

# Records Retention Update: The Impact of ECM Workflow and Legal Changes on a “Paperless” Court Environment

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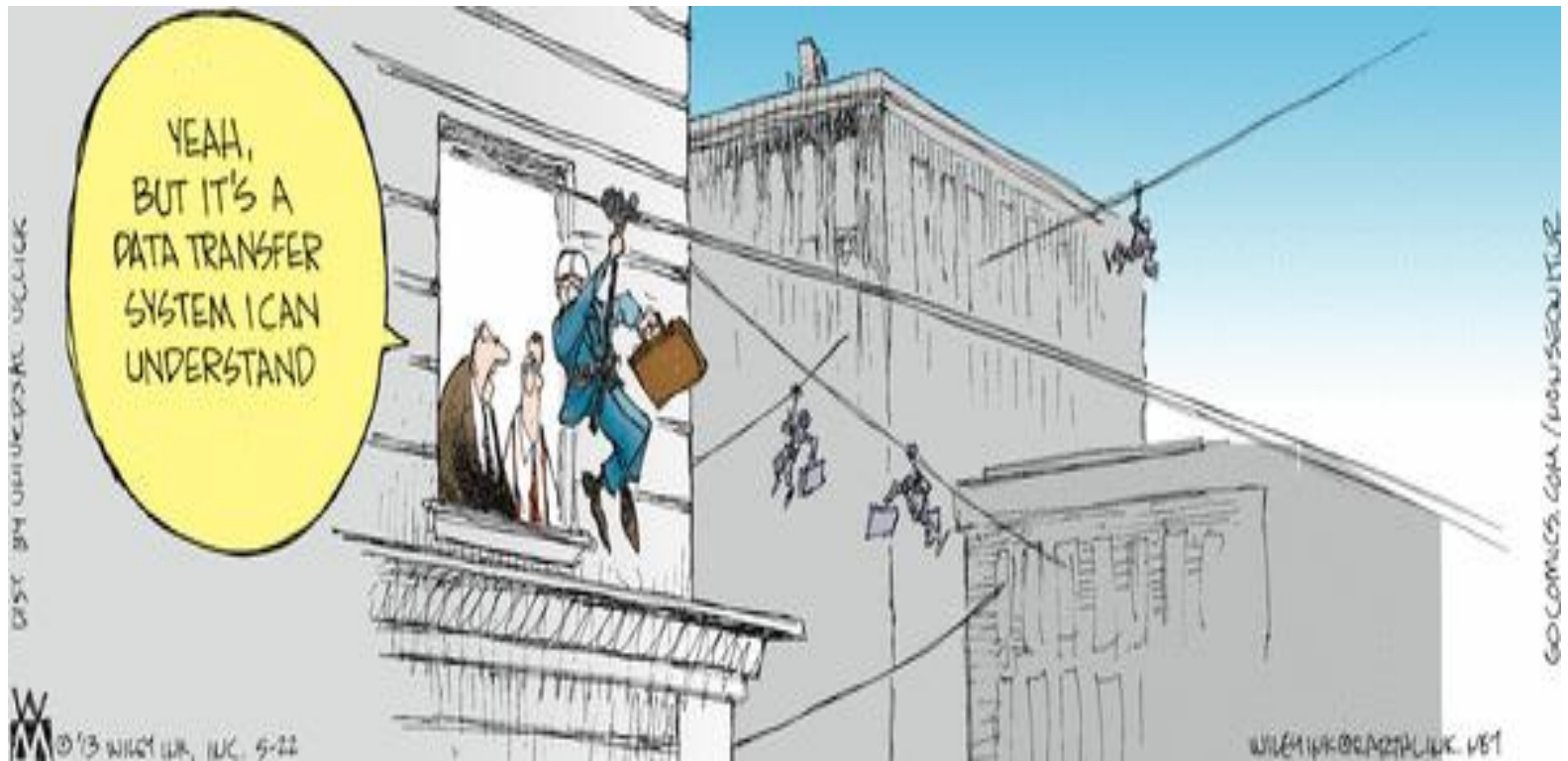


# The Paperless Courthouse

- Fact or Fiction...?
- Is Paperless or Paper on Demand the “Holy Grail” for court managers?
- Does ECM workflow make a paperless environment possible?
- Does “going paperless” require a significant cultural change?



# Color Commentary on Court Culture



# Current Court Culture

- A cultural reliance on paper
- A legal requirement for paper
- A low tolerance for change



# Current Legal Culture

- **Recent statutory changes**
  - Recognition of electronic signatures
- **Pending statutory changes**
  - HB 4532 (4-10-13); Rep. Price
- **Recent court rule changes**
  - MCR 1.109; 8.119
- **Pending court rule changes**
  - Technology Implementation Committee (TIC)



# ECM – the technology is here; the legal authority is lagging behind...





# Current Electronic Records Requirements for Courts

- Records Reproduction Act, MCL 24.401-406
- MI Dept of History, Arts and Libraries; *Technical Standards for Capturing Digital Images from Paper or Microfilm*
- MCR 1.109; 8.119
- General Schedule #16
- MI Trial Court Case File Mgmt Standards
- MSC Admin Memo 2006-04; Access to Records
- SCAO Non-public and Limited Access Records guidance document



# MSC Technology Implementation Committee (TIC)

- Organized by MSC/SCAO
- Broad representation of MSC/SCAO, COA, Trial Courts, Judges, Court Administrators, NCSC, and ImageSoft
- Subcommittees: e-filing; e-document management system; e-transmission; courtroom technology; web-based technology





# TIC Progress

- Revisions to MCR 1.109; 8.119
- Development of Technology Implementation Plan
- Development of draft e-filing rules and standards
- Development of draft guidelines for maintenance, use and destruction of electronic records



# What About Record Retention...?

- Michigan Trial Court Case File Management Standards
- General Schedule #16
- TIC Review by Electronic Document Management Subcommittee



# Retention and Preservation of Electronic Documents

## Concern:

“Imaging is acceptable for active document retrieval systems within the trial court, but it shall not be used for purposes of records retention...Microfilm is recommended for permanent retention. Microfilm’s longevity is proven, it does not require software to read, and it is a cost-effective alternative to refreshing optical or magnetic media.”

- *Michigan Trial Court Case File Management Standards (2012)*

## Response:

Microfilm requires a humidity controlled environment, continued monitoring, and re-filming as a result of natural disintegration.



# Retention and Preservation of Electronic Documents

## Sample Solution:

“In accordance with ACJA § 1-504(E)(4), courts shall periodically refresh electronic records in order to ensure their accessibility for as long as the applicable records retention schedule requires.”

“Courts shall maintain primary and secondary copies of records online at all times using at least two physically separate, RAID Level 5, disk arrays...Primary and secondary storage shall be attached only to dedicated servers having redundant power supplies, network interface cards, and controller cards.”

- *Arizona Code of Judicial Administration, Protection of Electronic Case Records in Paperless Court Operations*

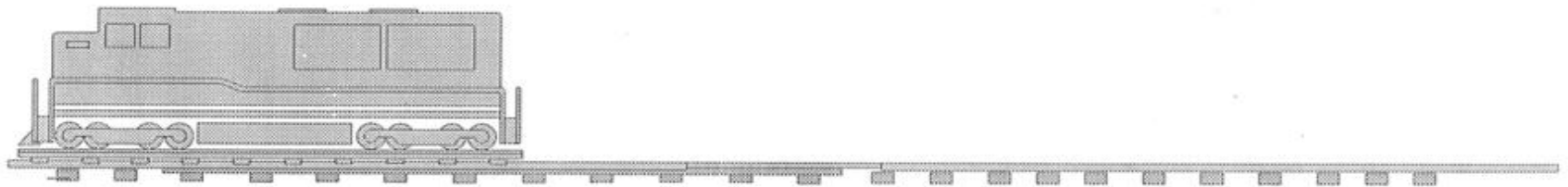
Retention and Preservation of Electronic Documents



# We must actively seek reasonable solutions...and ACT on them

“Even though you’re on the right track - you’ll get run over if you just sit there”

*Will Rogers*





# Imagine the Possibilities

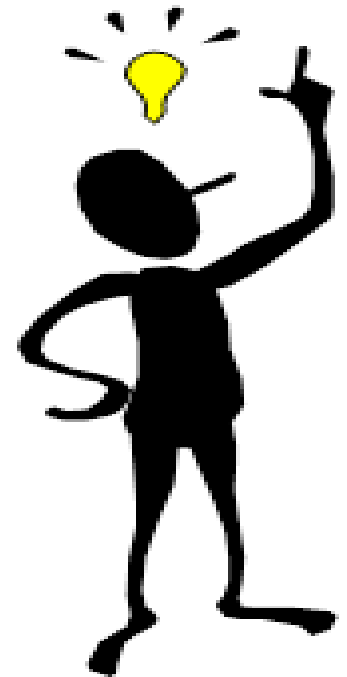


- Statutory changes, authorizing digital retention
- Revisions in Record Retention Standards
- New Guidelines for E-records



# New Possibilities

- This is the work in which TIC, ImageSoft and others are actively engaged
- We need your suggestions, constructive criticism, and participation
- Get involved and tell us what will work for your court!



# Remember the Importance of Perspective

Those who have been required to memorize the world as it is will never create the world as it might be.

Judith Groch



# Any Questions...?



**Thanks for your time and attention!**

***“This session is adjourned.”***



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Summit afterglow.**