing the processing rules in a consistent way.

10. Legality of Paper-On-Demand

Technology sometimes moves faster than lawmakers. Some states still require courts to maintain a paper case file or capture a “wet” signature. Every day more and more states recognize that a properly implemented digital file is better for preserving case information than a paper alternative.

The good news is that even if your jurisdiction is required to *maintain* a paper case file, this does not preclude the court from leveraging ECM technology to develop a paper-on-demand environment. After all, the law typically says that the court must maintain a paper file; it does not say that the court must *use* the paper file for daily work.

Courts have consistently ruled that digital transactions have the same weight as their non-digital counterparts. This is evident throughout our society in the explosive growth of the Web, electronic payment and signature interfaces at most retail locations. Electronic signature and electronic filing is accepted and legal in almost all situations. (Due diligence is required of any court to ensure legality in each specific environment and situation.)

11. Conclusion

Courts are complex environments with unique processing needs. Courts serve the interests of a number of stakeholders and must operate consistently and efficiently in order to be fair to all parties and maximize scarce resources. A poorly run court has a widespread long-term negative effect on society.

ECM technology will provide more benefits faster than any other single technology, and all stakeholders will experience benefits.

About the Author

This paper was developed by ImageSoft, Inc., (www.imagesoftinc.com) a leading provider of ECM solutions to courts. ImageSoft has been implementing sophisticated Workflow solutions for courts for more than 15 years. ImageSoft works with all types of courts, and has implemented courts of both high and low complexity.

ImageSoft provides long-term maintenance and support to court clients to ensure that the solution is stable and continues to provide benefits long into the future.

ImageSoft provides unique components as part of our iJustice suite, including:

- Pre-configured workflows and taxonomy for:
 - Clerk Intake
 - Domestic Relations
 - Criminal
 - Civil
 - Probate
 - Juvenile
 - Prosecutor
 - Victim’s Rights
 - Law Enforcement
- TrueSign™ – electronic signature
- iDocCreator – dynamic document creation
- iDocArchive – automatic document archive from Adobe Acrobat (PDF)
- iJustice E-Filing – Oasis LegalXML compatible E-Filing solution

ImageSoft provides a unique solution called *TrueSign™* that provides the following key features and benefits:

- Secure, verifiable signing of electronic documents
- Judge and other court staff store a signature on file that is applied securely to documents by the signer in the workflow, faster than signing with a pen.
- Support staff can apply “sign here” flags to assist the judge in signing efficiently
- Seals and stamps can be applied in a similar manner
- An audit trail is kept, and all document versions are preserved
- Outside parties can sign through a signature pad
- Final documents look similar to documents that have been signed with a pen, and therefore, are suitable for long-term archive and portable without requiring the receiver to own any proprietary technology.

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