

## The paperless chase: 13th Circuit pursues all-digital system

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As more Michigan counties adopt e-filing systems, the next question to ask is which court will be the first to take the plunge and go completely paperless.

And — surprise! — the answer might be the 13th Circuit, covering Grand Traverse, Antrim and Leelanau counties. It is about to unveil its e-filing system for civil cases that will allow the court to store its files electronically.

According to Judge Philip E. Rodgers Jr., the program should go live either late this month or early in January 2012.

“When I talk about this with lawyers, I liken this to the move from clay tablets to papyrus,” he said. “I think it’s that significant. You’re talking about the ability to much more efficiently manage information in a way that’s cost effective, efficient, and transparent to lawyers, litigants and the public.” Rodgers is also a member of the state’s e-filing task force. He said his goal is to be completely paperless in all phases at some point in 2013.

“It’s an aggressive project, especially when you consider it involves three counties,” he said. “We’re dealing with three county IT departments, three county clerks, three county commissions. And I’ll tell you, they’ve all worked well together, they see the benefits of this.

“But there’s a lot of organizational efforts that go into making something like this occur.” How could a small circuit, with only about 86,000 residents, pull off in a year or two what larger counties like Oakland, who has had an e-filing system since 2007, has not? For one thing, the infrastructure, Rodgers said.

“I think one of the things the state is becoming more appreciative of is the understanding that e-filing isn’t just picking some vendor to allow lawyers to shoot documents to a court,” he said. “If you don’t have what the vendors often refer to as the plumbing on the inside, if you don’t have the ability to receive and manage those documents, the whole thing is pointless.

“Because then what you’re doing is shifting to the taxpayer the cost of toner and copy machines and labor to stand in front of them and make copies of documents. It doesn’t make sense.” The circuit already had a document management system (DMS) — the proverbial plumbing — in place to manage its Friend of the Court files as paperless as possible. Its DMS system, called OnBase, is offered by a Southfield company named ImageSoft, Inc.

Rodgers said using a DMS alone has save the county money in the long run. It's also given the judges the ability to sign orders and other documents remotely.

"That's proven to be really successful," he said. "Not only do we manage all that paper, and shed all of those internal friend of the court — things you're not required to keep in paper format — and created a lovely conference room, all the family judges are able to e-file or e-sign all of the orders and documents."

Rodgers said he recently spent some down time during a vacation abroad e-signing some orders.

### **MI company offers system**

One advantage for the 13th Circuit is its choice of e-filing vendor. ImageSoft recently launched an e-filing system called TrueFiling to compete with Texas-based Tyler Technologies' Odyssey (formerly known as WizNet), which is used in Oakland, Wayne and Eaton counties, as well as the Michigan Court of Appeals.

Rodgers said using the same vendor for both the DMS and e-filing has led to cost savings for the circuit.

"ImageSoft was exceedingly more competitive than Wiznet," he said. "We're a relatively small series of counties compared to Michigan's urban counties. I understand the concerns with regard to volume. But Tyler [WizNet] was going to charge us a significant amount of money to program through the county's firewall. ImageSoft didn't have a charge for that, maybe because they were programing into their own system, the OnBase system."

ImageSoft president Scott Bade said the e-filing system was designed with the attorney in mind, offering the ability for attorneys to file pleadings and other documents and have them electronically served on the opposing and co-counsel.

"E-service is an important part of the solution," he said. "It sends a link as opposed to sending the attachment, which is a better way of doing it. So when we talk about service, it tracks the recipient, that the email was delivered to their server, and it tracks that it was opened."

"The key thing for the court, and to certain attorneys, too, is that it creates an automatic proof of service when an e-serve document is served. So [it's a] fully featured e-service, you can enter other parties and attorneys that aren't in the TrueFiling system, so it's very flexible from that perspective." Bade said the State Bar of Michigan member directory is integrated into the program so finding opposing counsel can be as easy as entering a P-number. He said he hopes to be able to integrate TrueFiling with the next generation of the State Court Administrative Office's JIS system.

Another prominent feature of the TrueFiling system, Bade said, is the ability for a law firm to have logins, passwords, and payment profiles for all of its employees, rather than all employees using the same accounts, and for the attorneys to be able to use the same profiles for all counties that use TrueFiling.

Ottawa County, which launched its e-filing system in December, is also using TrueFiling.

## Project bigger than vendor

Rodgers said choosing a vendor was a much more intricate process than simply finding the company with the best price. For one thing, not all documents move through the system the same, and whatever system a court uses needs figure out the protocols for each type of document.

"That's what most of this year has been: digitally mapping workflow. Because we don't just simply want the document to go to the clerk and the clerk accept it and shoot a copy to me for my use on a motion day; they are electronically shipping a copy to the court administrator's office," he said.

"A lot of things happen depending on the nature of the document in the court administrator's office. Is it going to be simply a scheduling matter? Is it an ADR matter? Does it have to do with referees or judges? All of that has been mapped out. We went through a process of making sure that the document went to where it was supposed to go."

Rather than roll it out slowly with a handful of civil cases, like most other counties did, Rodgers said it's going to apply to all commercial and negligence cases. Rodgers said he expects the county will make most of its revenue there, as it won't make much off criminal cases once it expands there.

"In criminal cases, in the world I live in, there's no revenue," he said. "There's no sense in charging a prosecutor — it's coming from the same taxpayer — and the indigents don't have it. The vendor understands that if we don't charge indigents, then they aren't collecting any money either."

As for how the attorneys of Northwestern Michigan will adapt, Rodgers said the circuit is actually catching up to most of them.

"I thought initially we would be showing some leadership here," he said. "The leaders in the bar association, the sophisticated leaders, they're already doing this. We've got a few firms in town that digitally manage their paper in varying forms already. I think some of the smaller practitioners are a little nervous about it, but we've had training sessions for them. We'll continue to have training sessions.

"My mentor for years has been Oakland County," Rodgers added. "I have a lot of respect for that court and their IT department. They're very innovative. I notice they continue to have regular training sessions and they've been doing this for a long time."

[Note: Michigan Lawyers Weekly contacted Tyler Technologies regarding Odyssey's features, but spokespeople weren't available before we went to press. Odyssey/WizNet was discussed at great length in "E-filing going viral statewide," Sept. 12, 2011.]

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